Combating Terrorism in Nigeria: The Domestic Legal Architecture and Best Practices from Other Jurisdictions

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ABSTRACT
Terrorism constitutes the gravest security challenge confronting the Nigerian state, from the Boko Haram insurgency and its Islamic State West Africa Province offshoot in the North-East, through the judicially proscribed bandit confederations of the North-West, to separatist violence in the South-East. The main aim of this paper is to analyse the legal framework for combating terrorism in Nigeria and to distil best practices from other jurisdictions capable of strengthening that framework. It is the argument of the paper that Nigeria's counter-terrorism architecture, now consolidated in the Terrorism (Prevention and Prohibition) Act 2022 and its companion statutes, is no longer deficient on paper; the enduring deficits lie in implementation, accountability and the protection of constitutional rights. The paper adopts doctrinal research methodology, involving the systematic analysis of statutes, judicial decisions, official records and scholarly opinion, supplemented by a functional comparative method drawing on the experience of the United Kingdom, the United States, France, Australia, Kenya, Indonesia, Saudi Arabia, Denmark and the multilateral United Nations and Financial Action Task Force frameworks. The paper further examines the nature, characteristics and typologies of terrorism, situating the Nigerian variants, from the religious insurgency of Boko Haram and the Islamic State West Africa Province through the crime-terror continuum of the North-West bandit confederations to separatist and resource-driven militancy, within the global taxonomy, and drawing out the juridical significance of these classifications for definition, proscription, sentencing and strategy. It is the finding of the paper that Nigeria has recorded substantial achievements, including ten phases of mass trials yielding 1,721 convictions and exit from the FATF grey list in October 2025, but that these achievements coexist with opaque proceedings, prolonged pre-trial detention, weak forensic capacity and provisions of the 2022 Act in tension with constitutional guarantees. The paper recommends, among other measures, the establishment of an independent reviewer of terrorism legislation, a specialised terrorism prosecution directorate and designated judges, judicial safeguards on detention powers, prioritised terrorism financing prosecutions, professionalised rehabilitation programmes and guaranteed access to counsel. The paper concludes that a nation defeats terrorism with law or does not durably defeat it at all.
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1. Introduction

No subject tests the covenant between the legal order and the state more severely than terrorism. It is the point at which the state's duty to protect life collides most violently with its duty to observe law, and the point at which the lawyer, whether prosecuting, defending, advising government or auditing its excesses, must hold both duties in a single steady hand. It is also a subject the author approaches with a long personal investment, for the legal regime for combating terrorism in Nigeria was the subject of the author's doctoral research,[1] and the years since have only deepened the conviction that a nation defeats terrorism with law or does not durably defeat it at all.

Nigeria's counter-terrorism statute book has passed through three generations, culminating in the Terrorism (Prevention and Prohibition) Act 2022,[2] enacted alongside a season of companion legislation on money laundering, proceeds of crime, mutual legal assistance and financial intelligence. The central thesis of this paper is that the architecture is no longer the problem: the enduring deficits are those of implementation, accountability

[1] W.K. Shittu, The Legal Regime for Combating Terrorism in Nigeria (PhD Thesis, University of Lagos).
[2] Terrorism (Prevention and Prohibition) Act 2022, Act No 15 of 2022, which repealed the Terrorism (Prevention) Act 2011 and the Terrorism (Prevention) (Amendment) Act 2013.

and rights protection, and it is precisely on those deficits that the comparative experience of other jurisdictions has most to teach. Bullets can kill terrorists; only institutions can defeat terrorism.

The paper is divided into eleven parts. The Introduction is contained in Part 1. Part 2 reviews the existing literature on terrorism and counter-terrorism law in Nigeria. Part 3 explains the research methodology adopted by the paper. Part 4 focuses on conceptual clarifications. Part 5 examines the nature, characteristics and typologies of terrorism and situates the Nigerian variants within them. Part 6 takes an honest reckoning of the terrorist threat confronting Nigeria. Part 7 maps the domestic legal and institutional framework. Part 8 audits the framework in practice, its achievements, shortcomings and persisting challenges. Part 9 distils best practices from other jurisdictions. Parts 10 and 11 contain the recommendations and the conclusion respectively.

2. Literature Review

The subject of terrorism in Nigeria and the law's response to it has generated a considerable and steadily growing body of scholarship across law, political science, security studies and international relations. A review of this literature serves to situate the present study within existing debates and to expose the gap which it seeks to fill. For analytical convenience, the literature may be grouped under six broad themes, namely, the origins and drivers of the insurgency; the doctrinal and legislative analyses of Nigeria's counter-terrorism statutes; the human rights critique of counter-terrorism practice, including the terrorism trials; the comparative and international counter-terrorism scholarship; the general theoretical literature of terrorism studies; and the literature on terrorist financing and the crime-terror nexus.

A significant strand of the literature is devoted to explaining the origins, ideology and evolution of the Boko Haram insurgency. Walker's early report for the United States Institute of Peace remains a foundational account of the movement's emergence and worldview.[1] Onuoha explains the crisis as the product of ideological ferment, governance failure and heavy-handed early responses,[2] while the book-length studies of Comolli and Thurston trace the movement's history, fragmentation and relationship with the global jihadist current.[3] This literature is indispensable for understanding what the law is responding to. It is, however, largely descriptive of the threat, and it does not interrogate the adequacy of the legal response.

A second strand analyses the legislative response. Sampson and Onuoha's study of the enactment of the Terrorism (Prevention) Act 2011 examines the political economy of anti-terrorism legislation in Nigeria and the tensions attending its birth.[4] The 2022 Act has attracted early doctrinal commentary, notably the policy analyses of the Policy and Legal Advocacy Centre and of Spaces for Change, which welcome the Act's consolidation of the framework while flagging the constitutional tensions raised by its detention, search and non-profit regulation provisions.[5] This strand supplies valuable clause-level analysis but is largely confined to the text of the statutes and pre-dates the most consequential recent developments in practice, including the resumption and expansion of the mass trials and Nigeria's exit from the FATF grey list.

A third strand approaches Nigerian counter-terrorism through the prism of human rights. Amnesty International's documentation of abuses in the military campaign drew international attention to the costs of an enforcement-led approach,[6] and the recent scholarship of Chukwuma subjects the Kainji mass trials to sustained critical analysis, characterising them as opaque proceedings conducted within secure military facilities.[7] This literature is powerful in critique but characteristically thin in prescription: it identifies what is wrong without always specifying the institutional designs by which security and liberty have been reconciled elsewhere.

A fourth strand, closest to the concern of this paper, is the comparative and international counter-terrorism scholarship. Saul's treatment of the definition of terrorism in international law frames the definitional debates

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[1] A. Walker, 'What is Boko Haram?' (United States Institute of Peace, Special Report 308, 2012).

[2] F.C. Onuoha, 'The Islamist Challenge: Nigeria's Boko Haram Crisis Explained' (2010) 19 African Security Review 54.

[3] V. Comolli, *Boko Haram: Nigeria's Islamist Insurgency* (Hurst 2015); A. Thurston, *Boko Haram: The History of an African Jihadist Movement* (Princeton University Press 2017).

[4] I.T. Sampson and F.C. Onuoha, '"Forcing the Horse to Drink or Making it Realise its Thirst"? Understanding the Enactment of Anti-Terrorism Legislation (ATL) in Nigeria' (2011) 5 Perspectives on Terrorism 33.

[5] 'Terrorism Act, Proceeds of Crime Act 2022 Raise Concerns' (PLAC Legist, May 2022); Spaces for Change, Policy Brief: Analysis of the Terrorism (Prevention & Prohibition) Act 2022 (2023).

[6] Amnesty International, Stars on Their Shoulders. Blood on Their Hands: War Crimes Committed by the Nigerian Military (2015).

[7] K.H. Chukwuma, 'Opaque Trials: Prosecuting Terrorist Suspects in Nigeria' (2026) *Third World Quarterly*.

that every national statute must navigate;[1] Roach's wide-ranging comparative study of post-2001 counter-terrorism traces how the major democracies balanced emergency powers against review mechanisms;[2] and Walker's account of the law of terrorism in the United Kingdom documents the operation of the world's most elaborately reviewed counter-terrorism framework.[3] This scholarship, however, engages Nigeria only glancingly, and rarely descends to the question of transferable institutional design. To this strand belongs also the conceptual scholarship on the nature and typologies of terrorism, from Schmid and Jongman's celebrated survey of definitions through Hoffman's anatomy of the phenomenon to Rapoport's wave theory, which supplies the analytical vocabulary on which Part 5 of this paper draws.

A fifth strand, logically prior to all of the foregoing, is the general theoretical literature of terrorism studies, upon which any serious legal analysis must draw for its account of causation, persistence and decline. Crenshaw's classic taxonomy of preconditions and precipitants, Gurr's relative-deprivation thesis and Moghaddam's staircase model supply competing accounts of why individuals and movements turn to terrorist violence, while Krueger and Malečková's empirical scepticism of the poverty thesis complicates the assumption, common in Nigerian policy discourse, that deprivation alone explains recruitment. Pape's strategic logic of suicide terrorism and Richardson's account of what terrorists want illuminate the rationality of apparently nihilistic violence; the debate between Laqueur's 'new terrorism' thesis and Duyvesteyn's scepticism of it, together with Kaplan's fifth-wave refinement of Rapoport, disciplines the temptation to treat contemporary movements as unprecedented; and Cronin's study of how terrorist campaigns end and Horgan's of how individuals disengage carry direct implications for the design of the exit, rehabilitation and reintegration limbs of counter-terrorism, as does the insistence of Wilkinson and English that the liberal state's response succeeds only when it remains within the law.[4] This corpus is rarely brought into sustained contact with Nigerian doctrinal writing; one contribution of the present paper is to let the two literatures inform each other.

A sixth strand concerns the financial dimension. Makarenko's crime-terror continuum explains the convergence of insurgency with kidnapping, banditry and illicit markets that now defines Nigeria's north-western violence, while the standards and mutual-evaluation machinery of the Financial Action Task Force, and the longitudinal data of the Global Terrorism Index, set the criteria against which national suppression regimes are measured. The specifically Nigerian financing literature, however, remains thin and largely episodic, notwithstanding that the disruption of terrorist finance is, on the international evidence, among the most cost-effective instruments the state possesses; the treatment of the financing offences and of Nigeria's grey-list exit in Parts 7 and 8 below seeks, in part, to remedy that neglect.

It emerges from the foregoing survey that, while the existing literature is rich in accounts of the insurgency, in clause-level analysis of the statutes, in human rights critique, in general theory and in the international financing standards, comparatively little of it brings together, within a single doctrinal analysis, a taxonomy of the phenomenon itself, the full domestic architecture, an audit of its record in practice as at the middle of this decade, and a systematic distillation of best practices from other jurisdictions. The present paper seeks to fill that gap.

3. Research Methodology

This paper adopts the doctrinal, or black-letter, research methodology. Doctrinal research consists in the systematic exposition, analysis and evaluation of legal rules, principles, statutes, judicial decisions and authoritative commentary, with a view to ascertaining the state of the law on a given question and appraising its coherence, consistency and adequacy. The method is appropriate to the present inquiry because its central questions, namely whether Nigeria's counter-terrorism framework is adequate and how it may be strengthened, are essentially questions of law and institutional design that call for the interpretation and evaluation of legal texts and institutional records rather than the collection of primary empirical field data.

The study draws upon both primary and secondary legal sources. The primary sources comprise the Constitution of the Federal Republic of Nigeria 1999 (as amended), in particular the fundamental rights provisions of Chapter IV; federal legislation, most notably the Terrorism (Prevention and Prohibition) Act 2022, the Money Laundering (Prevention and Prohibition) Act 2022, the Proceeds of Crime (Recovery and Management) Act

[1] B. Saul, *Defining Terrorism in International Law* (Oxford University Press 2006).

[2] K. Roach, *The 9/11 Effect: Comparative Counter-Terrorism* (Cambridge University Press 2011).

[3] C. Walker, *Terrorism and the Law* (Oxford University Press 2011).

[4] TR Gurr, *Why Men Rebel* (Princeton University Press 1970); R English, *Terrorism: How to Respond* (Oxford University Press 2009). The remaining works surveyed in this paragraph are cited fully at the points in Part 5 where the paper draws upon them, and in the list of references.

2022, the Mutual Assistance in Criminal Matters Act 2019 and the Nigerian Financial Intelligence Unit Act 2018; the proscription orders made by the Federal High Court; the counter-terrorism legislation of the comparator jurisdictions, including the Terrorism Act 2000 and Terrorism Act 2006 of the United Kingdom, the Terrorism Prevention and Investigation Measures Act 2011, the Counter-Terrorism and Security Act 2015, the material support provisions of the United States Code, the Criminal Code Act 1995 of Australia and the Prevention of Terrorism Act 2012 of Kenya; decided cases, including Holder v Humanitarian Law Project and Coalition for Reform and Democracy v Republic of Kenya; and the international instruments, notably United Nations Security Council Resolutions 1267, 1373 and 2178, the United Nations Global Counter-Terrorism Strategy and the Financial Action Task Force Recommendations. The secondary sources comprise textbooks, monographs, journal articles, theses, policy briefs and the reports of governmental, intergovernmental and non-governmental organisations.

The analysis proceeds in three interrelated stages. First, it is descriptive: the paper identifies and states the relevant rules and institutions of the Nigerian framework and the record of their operation. Secondly, it is analytical and comparative: the paper adopts a functional comparative method, asking not which foreign texts may be copied but which institutional disciplines have enabled other jurisdictions to reconcile effectiveness with legality, on the premise that statutes travel easily but institutions travel only with effort. Thirdly, it is evaluative and prescriptive: the paper assesses the adequacy of the existing framework, exposes the gap between the law in the books and the law in action, and formulates proposals for reform.

The inquiry is organised around four research questions. First, what is the nature, and what are the characteristics and typologies, of the terrorism confronting Nigeria, and how do the Nigerian variants sit within the general theory of the phenomenon? Secondly, what is the current domestic legal and institutional architecture for combating terrorism and its financing? Thirdly, how has that architecture performed in practice, measured against the Constitution and the applicable international standards? Fourthly, what transferable institutional disciplines emerge from the experience of comparable jurisdictions, and what reforms do they commend for Nigeria?

Four evaluative benchmarks frame the analysis throughout: legality, that is, conformity of counter-terrorism powers with the Constitution and the state's international obligations; necessity and proportionality in the design and exercise of those powers; accountability, meaning the presence of independent review, judicial supervision and transparent record; and effectiveness, assessed against prosecutorial outcomes, financing disruption and the observable trajectory of the threat. The comparator jurisdictions, the United Kingdom, the United States, Australia and Kenya, were selected on functional rather than convenience criteria: each is a democracy operating under justiciable rights guarantees; each has sustained a serious terrorist threat over a prolonged period; the first three supply, among the common-law democracies, the most developed models of independent review, specialised prosecution and financing suppression; and Kenya offers the nearest African common-law analogue, whose courts have subjected anti-terrorism legislation to searching constitutional scrutiny. The functional method follows the classical comparative-law premise that legal systems are compared through the functions their institutions perform rather than the labels their texts bear.[1] Sources were assessed for currency as at July 2026, and every consequential factual assertion as to the operation of the framework has been triangulated, wherever possible, across official records, the reports of intergovernmental and non-governmental bodies and the academic literature, so that no finding of significance rests upon a single class of source.

The scope of the study is confined to the legal and institutional framework for combating terrorism in Nigeria, illuminated by the comparative and international standards. Although the paper draws upon security studies literature to explain the origins and dynamics of the threat, it does not itself undertake primary empirical fieldwork; its observations as to the operation of the framework rest upon official records, the reported decisions of the courts and the secondary literature. This limitation is consistent with the doctrinal character of the study and does not detract from the legal analysis which constitutes its principal contribution.

4. Conceptual Clarifications

Foremost to the understanding of this paper, key concepts such as terrorism, terrorism financing and counter-terrorism are briefly clarified.

a. Terrorism

There is no universally agreed definition of terrorism in international law, a difficulty famously captured in the aphorism that one man's terrorist is another man's freedom fighter; Saul demonstrates that the definitional

[1] K Zweigert and H Kötz, *An Introduction to Comparative Law* (T Weir tr, 3rd edn, Oxford University Press 1998).

impasse has never prevented, though it has complicated, international cooperation.[1] Nigerian law now supplies its own working definition: the 2022 Act defines the terrorist act by reference to ideologically motivated conduct, whether political, religious, racial or ethnic, causing or threatening the gravest harms, including attacks on life, kidnapping, the destruction of critical infrastructure and the use of weapons of mass destruction.[2] Importantly for the civic space, the Act excludes from the definition an act which disrupts a service but is committed in pursuance of a protest, demonstration or stoppage of work, provided it is not intended to result in the enumerated harms.[3]

b. Terrorism Financing

Terrorism financing denotes the provision, collection or movement of funds or other assets, from whatever source and by whatever means, with the intention or knowledge that they are to be used for terrorist acts or by terrorist organisations. The suppression of financing occupies a central place in the modern counter-terrorism canon, anchored internationally in Security Council Resolution 1373 and the Financial Action Task Force Recommendations,[4] and domestically in the financing offences of the 2022 Act read with the Money Laundering (Prevention and Prohibition) Act 2022.

c. Counter-Terrorism

Counter-terrorism embraces the totality of measures by which a state prevents, disrupts, prosecutes and recovers from terrorism. Modern practice distinguishes the hard components of enforcement, prosecution and military operations from the soft components of prevention, counter-radicalisation, rehabilitation and reintegration, the latter commonly gathered under the rubric of preventing and countering violent extremism. A mature framework integrates both under published strategy and independent review, and it is by that integrated standard that the Nigerian framework is measured in this paper.

5. The Nature, Characteristics and Typologies of Terrorism

Before the Nigerian threat and the Nigerian response can be assessed, the phenomenon itself must be anatomised. Counter-terrorism law that does not rest on a clear account of what terrorism is, how it behaves and in what varieties it presents will misfire in predictable ways: it will define too broadly and catch the protester, or too narrowly and miss the financier; it will proscribe the wrong organisations, or the right organisations for the wrong reasons; it will prescribe a single remedy for maladies that differ in kind. This Part therefore examines the nature of terrorism, its recurring characteristics, and the principal typologies by which scholars and practitioners classify it, before situating the Nigerian variants within that taxonomy and drawing out the juridical significance of the exercise.

a. The Nature of Terrorism

Terrorism is the paradigm case of an essentially contested concept. In their celebrated survey, Schmid and Jongman collected and analysed more than a hundred scholarly definitions and found no single formulation commanding general assent, though a core of recurring elements, violence, political purpose, fear and an audience beyond the immediate victim, appeared with striking regularity.[5] Two decades later, the revised academic consensus definition assembled under Schmid's editorship distilled the phenomenon to the deliberate use or threat of violence, primarily against civilians, for political ends, in which the direct victims are not the ultimate target but instruments for influencing a wider audience.[6] The law, however, cannot suspend its operations while the academy deliberates. Legislatures must define, and courts must apply, working definitions of the kind examined in Part 4; the scholarly debate matters to the lawyer because it exposes the choices, and therefore the risks, embedded in every statutory text.

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1 B. Saul, *Defining Terrorism in International Law* (n 11).

2 Terrorism (Prevention and Prohibition) Act 2022, ss 1 and 2. The Act runs to some one hundred sections in sixteen Parts with three Schedules.

3 ibid s 1(4).

4 United Nations Security Council Resolution 1373 (2001); Financial Action Task Force Recommendations.

5 A.P. Schmid and A.J. Jongman, *Political Terrorism: A New Guide to Actors, Authors, Concepts, Data Bases, Theories and Literature* (Transaction Publishers 1988), surveying 109 definitions and isolating their recurrent elements.

6 A.P. Schmid (ed), *The Routledge Handbook of Terrorism Research* (Routledge 2011), containing the revised academic consensus definition of terrorism.

The deepest insight of the scholarship is that terrorism is, at bottom, a strategy of communication conducted through violence. The bomb in the marketplace is not addressed to those it kills; it is addressed to the millions who watch, and its message is calculated to produce fear in one audience, sympathy or awe in another, and overreaction in the state. Hoffman's anatomy of the phenomenon accordingly emphasises its ineluctably political aims, its design to have far-reaching psychological repercussions beyond the immediate victim or target, and its perpetration by an organisation or, increasingly, by individuals inspired by an ideological movement.[1] Jenkins captured the theatrical quality of the enterprise half a century ago in the observation that terrorism is aimed at the people watching, not at the actual victims; terrorists, he wrote, want a lot of people watching, not a lot of people dead.[2] The rise of mass-casualty religious terrorism has qualified the second half of that aphorism, for some contemporary movements want a great many people dead as well as watching; but the first half endures, and it explains why publicity, examined below, is not incidental to terrorism but constitutive of it.

Terrorism is also, characteristically, the strategy of the weak directed against the strong. The terrorist cannot defeat the state's army in the field; he therefore refuses the field, striking instead at the soft and symbolic points where the state cannot be everywhere at once, and seeking to convert the state's very strength into a liability by provoking repression that alienates the population. Richardson has reduced the terrorist's proximate objectives to a memorable trinity: revenge for perceived wrongs, renown for the cause and its champions, and reaction from the adversary state.[3] The third of these deserves the lawyer's particular attention, for it means that a disproportionate legal response is not merely a rights problem; it is a strategic gift to the enemy, a point to which the Kenyan experience examined in Part 9 returns.

It follows, and the point is worth stating expressly because public discourse so often obscures it, that terrorism is not senseless. Crenshaw's classic analysis demonstrated that terrorism is most usefully understood as a deliberate strategic choice made by political actors from among the options available to them, shaped by preconditions that make it possible and precipitants that trigger it.[4] To describe terrorism as rational in this instrumental sense is not to legitimise it; it is to make it legible, and therefore counterable. Laws, prosecutions and preventive programmes designed on the premise that the adversary is a calculating strategist will outperform those designed on the premise that he is a madman.

A related debate concerns whether the present era confronts a genuinely new terrorism. The new terrorism thesis, associated with Laqueur and others writing at the close of the last century, held that the religious wave differed in kind from its predecessors: networked rather than hierarchical, transcendent rather than negotiable in its aims, indiscriminate rather than calibrated in its violence, and drawn towards weapons of mass destruction. Sceptics have replied that every element of the supposed novelty has precedents reaching deep into the phenomenon's history, and that the discontinuity is one of degree rather than of kind.[5] The debate is not merely academic, for each side carries a legislative moral. If the threat is truly novel, novel powers may be justified; if it is substantially continuous, then the powers of the ordinary criminal law, extended and properly resourced, will bear most of the weight, and the case for permanent exceptional regimes weakens accordingly. The sounder view, and the one this paper adopts, lies between the poles: the phenomenon's grammar is old, its vocabulary, of networks, media and weapons, is new, and the law must therefore be stable in principle and adaptive in machinery.

The nature of terrorism is finally clarified by marking its boundaries with adjacent phenomena. It is distinguished from insurgency and guerrilla warfare, with which it frequently coexists, by its choice of target and method: the guerrilla contests territory and engages combatants, while the terrorist deliberately strikes non-combatants for communicative effect, and a single movement, as Boko Haram illustrates, may practise both at once. It is distinguished from organised crime by the end pursued: the criminal seeks profit and prefers the shadows, while the terrorist seeks political change and requires an audience. Yet the boundary is porous, and Makarenko's influential model of a crime-terror continuum, along which groups migrate between profit and politics, borrow one another's methods and sometimes merge, has proved uncomfortably prophetic in the Sahel

[1] B. Hoffman, *Inside Terrorism* (3rd edn, Columbia University Press 2017).

[2] B.M. Jenkins, 'International Terrorism: A New Mode of Conflict' in D. Carlton and C. Schaerf (eds), *International Terrorism and World Security* (Croom Helm 1975).

[3] L. Richardson, *What Terrorists Want: Understanding the Enemy, Containing the Threat* (Random House 2006).

[4] M. Crenshaw, 'The Causes of Terrorism' (1981) 13 *Comparative Politics* 379.

[5] I. Duyvesteyn, 'How New Is the New Terrorism?' (2004) 27 *Studies in Conflict & Terrorism* 439.

and in Nigeria's North-West.[1] And it is distinguished, most contentiously, from legitimate armed struggle. The slogan that one man's terrorist is another man's freedom fighter trades on a confusion the law has largely resolved: modern definitions judge the means, not the cause, so that the deliberate targeting of civilians remains terrorism whatever the justice of the underlying grievance. A cause may be noble; a method may still be criminal.

One further boundary question must be acknowledged: the state. The very word terror entered the political vocabulary to describe the conduct of a state, the régime de la terreur of revolutionary France, and states have since inflicted violence on civilian populations on a scale no clandestine organisation could match. Scholars therefore debate whether state terrorism belongs within the concept; Wilkinson's treatment of the liberal state's dilemma proceeds on the conventional modern usage, which reserves the term terrorism for non-state actors while addressing state violence through the distinct vocabularies of human rights law, humanitarian law and international criminal law.[2] This paper follows the statutory usage, which is to the same effect, while noting that state sponsorship of non-state terrorism, examined below as a typological category, keeps the state firmly inside the analysis.

A final boundary, between terrorism and armed conflict, completes the account of the phenomenon's nature, and it is a boundary the Nigerian situation actually straddles. Where organised armed violence attains sufficient intensity and the armed group sufficient organisation, the situation crosses into non-international armed conflict, and a second legal regime, international humanitarian law, begins to operate alongside the criminal law: the north-eastern conflict has long been so characterised, and the International Criminal Court's Office of the Prosecutor, concluding its decade-long preliminary examination of Nigeria in December 2020, found a reasonable basis to believe that crimes within the Court's jurisdiction had been committed in that conflict, by the insurgents principally and by elements of the security forces as well.[3] The coexistence of regimes is not a technicality. It means that the same act may be at once a terrorist offence under the 2022 Act and a war crime under international law; that the state's own forces fight under legal obligations whose breach is punishable and, as the Prosecutor's finding reminds, internationally scrutinised; and that the treatment of captured and surrendered fighters must satisfy both the criminal law's standards and the humanitarian law's. A counter-terrorism framework that ignores its armed-conflict dimension is, in the Nigerian circumstances, incomplete.

b. Root Causes, Radicalisation and the Terrorist Career

If the nature of terrorism describes what the phenomenon is, the study of its causes describes where it comes from, and no question in the field is more contested or more consequential for policy. The popular assumption that terrorism is the child of poverty and ignorance has fared poorly under empirical examination: the influential study of Krueger and Malečková found little direct connection between poverty or low education and participation in terrorism, with perpetrators frequently drawn from the relatively educated and economically comfortable strata of their societies.[4] The finding does not banish economics from the analysis; it relocates it. Poverty, unemployment and inequality operate less as direct causes of individual participation than as conditions of the environment, the ungoverned space, the grievance reservoir, the recruitment pool, within which entrepreneurial movements do their work. The distinction matters juridically, because it separates what criminal law can do, which is to deter, incapacitate and delegitimise the entrepreneurs, from what only governance and development can do, which is to drain the reservoir.

Between the environment and the atrocity stands the individual process that the literature calls radicalisation, and its most cited model is Moghaddam's staircase: a narrowing ascent from perceived injustice on the crowded ground floor, through displacement of grievance and moral disengagement on the middle floors, to the small upper landings where the organisation recruits, the categories of us and them harden, and the final step into violence comes to seem not merely permissible but obligatory.[5] The model's value lies in its insistence that radicalisation is a process rather than an event, with distinct interventions available at each floor: political and economic remedies at the base, counter-narrative and mentorship on the middle floors, disruption and

[1] T. Makarenko, 'The Crime-Terror Continuum: Tracing the Interplay between Transnational Organised Crime and Terrorism' (2004) 6 *Global Crime* 129.

[2] P. Wilkinson, *Terrorism versus Democracy: The Liberal State Response* (3rd edn, Routledge 2011).

[3] International Criminal Court, Office of the Prosecutor, Statement on the Conclusion of the Preliminary Examination of the Situation in Nigeria (December 2020).

[4] A.B. Krueger and J. Malečková, 'Education, Poverty and Terrorism: Is There a Causal Connection?' (2003) 17 *Journal of Economic Perspectives* 119.

[5] F.M. Moghaddam, 'The Staircase to Terrorism: A Psychological Exploration' (2005) 60 *American Psychologist* 161.

prosecution at the top. It also carries a warning the security services of every democracy have had to learn: measures that convince the population of the ground floor that no doors are open to them do not empty the staircase, they fill it.

The Nigerian materials illustrate the process with tragic clarity. The insurgency's foundational generation was recruited from a milieu of religious revivalism, educational grievance and contempt for a state experienced chiefly as predatory; its later cohorts have been swelled by conscription, by the economics of the gun in a region without work, and by the security forces' own excesses, which handed the movement its most effective recruiting sergeant. The extrajudicial killing of the movement's founder in police custody in 2009 remains the canonical Nigerian example of a precipitant, in Crenshaw's sense, converting a violent sect into a durable insurgency. None of this excuses; all of it instructs. A counter-terrorism law that is administered lawfully is not merely more legitimate than a lawless one, it is more effective, because it declines to climb into the terrorist's narrative.

The terrorist career also ends, and the manner of its ending is as important to law as the manner of its beginning. Horgan's research on disengagement draws the essential distinction between deradicalisation, a change of belief, and disengagement, a change of behaviour, and demonstrates that the second frequently precedes and sometimes entirely replaces the first: fighters walk away out of exhaustion, disillusionment, family pressure or simple ageing, while their ideology fades only later, if at all.[1] The distinction should govern the design of programmes such as Operation Safe Corridor: the realistic objective for most participants is verified disengagement, monitored conduct, severed networks, economic reintegration, rather than certified conversion, and evaluation metrics that demand the latter will condemn programmes that are achieving the former. It should also inform sentencing and release decisions, where the question that matters is not whether the offender still holds objectionable beliefs, which a free society does not punish, but whether he will act on them, which it rightly prevents.

Two sites of radicalisation deserve separate mention because the state controls one and cannot control the other. The first is the prison. Custodial institutions concentrate grievance, idle time and charismatic authority in a single confined space, and the world's counter-terrorism systems have repeatedly discovered that yesterday's sentence incubated tomorrow's cell; the management of terrorist prisoners, whether dispersed among the general population or concentrated in dedicated units, each strategy carrying documented risks, has accordingly become a discipline in its own right. Nigeria's crowded custodial estate, holding terrorism detainees in their thousands and awaiting-trial populations in their tens of thousands, is on this analysis not merely a corrections problem but a national security exposure, and the repeated jailbreak attacks on Nigerian custodial centres, which returned convicted and suspected insurgents to the field, demonstrate that the adversary has grasped the point even where policy has not.

The second site is the internet. Radicalisation has migrated substantially online, where the propaganda library is permanent, the recruiter is algorithmically assisted and the community of validation never sleeps; the lone actor discussed above is, in the ordinary case, the terminal node of a wholly virtual network. The legal responses, platform-liability regimes, content-removal obligations, offences of collecting or disseminating terrorist publications, all sit in visible tension with expression rights, and the comparative lesson is one of calibration: conduct-focused offences and independent oversight have aged better than broad speech prohibitions, which hand the movement the martyrdom of censorship while catching journalists and researchers in their net. For Nigeria, whose young population lives online and whose civic space the 2022 Act's protest carve-out was drafted to shelter, the calibration point is not academic.

This body of learning, finally, supplies the intellectual foundation for the preventive limb of modern counter-terrorism law. The statutory Prevent duty in the United Kingdom, the national frameworks for preventing and countering violent extremism that Nigeria administers through the National Counter-Terrorism Centre, and the community-anchored models of Denmark examined in Part 9 are all, in essence, attempts to legislate for the lower floors of the staircase. Their perennial difficulty, that early intervention shades into surveillance of opinion and stigmatisation of communities, is the radicalisation literature's central caution translated into constitutional terms, and it is why the preventive limb, no less than the coercive one, requires the independent review this paper advocates.

c. The Characteristics of Terrorism

[1] J. Horgan, *Walking Away from Terrorism: Accounts of Disengagement from Radical and Extremist Movements* (Routledge 2009).

From the scholarly anatomy a set of recurring characteristics can be distilled, and it is a useful discipline to test each against the Nigerian statute, for a definition that captures the phenomenon's true characteristics will age well, while one that captures an accident of last year's headlines will not.

The first characteristic is premeditation in the service of ideology. Terrorist violence is planned, purposive and wilful, undertaken to advance a political, religious, racial or ethnic cause. This motive element is embedded in the Nigerian definition, which speaks of an act wilfully performed with the intention of furthering an ideology, and in the British definition, which requires that the use or threat of action be made for the purpose of advancing a political, religious, racial or ideological cause.[1] The second characteristic is the use or credible threat of serious violence, characteristically against civilians and non-combatants, and characteristically directed at symbolic targets whose meaning multiplies the message: the market, the church, the mosque, the school, the seat of government, the international organisation. Nigeria has felt each of these selections in turn, from the bombing of the United Nations building in Abuja in August 2011 to the assaults on schools that gave the world the word Chibok.

The third characteristic is the coercive-communicative purpose: the violence is intended to intimidate a population or to compel a government or international organisation to do or abstain from doing an act. Here lies the phenomenon's signature asymmetry between harm and fear. Statistically, terrorism kills far fewer people than road traffic or malaria; psychologically, it dominates the imagination of nations, because its randomness converts every citizen into a potential victim and every public space into a potential theatre. The law's definitional emphasis on intimidation and compulsion, present in the Nigerian, British and European formulations alike,[2] correctly identifies fear, not the body count, as the terrorist's true currency.

The fourth characteristic is dependence on publicity. An unreported terrorist act is, in strategic terms, a failed terrorist act, which is why every generation of terrorists has embraced the newest medium of its day: the mass-circulation newspaper for the anarchists, television for the hijackers of the 1970s, and the smartphone and social network for the present wave, whose propaganda arms produce content of professional sophistication and whose atrocities have been livestreamed in real time. Thatcher's famous plea that democracies must find ways to starve the terrorist of the oxygen of publicity on which he depends states the dilemma without solving it,[3] for in free societies the remedy of silence is unavailable and the regulation of online content raises its own constitutional difficulties. What the characteristic establishes for present purposes is that counter-terrorism is inescapably a battle of narratives as well as of arrests, a point the strategic communications components of the British CONTEST framework and Nigeria's own countering violent extremism programmes both recognise.

The fifth characteristic is organisation and clandestinity. Terrorism is typically the work of structured groups, hierarchical in the classical era, cellular and networked in the contemporary one, operating in secrecy, financing themselves in the shadows and enforcing internal discipline with severity. The characteristic has weakened at the margin with the rise of the inspired lone actor, but even he is rarely alone in any meaningful sense, for he is radicalised, instructed and celebrated by an ecosystem that functions as an organisation without membership. The legal system's response to this characteristic is the proscription regime, which attacks the organisation as such, and the offences of membership, support and facilitation that radiate from it. The sixth characteristic is deliberate normative transgression. Terrorism does by design what the law of armed conflict forbids even to soldiers: it makes the civilian the target. It is, in this sense, the intentional inversion of the principle of distinction, and this is what justifies the special stigma, and the special legal machinery, that attach to it.

The seventh characteristic is the strategy of provocation and polarisation. Because the terrorist cannot win the population by persuasion, he seeks to have the state lose it by repression: the atrocity is designed to goad the security forces into indiscriminate response, which vindicates the terrorist narrative, manufactures grievance and replenishes recruitment. The characteristic converts restraint from a moral nicety into an operational imperative, and it supplies the strategic, as distinct from the merely constitutional, argument for the safeguards urged throughout this paper. The eighth characteristic is resource dependence. Terrorism runs on money: salaries, weapons, safe houses, propaganda and welfare payments to fighters' families must all be financed, and the financing profile varies by type, from state sponsorship and the abuse of charities to kidnapping for ransom, extortion styled as taxation, trafficking and, increasingly, virtual assets. This characteristic explains the centrality of the financing offences, the sanctions machinery and the Financial Action Task Force standards within the

[1] Terrorism (Prevention and Prohibition) Act 2022, s 1; Terrorism Act 2000 (UK), s 1(1)(c).

[2] Terrorism (Prevention and Prohibition) Act 2022, s 1; Terrorism Act 2000 (UK), s 1(1)(b); Directive (EU) 2017/541 of the European Parliament and of the Council on combating terrorism, art 3.

[3] Margaret Thatcher, Speech to the American Bar Association (London, 15 July 1985).

modern legal response, and it identifies the terrorist's most auditable vulnerability, for men can hide in forests but money must eventually touch the system.

The anatomy would be incomplete without its gendered dimension. Women and girls stand in every relation to the phenomenon at once: as its most publicised victims, of abduction, enslavement and forced marriage, the Chibok girls being the emblem of a category with thousands of members; as coerced instruments, in the female suicide bombings that became a Nigerian signature; as voluntary participants, recruiters and enforcers, a smaller but persistent cohort the literature warns against romanticising away; and as the community anchors on whom prevention and reintegration disproportionately depend. International practice has recognised as much, the Security Council having directed the integration of the women, peace and security agenda into counter-terrorism frameworks,[1] and the recognition carries concrete legal work: the coerced bomber requires a doctrine of duress equal to her situation, the survivor of conflict-related sexual violence requires investigation and prosecution of those crimes as such, and the reintegration of women formerly associated with the movements requires programming that existing, male-designed frameworks have served poorly.

Three further characteristics complete the anatomy. The ninth is the economics of cost imposition. Terrorism is cheap to inflict and ruinously expensive to defend against: an attack mounted for the price of a rifle or a rented vehicle can compel a state to spend billions on screening, hardening and standing forces, and this asymmetry of cost is itself part of the strategy, for the terrorist seeks to exhaust as well as to terrify. The characteristic counsels legal designers against purely defensive postures, which concede the economic battlefield, and in favour of the offensive instruments, financial investigation, prosecution, international cooperation, that impose costs back upon the adversary at tolerable expense to the state.

The tenth characteristic is adaptive innovation. Terrorism and counter-terrorism are locked in a dialectic of measure and counter-measure: the hijacking produced the metal detector, the metal detector produced the plastic explosive, the hardened cockpit produced the suicide hijacker, the hardened aviation sector produced the shift to soft targets, and the disruption of formal finance produced the migration to ransom, cash couriers and virtual assets. The legal consequence is that counter-terrorism statutes age faster than most, and the sounder drafting technique, which the 2022 Act on the whole adopts, is to legislate by category and effect rather than by enumerated device, leaving the schedule of particulars to subsidiary instruments that can be amended at the speed of the threat.

The eleventh characteristic is organisational resilience and regeneration. Terrorist movements survive decapitation with dispiriting regularity: leaders are replaced, factions recombine, and franchises inherit the assets of their parents, as the Nigerian theatre has repeatedly demonstrated in the successive reorganisations of the insurgency after the loss of each of its commanders. The characteristic does not make leadership-focused operations pointless, but it does mean that they are punctuation rather than conclusion, and that only the slower instruments, prosecution, financial strangulation, community insulation and the discrediting of the idea, produce endings rather than interludes. Cronin's catalogue of how terrorist campaigns actually end, by decapitation only rarely, by negotiation, by success, by failure, by repression at ruinous cost, or by transition into crime or politics, is in substance a study of this characteristic, and it repays the attention of every counter-terrorism draftsman.

Measured against this anatomy, the Nigerian definition performs creditably. It contains the motive element, the catalogue of gravest harms, the intimidation and compulsion limbs, and the express protection of protest, demonstration and industrial action from the definition's reach.[2] The scholarly characteristics thus supply not only a description of the enemy but a checklist for the draftsman, and by that checklist the 2022 Act, whatever the implementation deficits examined in Part 8, is a definition of the modern school.

d. Typologies by Motivation

Classification by motivating ideology is the oldest and most serviceable of the typologies, provided its limits are respected: the categories are heuristics, not watertight compartments, and real movements are frequently hybrids. Five motivational families dominate the literature.

Religious terrorism, the dominant family of the present era, sacralises violence: the cause is framed as divine command, the enemy as infidel or apostate, and the constituency as a transcendent community rather than an earthly electorate. The consequences are practical, not merely theological. Movements that answer to God rather than to a political base are less constrained in their violence, less interested in negotiation and more disposed to

[1] United Nations Security Council Resolution 2242 (2015), integrating the women, peace and security agenda with counter-terrorism and countering violent extremism.
[2] Terrorism (Prevention and Prohibition) Act 2022, s 1, including the protest exclusion in s 1(4).

mass casualties, which is why the religious wave has coincided with the age of the suicide bomber and the anxiety over unconventional weapons; the Aum Shinrikyo sarin attack on the Tokyo subway in March 1995 announced that anxiety, and it has never receded.[1] Boko Haram and the Islamic State West Africa Province are textbook members of this family, though, as shown below, they wear insurgent and criminal clothing as well.

Two internal distinctions refine the religious category. The first separates the strategic from the apocalyptic tendency: movements of the former kind pursue earthly objectives, territory, the expulsion of a foreign presence, the capture of a state, beneath a religious banner, and remain in principle answerable to political logic, while movements of the latter kind understand themselves as actors in a cosmic drama whose script forecloses compromise. The second separates the movement from the constituency in whose name it claims to act: the doctrine by which such movements excommunicate and then licence the killing of their co-religionists has made Muslims themselves the most numerous victims of the present wave, a fact of central importance to counter-narrative work and one that the Nigerian record, in which mosques, imams and Muslim communities have suffered grievously, places beyond argument. Both distinctions matter to the state: the first tells it with whom, if anyone, it can ultimately deal; the second tells it that the affected communities are counter-terrorism's natural allies, not its suspects.

Ethno-nationalist and separatist terrorism pursues the oldest of political objects, statehood or autonomy for a people, by the newest of means. The Irish Republican Army, the Basque ETA and the Tamil Tigers are the canonical instances. Two features distinguish the family. Its ends are, in principle, negotiable, for territory and autonomy can be compromised in ways that divine commands cannot; and its campaigns are accordingly the ones most often ended at the conference table, as Cronin's study of how terrorist campaigns actually end demonstrates, with the Northern Ireland peace process as the standing exhibit.[2] The proscription of the Indigenous People of Biafra places Nigeria's South-Eastern separatism formally within this family, a classification whose strategic implications are drawn out below.

The family's financing signature also differs instructively from its religious counterpart. Ethno-nationalist campaigns characteristically draw sustenance from their diasporas, through remittance, levy and sentiment, which is why the counter-financing effort against them runs through the banking corridors and charitable sectors of distant host states, and why the international cooperation instruments matter as much as domestic ones. The point is of present Nigerian relevance: the South-Eastern movement's most effective organs, of propaganda, fundraising and direction, have operated from abroad, so that the file engages extradition, mutual assistance and the regulation of online incitement at least as much as it engages policing on the ground.

Left-wing revolutionary terrorism, the signature of the 1970s, sought the overthrow of capitalist order in the name of a proletariat that conspicuously declined to rise: the Red Brigades in Italy, the Red Army Faction in Germany, the Shining Path in Peru and the FARC in Colombia mark the family's range from urban cell to rural army. It declined with the ideological collapse of 1989, though its Latin American variants demonstrated the family's capacity to survive by criminal finance, an early lesson in the crime-terror continuum. Right-wing and racially or ethnically motivated terrorism, by contrast, has surged in the present decade, particularly in the Western democracies, where attacks on worshippers and minorities by white-supremacist actors, of which the livestreamed Christchurch mosque murders of 2019 are the emblem, have driven governments to proscribe neo-Nazi organisations, the United Kingdom's proscription of National Action in 2016 being the first such banning of a right-wing group in that jurisdiction since the Second World War era.[3] Finally, single-issue terrorism pursues one policy demand, animal liberation, environmental protection in its violent fringe, or the prohibition of abortion, by intimidatory violence typically directed at property and persons connected with the contested activity; its lethality is generally low, but its legal treatment tests the definitional boundary with militant protest, and thus the very carve-out that s 1(4) of the Nigerian Act enacts.

A closing caution on the motivational typology: the families interbreed. The FARC ended its career as much a narcotics enterprise as a revolutionary army; the Provisional IRA financed nationalism through racketeering; the Sahelian jihadists tax gold, cattle and smuggling with the diligence of any syndicate; and Nigeria's bandit confederations, as the crime-terror continuum predicts, have begun to acquire the vocabulary and connections of the ideologues whose methods they had already borrowed. Motivational classification is therefore a judgment about a movement's centre of gravity at a point in time, not a permanent registration, and the legal machinery of

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[1] W. Laqueur, *The New Terrorism: Fanaticism and the Arms of Mass Destruction* (Oxford University Press 1999).

[2] A.K. Cronin, *How Terrorism Ends: Understanding the Decline and Demise of Terrorist Campaigns* (Princeton University Press 2009).

[3] National Action was proscribed under the Terrorism Act 2000 (UK) in December 2016, the first proscription of a right-wing organisation under that Act.

designation must be correspondingly capable of review in both directions, listing as movements radicalise, and de-listing as they demobilise.

e. Typologies by Actor and by Scope

A second axis classifies by the character of the actor. At one pole stands state terrorism, the state's own use of terror against populations, which, as noted above, modern legal usage addresses through human rights and international criminal law rather than counter-terrorism statutes. Adjacent to it stands state-sponsored terrorism, in which a state finances, arms, trains or harbours a non-state organisation as an instrument of policy while preserving deniability; the phenomenon is legally significant because it engages state responsibility, sanctions regimes and, on occasion, the use-of-force rules of the Charter, and practically significant because sponsored organisations are more capable and more durable than self-financed ones.

Among non-state actors, organisational form has evolved through three broad generations. The hierarchical organisation of the classical era, with its army-like command structure, offered capability at the price of vulnerability, for its structure could be mapped and decapitated. The networked organisation of the post-2001 era dissolved the pyramid into cells and affiliates, trading some capability for resilience. The franchise model of the Islamic State era completed the evolution: a central brand licenses provinces across continents, supplying ideology, methodology and media while the province supplies local grievance and manpower. The Islamic State West Africa Province is precisely such a franchise, and the classification matters juridically, for it means that the Nigerian theatre is connected, in personnel, finance and propaganda, to a transnational enterprise, engaging the foreign terrorist fighter obligations of Security Council Resolution 2178 and the machinery of international cooperation.[1] At the far pole stands the lone actor, radicalised online and operating without command, the hardest category for intelligence to detect and the clearest demonstration that proscription of organisations, indispensable as it is, cannot exhaust the preventive task.

A further actor-based distinction, between the terrorist organisation simpliciter and the insurgent proto-state, has acquired sharp Nigerian relevance. Movements that hold territory begin, of necessity, to govern it: they tax, adjudicate, police, ration and school, and the Islamic State West Africa Province has been distinguished from its parent precisely by the relative deliberateness of its governance of the Lake Chad littorals, taxing trade and cattle in exchange for a rough predictability that the state had failed to supply. The phenomenon matters to law in two ways. Practically, it means the financial battlefield includes commodity chains, fish, pepper, cattle, fuel, and not merely bank transfers, a reality Nigerian financial intelligence has had to absorb. Normatively, it means the state's decisive counter-offer is not violence, which the proto-state expects, but governance, which it cannot match; every functioning court, school and market the Republic restores in the North-East is, in the strictest sense, a counter-terrorism instrument.

The transnational category generates, finally, the problem of the foreign terrorist fighter and his return. The Security Council's framework obliges states to criminalise travel, and the financing and facilitation of travel, for terrorist purposes, and the eventual homecoming of fighters, wives and children from collapsed theatres has confronted every affected legal system with the same trilemma of prosecution, rehabilitation and exclusion. The exclusionary instrument has proved the most controversial: citizenship-stripping, adopted by several Western states, and present in Nigerian law in the 2022 Act's provision for deprivation of the citizenship of designated persons who are citizens otherwise than by birth,[2] purchases domestic reassurance at the price of exporting the risk and, at its extreme, of statelessness. The Lake Chad theatre gives the problem regional rather than European geometry, fighters circulate among four neighbouring states rather than returning from a distant caliphate, which is a further reason why the mutual assistance and joint task force machinery, rather than the passport, is the instrument on which Nigerian policy should lean.

A third axis classifies by scope. Domestic terrorism arises, operates and communicates within a single state; transnational terrorism crosses borders in its personnel, planning, financing or targets. The distinction has consequences for jurisdiction, for extradition and mutual legal assistance, and for the applicable international obligations, and Nigeria's situation is emphatically transnational: the Lake Chad Basin insurgency traverses four states, which is why the Multinational Joint Task Force exists, and the North-West banditry and the Lakurawa network are entangled with the wider Sahelian crisis. A framework designed for a purely domestic threat would be, for Nigeria, a category error, and the extra-territorial reach of the 2022 Act, together with the Mutual Assistance in Criminal Matters Act 2019, shows the draftsman understood as much.

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[1] United Nations Security Council Resolution 2178 (2014) on foreign terrorist fighters.

[2] Terrorism (Prevention and Prohibition) Act 2022: designation of a person as a terrorist or terrorism financier may attract deprivation of Nigerian citizenship, in accordance with the Constitution, where the person is a citizen otherwise than by birth.

f. Typologies by Method

Classification by method cuts across the motivational families and speaks most directly to operational law. The staple methods remain the bombing and the armed assault, industrialised in the contemporary era by the improvised explosive device. Suicide terrorism, the method's most studied refinement, converts the attacker into the guidance system and thereby defeats most physical defences; Pape's influential study argued that its logic is strategic rather than simply fanatical,[1] and the Nigerian theatre has contributed one of the method's grimmest chapters in Boko Haram's coercion of women and children into bombing missions, a practice that complicates the moral and legal categories of perpetrator and victim at once.

Kidnapping and hostage-taking constitute the method-family of greatest Nigerian salience. What began as an insurgent tactic of spectacle, the abduction of the Chibok schoolgirls in April 2014 being the paradigm, has metastasised into a national industry practised by insurgents and bandits alike, from the Kankara schoolboys of December 2020 through the routinised mass abductions for ransom that have emptied schools and highways across the North. The method's economics are its essence: ransom is simultaneously the motive, the finance and the reproduction mechanism of the enterprise, which is why the 2022 Act attaches its gravest penalties to hostage-taking and kidnapping and why the criminalisation of ransom payment, in effect if not always in enforcement, presents the cruellest dilemma in the statute book, pitting the family's desperation against the industry's starvation. No characteristic of the Nigerian threat more urgently demands the financial-investigation-led response urged in this paper.

A distinct method-category, and a distinctly Nigerian sorrow, is the attack on education. The insurgency announced its very name against Western schooling, and its campaign has run from the murder of teachers and the burning of classrooms through the massacre of schoolboys in their dormitories to the mass abductions that made Chibok and Kankara bywords; the bandit confederations then adopted the method wholesale, having discovered that a school is a warehouse of ransom. The aggregate effect, thousands of schools closed across the North and a generation's education mortgaged, is itself a strategic outcome, for the uneducated child is the movement's future recruit, and it is why Nigeria's endorsement of the Safe Schools Declaration, with its commitments to protect education in conflict, must be translated from instrument into infrastructure: protected schools, rapid-response arrangements, and the treatment of attacks on education as the aggravated offences they are.[2]

The kidnapping economy poses, finally, a policy dilemma that the method typology frames but cannot resolve: the question of ransom. The no-concessions doctrine holds that payment finances the next abduction and advertises the trade's profitability, and the legal systems have moved to give it teeth, Nigerian law criminalising the knowing provision of funds that end in terrorist hands, ransom not excepted, and the United Kingdom going so far as to criminalise the reimbursement of terrorist ransoms by insurers.[3] Yet the doctrine's arithmetic is collective while the hostage's peril is individual, and states that proclaim it have been known to practise quiet exception, while families facing the choice between a felony and a funeral will choose the felony every time. The realistic legal posture, and the one this paper commends, is therefore not the theatrical prosecution of desperate relatives but the systematic strangulation of the trade's logistics: the couriers, the negotiator-brokers, the phone networks, the forest markets and the laundering channels through which ransom becomes wealth, all of which are reachable by the financial-investigation methods on which this paper insists, and none of which requires the state to make an example of the victim's mother.

The complex armed assault, in which small teams with automatic weapons attack multiple soft targets simultaneously and fight to the death, was globalised by the Mumbai attacks of November 2008 and Africanised by the Westgate mall siege in Nairobi in September 2013; its Nigerian expressions have included coordinated assaults on towns, garrisons, worship and highways. The method's legal significance lies in the demands it places on inter-agency command, on rules of engagement in populated areas and on the forensic management of chaotic scenes from which prosecutable cases must nevertheless be built. Alongside it stands the oldest method of all, assassination, directed in the Nigerian theatre not only at officials and officers but at traditional rulers, clerics and community leaders, a targeting logic that seeks to decapitate not the state but the local social order that stands between the population and the movement, and one that the law's witness-protection and dignitary-protection frameworks have yet to answer adequately.

[1] R.A. Pape, *Dying to Win: The Strategic Logic of Suicide Terrorism* (Random House 2005).
[2] The Safe Schools Declaration (2015), an intergovernmental political commitment to protect education in armed conflict, which Nigeria endorsed in 2015.
[3] Counter-Terrorism and Security Act 2015 (UK), s 42, inserting s 17A into the Terrorism Act 2000 to criminalise insurance payments made in respect of terrorist ransoms.

Economic sabotage constitutes a method-family of particular resonance in a petro-state: the bombing of pipelines and the destruction of energy and transmission infrastructure inflict strategic cost without mass casualties, and Nigerian law has long treated such conduct with corresponding severity, the 2022 Act expressly reaching the destruction of government facilities, transport systems and infrastructure whose destruction may endanger life or cause major economic loss. At the opposite pole of sophistication lies the low-technology wave, vehicle rammings and knife attacks by inspired individuals, which defeated the defences of several European capitals in the last decade precisely because it required nothing the law could regulate in advance; its lesson, that prevention must reach the person because it cannot always reach the instrument, is the strongest practical argument for the radicalisation-focused interventions discussed above.

Maritime terrorism and its piratical cousin dominate the Gulf of Guinea dimension. The law distinguishes piracy, committed for private ends, from maritime terrorism, committed for political ones, but the Gulf's kidnap-for-ransom economy afloat mirrors the one ashore, and Nigeria's response has been notable: the Suppression of Piracy and Other Maritime Offences Act 2019 gave the region its first standalone legislative framework against piracy and maritime crime and has yielded convictions.[1] Cyberterrorism, by contrast, remains more anticipated than realised: attacks through computer systems calculated to intimidate populations or compel governments are expressly criminalised in Nigerian law, the Cybercrimes Act creating a dedicated cyberterrorism offence and protecting designated critical national information infrastructure, whose destruction the 2022 Act likewise brings within the terrorist act.[2] The gravest method-category, terrorism by chemical, biological, radiological or nuclear means, has mercifully remained rare, but the 2022 Act legislates for it in terms, extending to the manufacture, possession, transfer and even unauthorised research and development of such weapons, and yoking the counter-terrorism machinery to the counter-proliferation financing regime.[3]

The method typology closes, as it must, on the emerging technologies. Commercial drones, first employed by non-state actors for reconnaissance and propaganda and then weaponised in the Middle Eastern theatres, have been reported in the hands of the Lake Chad insurgents, and the counter-drone problem, legal as much as technical, has arrived in West Africa. Encrypted communications have privatised the conspiratorial space that interception statutes were built to reach, forcing the perennial and unresolved contest between investigative access and general cybersecurity. And virtual assets have opened a financing channel that the Financial Action Task Force standards now expressly cover and that Nigerian regulation has moved to bring within the reporting perimeter. None of these technologies changes the grammar of terrorism; each changes its speed and its reach, and together they guarantee that the schedule-and-regulation drafting technique commended above will be tested continuously.

g. The Historical Typology: The Four Waves

To the analytical typologies must be added the great historical one. Rapoport's wave theory organises the modern history of terrorism into four successive waves, each lasting roughly a generation, each propelled by a distinctive political energy and each pioneering a distinctive method: the anarchist wave from the 1880s, whose propaganda of the deed assassinated monarchs and presidents; the anti-colonial wave from the 1920s to the 1960s, whose campaigns, from the Irgun to EOKA to the Algerian FLN, hastened imperial withdrawal; the New Left wave of the 1960s to 1980s, with its hijackings and hostage theatre; and the religious wave inaugurated in 1979 by the Iranian revolution and the anti-Soviet jihad, in which the world still lives.[4] Whether a fifth wave is forming, and around what energy, tribal, racial or technological, is contested; Kaplan's candidate of a new tribalism is one entry in a debate that the rise of transnational right-wing violence has reopened.[5] The theory's value for the lawyer is perspective: waves crest and recede, which counsels against building permanent emergency law on the assumption that the present adversary is eternal, and it is a sobering discipline to recall that most of the anti-colonial wave's statutory apparatus outlived the empires it was built to defend.

A closer look at each wave repays the effort, for each contributed something permanent to the phenomenon's repertoire and to the law's. The anarchists supplied the doctrine of propaganda by the deed and the century's first campaign of high assassination, claiming a Tsar of Russia in 1881, an Empress of Austria in 1898, a King of

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1 Suppression of Piracy and Other Maritime Offences Act 2019 (Nigeria).

2 Cybercrimes (Prohibition, Prevention, etc.) Act 2015 (as amended in 2024), s 18; Terrorism (Prevention and Prohibition) Act 2022, s 1.

3 Terrorism (Prevention and Prohibition) Act 2022, s 1 (the definitional coverage of biological, chemical, radiological and nuclear weapons) and the counter-proliferation objects in s 1 of the Act.

4 D.C. Rapoport, 'The Four Waves of Modern Terrorism' in A.K. Cronin and J.M. Ludes (eds), *Attacking Terrorism: Elements of a Grand Strategy* (Georgetown University Press 2004).

5 J. Kaplan, 'The Fifth Wave: The New Tribalism?' (2007) 19 *Terrorism and Political Violence* 545.

Italy in 1900 and a President of the United States in 1901, and provoking in response the first experiments in international police cooperation against a transnational conspiracy. The anti-colonial wave demonstrated that terrorism could, in favourable political conditions, actually win, hastening imperial withdrawals from Palestine, Cyprus and Algeria, and it bequeathed the definitional quarrel, freedom fighter or terrorist, that stalked the United Nations for decades. The New Left wave invented the modern hostage spectacle, the airline hijacking and the seizure of the Munich Olympics being its emblems, and drove in response the sectoral treaty system, on aircraft, hostages and protected persons, from which modern international counter-terrorism law descends. And the religious wave, announced by the triple detonations of 1979, revolution in Iran, siege at the Grand Mosque, invasion of Afghanistan, globalised the battlefield, industrialised the suicide attack and, on 11 September 2001, summoned into being the Security Council-driven legal order, of Resolution 1373, financing suppression and universal criminalisation, within which every national statute, Nigeria's included, now sits. The waves are thus not merely history; they are the geology of the present statute book.

The wave theory has its critics, and the criticism is itself instructive. Parker and Sitter have argued that the history of terrorism is better organised not as a sequence of waves that rise and recede but as four persistent strains, nationalist, socialist, religious and exclusionist, which run continuously through the modern era, flaring and subsiding by circumstance rather than by generational tide.[1] For the lawyer the dispute is less important than what the disputants share: on either account, the phenomenon is plural and cyclical, no single adversary is permanent, and the legal architecture should therefore be built for the category, terrorism in its recurring varieties, rather than for the enemy of the day. A statute drafted against one organisation is a statute drafted for obsolescence.

Nigeria's place in the waves is instructive. The country was spared the anti-colonial wave's violence, independence having been won by constitutional politics, and largely spared the New Left's. Its precursor tremor was religious: the Maitatsine risings that convulsed Kano and other northern cities in the early 1980s prefigured, in doctrine and demographic, the insurgency that erupted a generation later.[2] Boko Haram and its offshoots are thus fully fourth-wave phenomena, wearing the wave's signature methods, the suicide bomber, the mass-casualty attack on worship and education, the sacralised proclamation of territory, while the bandit confederations, as the next section shows, belong to no wave at all, which is precisely what makes their legal classification so contested.

h. Situating the Nigerian Variants within the Typologies

Applied to Nigeria, the typologies discipline the analysis of each threat in turn. Boko Haram and the Islamic State West Africa Province are religious-motivational, insurgent-terrorist hybrids of transnational scope: they have at various times held and administered territory in the manner of an insurgency, most notoriously in the self-proclaimed caliphate of 2014 and 2015 around Gwoza, while simultaneously prosecuting classic terrorist campaigns of bombing, assassination and abduction far from the front, and ISWAP's franchise relationship with the Islamic State grafts a global brand onto the Lake Chad theatre.[3] The classification prescribes the response: hybrid adversaries require the hybrid answer of military containment, criminal prosecution, financial strangulation and ideological competition simultaneously, which is the deepest justification for the whole-of-government architecture examined in Part 7.

Two supplementary observations complete the North-Eastern file. Ansaru, the movement's early splinter, illustrated the transnational-operational variant of the same family, distinguishing itself by the targeted kidnapping of foreign nationals and by doctrinal connections to the Sahelian al-Qaeda current, and its proscription alongside the parent movement in 2013 marked Nigeria's first sustained use of the designation instrument. And the scale of the family's violence should be recorded without euphemism: at the insurgency's zenith the Global Terrorism Index ranked Boko Haram the deadliest terrorist organisation in the world, its killings in 2014 exceeding those of the Islamic State itself,[4] a statistic that placed Nigeria at the centre of the global phenomenon and that should silence any suggestion that the Nigerian file is a provincial one.

The North-Eastern file also demonstrates that typological position is a trajectory rather than a fixture. The movement began, in the 2000s, as a sectarian preaching community with a rejectionist doctrine; passed through

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[1] T. Parker and N. Sitter, 'The Four Horsemen of Terrorism: It's Not Waves, It's Strains' (2016) 28 *Terrorism and Political Violence* 197.

[2] The Maitatsine uprisings, beginning in Kano in December 1980, are widely treated as the precursor of the contemporary religious insurgency; see Thurston (n 6).

[3] See Comolli and Thurston (n 6) on the movement's territorial phases and transnational affiliation.

[4] Institute for Economics and Peace, *Global Terrorism Index 2015* (2015), recording Boko Haram as responsible for more deaths in 2014 than any other terrorist organisation.

the 2009 confrontation and the custodial killing of its founder into clandestine terrorism; matured by 2014 into a territory-holding proto-state proclaiming a caliphate; fractured in 2016 into a brutalist rump and a governance-minded franchise; and has since dispersed, under sustained military pressure and its own internecine wars, into the mobile rural predation that increasingly resembles the banditry of the North-West, even as its remnants retain the ideology the bandits lack. Each phase called for a different weighting of the state's instruments, from policing, through war-fighting, to the financial and stabilisation emphases of the present, and the movement's migrations along the insurgency-terrorism-crime frontier are the strongest domestic evidence for this Part's central contention: classification must be kept under continuous review, because the adversary does not hold still for it.

The bandit confederations of the North-West are the crime-terror continuum in motion. Their origins are unambiguously criminal, cattle rustling, village extortion and kidnapping for ransom, and their proclaimed ideology is thin to vanishing; yet their scale, their weaponry, their taxation of territory and their capacity to terrorise entire populations produce effects indistinguishable from terrorism, and their growing entanglement with jihadist actors moves them along the continuum. The Federal High Court's 2021 declaration of Yan Bindiga and Yan Ta'adda as terrorist groups was therefore juridically defensible, and it carried real consequences: it unlocked the 2022 Act's offences, penalties and financing machinery against them and their sponsors, and it clarified the rules of military engagement. But the classification is not costless, and the scholarly caution deserves recording: labels that stretch to cover every armed criminality risk diluting the category's stigma, militarising what remains, at root, a policing and governance failure, and foreclosing the local settlements by which ordinary banditry has historically been extinguished. The designation, in short, was right; treating it as a substitute for rural governance would be wrong.

The South-Eastern file belongs to the ethno-nationalist and separatist family, and the family's two lessons apply with force. The first is that the proscription of the Indigenous People of Biafra, lawful and judicially sustained, determines the applicable offences but does not determine strategy, for the comparative record teaches that separatist campaigns, uniquely among the families, are most often ended by politics: address the grievance, isolate the gunmen, and the water drains from around the fish. The second is that indiscriminate enforcement in the South-East would replicate the recruitment dynamics the Kenyan experience warns against. The Niger Delta militancy of the 2000s, by contrast, was in typological terms single-issue and resource-driven rather than separatist or religious, and Nigeria's own history supplies the proof of typology's strategic value: the Presidential Amnesty Programme proclaimed in June 2009, whatever its imperfections, achieved by negotiated demobilisation what years of force had not, precisely because the adversary's ends were economic and therefore purchasable.[1] Finally, the kidnapping economy cuts across every category, insurgent, bandit and opportunist alike, and the Lakurawa network imports the Sahelian pattern of mobile, transnational, religiously flavoured predation. The Nigerian threat, mapped honestly, is thus not one phenomenon but a federation of phenomena, and the law's responses must be correspondingly differentiated.

One classification question must be handled with particular care: the farmer-herder violence of the Middle Belt. That conflict, rooted in the collision of expanding cultivation, contracting pasture, climate stress and the collapse of traditional mediation, produces casualties on a scale that rivals the insurgency, and the temptation to fold it into the terrorism frame is correspondingly strong. The typologies counsel restraint. Communal conflict, however murderous, differs from terrorism in structure and therefore in remedy: it is reciprocal rather than unilateral, its object is land and security rather than the coercion of a government, and its instruments of resolution are mediation, land governance, policing and prosecution for the ordinary offences of murder and arson. Where organised armed entrepreneurs graft themselves onto the conflict, taxing, raiding and terrorising under its cover, the terrorism instruments properly reach them, and them specifically. But a wholesale terrorism designation of a communal conflict would criminalise categories of ethnicity and occupation rather than conduct, inflame what it purported to cure, and squander the terrorism label's stigma on a problem it cannot solve. The discipline of typology is nowhere more valuable than in marking the frontier of its own application.

i. The Juridical Significance of the Typologies

It remains to state expressly why this taxonomy matters to law, for the exercise would otherwise be academic in the pejorative sense. Its significance is at least sixfold. First, it disciplines definition. The characteristics identified above tell the draftsman what must be captured, ideological motive, grave violence, the coercive-communicative purpose, and what must be excluded, protest and industrial action, and they expose the principal drafting choice among the major systems: the United Kingdom and Nigeria embed a motive element in the

[1] The Presidential Amnesty Programme for Niger Delta militants was proclaimed by President Umaru Musa Yar'Adua in June 2009.

definition itself, while the principal American offences turn on conduct and designation without requiring proof of ideological motive, a choice that eases prosecution at some cost in definitional focus.[1] Secondly, it disciplines proscription. Designation is category-application by executive and judicial act, and the typologies supply the evidentiary questions: what is the organisation's end, what are its methods, where on the crime-terror continuum does it sit, and is the label the proportionate instrument or merely the available one.

Thirdly, typology disciplines strategy, because the families end differently. Religious-apocalyptic movements rarely negotiate and must be contained, prosecuted and ideologically out-competed; separatist movements are candidates for political settlement; resource-driven militancy can be demobilised by economic bargain, as the Delta proved; crime-terror hybrids yield first to financial investigation and the restoration of rural governance. A state that prescribes the same medicine for every disease will cure none of them. Fourthly, typology disciplines counter-financing, for the funding profile follows the family: ransom sustains the bandit, taxation of territory the insurgent, diaspora remittance the separatist, and sponsorship the proxy, so that the financial intelligence effort can be targeted rather than diffuse. Fifthly, it disciplines sentencing, rehabilitation and reintegration: the coerced female bomber, the conscripted child, the economic foot-soldier of a bandit confederation and the ideological commander of a religious movement present radically different culpabilities and radically different risks, and programmes such as Operation Safe Corridor succeed or fail on their capacity to make precisely these typological distinctions case by case. Sixthly, it disciplines international cooperation, since the transnational categories, and only they, fully engage the foreign fighter, mutual assistance and regional task force machinery.

Before the courtroom points are reached, one constitutional consequence deserves its own numbering: typology disciplines the resort to emergency powers. The declaration of a state of emergency across Borno, Yobe and Adamawa States in May 2013 answered a threat that had crossed the insurgency threshold, and the armed-conflict character of the North-Eastern file, noted above, has justified extraordinary measures there that would be indefensible against, say, the single-issue or communal categories. The typologies thus mark not only what the state should do but where the exceptional toolkit may lawfully and wisely travel: emergency and military instruments follow the insurgent-terrorist categories to their theatres, and their extension to categories and regions beyond, to protest, to communal conflict, to political opposition, is precisely the metastasis of emergency that the comparative reviewers and the constitutional courts examined in Part 9 exist to arrest.

The typologies also reach the unglamorous daily decisions of criminal procedure: charging, bail and plea. Charging discretion is category-sensitive, for the prosecutor must locate each defendant on the spectrum that runs from ideological principal through economic facilitator to coerced conscript, and the comparative systems have learned to build that spectrum into their charge sheets, reserving the gravest counts for the architects while resolving the periphery by lesser offences and structured pleas; the Nigerian mass trials, whose convictions clustered in the lesser registers, were in this respect groping towards a discipline the law should now make explicit. Bail decisions, likewise, cannot sensibly treat the categories alike, since the flight and reoffending risks of a networked transnational operative, a rural bandit and a first-time online propagandist differ in kind, and a jurisprudence that articulates those differences will detain fewer people more defensibly than one that treats the terrorism label as a uniform answer. In each of these decisions the typology operates as the law's instrument of proportionality, and proportionality, this paper has argued throughout, is not the adversary of effectiveness but its condition.

Seventhly, and reaching beyond strategy into the courtroom, typology disciplines evidence. The motive element that Nigerian and British law embed in the definition must be proved, and it is characteristically proved circumstantially, through the flags, oaths, publications and affiliations that mark a defendant's adherence to a movement of a particular family; expert evidence on the ideology, structure and insignia of the organisation concerned has accordingly become a staple of terrorism trials in the comparative jurisdictions, and the systematic development of such expertise, within the prosecution service and the academy, belongs on the Nigerian reform agenda alongside the battlefield-evidence and forensic investments urged elsewhere in this paper. The typologies likewise shape the evidential theory of financing cases, for the prosecutor who knows the funding signature of the defendant's family of terrorism, ransom, levy, remittance or sponsorship, knows where the documentary trail will run.

Eighthly, typology disciplines the designation process itself. Precisely because proscription is category-application with penal consequences for thousands of people, the comparative systems surround it with procedural safeguards: published criteria, periodic review, and a route of de-proscription by which an organisation that has renounced violence, or a name that has fallen out of use, can be removed from the schedule.

[1] Compare Terrorism Act 2000 (UK), s 1 and Terrorism (Prevention and Prohibition) Act 2022 (Nigeria), s 1 with the material support offences in 18 USC §§ 2339A and 2339B.

The dynamism of the categories, movements radicalising along the crime-terror continuum in one decade and demobilising into politics in the next, makes such two-way machinery a matter of accuracy as much as of fairness, and Nigerian practice, which has so far travelled in the listing direction only, should acquire the return lane. Ninthly, and lastly, typology disciplines the state's obligations to the victims whom every category leaves behind. The widow of the assassinated village head, the abducted schoolchild, the trader ruined by the emptied market and the soldier's orphan are the constituency in whose name the entire apparatus exists, and institutions such as the Victims Support Fund, established in the aftermath of the insurgency's worst years, embody the recognition that a legal order which prosecutes the offender but abandons the victim has discharged only half its duty. A victim-centred counter-terrorism law, attentive to compensation, rehabilitation and remembrance, is not sentimentality; it is the state performing, visibly, the protective covenant whose breach the terrorist advertises.

The conclusion of this Part can be shortly stated. Typology is a map, not a cage: the Nigerian variants sprawl across its boundaries, and the categories must serve analysis rather than replace it. But a map is not nothing. The state that knows which enemy it is fighting, in nature, in characteristics and in kind, has taken the first step towards fighting it lawfully and well, and it is with that map in hand that the paper turns to the Nigerian threat and the Nigerian response in detail.

6. The Terrorist Threat in Nigeria: An Honest Reckoning

Nigeria's experience of terrorism is neither recent nor monolithic. The Boko Haram insurgency, which erupted into full violence in 2009, has since fractured and multiplied: the Islamic State West Africa Province split from the parent movement and became, for a period, the more lethal faction; Ansaru pursued the kidnapping of foreign nationals; and both Boko Haram and Ansaru were proscribed as long ago as 2013.[1] To the insurgency of the North-East has been added the banditry of the North-West, an economy of mass abduction, cattle rustling and village levies which the Federal High Court brought within the legal category of terrorism when it declared the Yan Bindiga and Yan Ta'adda groups terrorist organisations in 2021, the order being gazetted in January 2022.[2] In the South-East, the Indigenous People of Biafra was proscribed in 2017,[3] and the enforcement of illegal 'sit-at-home' orders has shaded into violence against civilians and state institutions. Newer formations, including the Lakurawa network in the North-West borderlands, illustrate the porousness of the Sahelian frontier and the regional character of the threat.

The honest reckoning must also count the costs that do not appear in statute books: tens of thousands dead, millions displaced, a generation of children unschooled in the North-East, a kidnapping economy that has monetised human beings, and soldiers and police who have themselves paid a heavy price. It must equally acknowledge that terrorism in Nigeria is sustained not only by ideology but by economics: by ransom flows, illicit gold, cattle markets, fuel smuggling and, in earlier years, by the laundering channels whose weakness contributed to Nigeria's grey-listing by the Financial Action Task Force. Any legal strategy that does not follow the money is a strategy of half-measures.

7. The Domestic Legal and Institutional Framework for Combating Terrorism

The framework rests on three generations of legislation: the Terrorism (Prevention) Act 2011, its 2013 amendment, and the comprehensive Terrorism (Prevention and Prohibition) Act 2022, which repealed both predecessors. The 2022 Act prohibits all acts of terrorism and terrorism financing and criminalises the full ecosystem of terrorism: preparatory acts, facilitation, financing, recruitment, training, incitement and hostage-taking, with penalties ascending to life imprisonment and, for the gravest offences, death.[4]

Institutionally, the Act settles a coordination question that bedevilled the first decade of the campaign. The National Security Adviser is confirmed as the coordinating authority, and the National Counter-Terrorism Centre is established in that Office as the coordinating body for counter-terrorism and counter-financing efforts, custodian of the National Counter Terrorism Strategy and of the national framework for preventing and

[1] Boko Haram and Jama'atu Ansarul Muslimina Fi Biladis Sudan (Ansaru) were proscribed by order made under the Terrorism (Prevention) Act in 2013.

[2] The Yan Bindiga and Yan Ta'adda bandit confederations were declared terrorist groups by order of the Federal High Court in November 2021, gazetted in January 2022.

[3] The Indigenous People of Biafra was proscribed by an order of the Federal High Court made in September 2017 under the Terrorism (Prevention) Act 2011 (as amended), a proscription subsequently sustained on appeal.

[4] Terrorism (Prevention and Prohibition) Act 2022, which prescribes penalties up to life imprisonment and, for the gravest offences, death, including for hostage-taking, kidnapping and hijacking.

countering violent extremism.[1] The Attorney-General of the Federation is charged with strengthening the legal framework and with the conduct of prosecutions; the Nigeria Sanctions Committee, a whole-of-government organ with the Nigerian Financial Intelligence Unit as secretary, administers designations and implements the United Nations sanctions resolutions.[2] Around this core statute stands a supporting cast enacted in the same reforming season: the Money Laundering (Prevention and Prohibition) Act 2022, the Proceeds of Crime (Recovery and Management) Act 2022, the Mutual Assistance in Criminal Matters Act 2019 and the Nigerian Financial Intelligence Unit Act 2018.[3]

The architecture is not beyond criticism, and the pressure points should be identified. Section 66 of the 2022 Act permits the detention of a terrorism suspect for sixty days upon an ex parte order, a provision in visible tension with the constitutional command that arrested persons be charged within a reasonable time; section 64 permits urgent searches while a warrant is still being sought; and section 56 permits the registration of a non-profit organisation to be refused or revoked on security grounds, subject to judicial review.[4] A statute that arms the state so heavily must be matched by courts, counsel and reviewers vigilant enough to keep the arsenal within the Constitution. That, as Part 9 demonstrates, is precisely where the comparative best practices have most to teach.

8. The Framework in Practice: Achievements, Shortcomings and Persisting Challenges

The record is more substantial than the prevailing pessimism allows, and more troubled than official celebration admits. On the credit side of the ledger, Nigeria has conducted one of the largest terrorism prosecution programmes in the world: ten phases of mass trials since 2017 yielding, by official count, 1,721 convictions, alongside the discharge of nearly nine hundred suspects against whom the evidence did not hold, itself a mark that the trials were not mere conveyor belts.[5] In April 2026, the Federal High Court concluded a single proceeding in which 386 of 508 defendants were convicted, with sentences from five years' imprisonment to life,[6] and convictions continue in the state courts, including capital sentences for terrorism and arms proliferation.[7] On the preventive side, the Demobilisation, Disassociation, Reintegration and Reconciliation action plan and Operation Safe Corridor have processed thousands of low-risk defectors.[8] The financial front has seen the most unambiguous success of all: grey-listed by the Financial Action Task Force in February 2023, Nigeria completed a nineteen-point action plan and was removed from the grey list on 24 October 2025, standing compliant or largely compliant on 37 of the 40 FATF Recommendations.[9]

The debit side must be stated with equal candour. The early Kainji trials were criticised, in scholarship and by observers, for opacity: proceedings conducted within secure military facilities, compressed hearings, heavy reliance on confessional statements and plea bargains, and limited access for counsel and the public.[10] Prolonged pre-trial detention has been endemic, with suspects held for years awaiting the phased trials. Convictions have clustered around lesser offences, material support and membership, rather than the principal atrocities, reflecting the persistent weakness of battlefield evidence collection and forensic capacity. Coordination among the armed forces, police, Department of State Services and prosecutors, though improved by the 2022 Act, still leaks

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[1] ibid ss 4 and 6(1).

[2] ibid ss 9 and 10, read with the designation provisions in ss 49, 53 and 54, implementing United Nations Security Council Resolutions 1267 (1999), 1373 (2001) and successor resolutions.

[3] Money Laundering (Prevention and Prohibition) Act 2022; Proceeds of Crime (Recovery and Management) Act 2022; Mutual Assistance in Criminal Matters Act 2019; Nigerian Financial Intelligence Unit Act 2018.

[4] 'Terrorism Act, Proceeds of Crime Act 2022 Raise Concerns' (PLAC Legist, May 2022), discussing ss 56, 64 and 66 of the 2022 Act and the tension between s 66 and s 35(4) and (5) of the Constitution of the Federal Republic of Nigeria 1999.

[5] Figures announced by the Office of the National Security Adviser in 2026: ten phases of mass trials since 2017 yielding 1,721 convictions in aggregate, with the first three phases (2017 to 2018) producing 366 convictions alongside 882 discharges and five acquittals.

[6] 'Nigeria's Court Convicts 300+ in Rare Mass Terrorism Trial Ruling' (Face2Face Africa, April 2026).

[7] As illustrated by the June 2026 convictions in Sokoto State, where a High Court sentenced three men to death on terrorism and arms proliferation charges following arrests by the Department of State Services.

[8] The Demobilisation, Disassociation, Reintegration and Reconciliation (DDRR) Action Plan developed by the National Counter-Terrorism Centre with the International Organisation for Migration; Operation Safe Corridor is the Defence-led deradicalisation and reintegration programme for low-risk repentant fighters.

[9] Financial Action Task Force, 'Jurisdictions under Increased Monitoring' (24 October 2025).

[10] K.H. Chukwuma, 'Opaque Trials: Prosecuting Terrorist Suspects in Nigeria' (n 10).

intelligence and loses chains of custody. The deradicalisation programmes, however humane in conception, have struggled for community acceptance in the very localities to which former fighters return.

To these shortcomings must be added the persisting challenges. The sixty-day ex parte detention regime awaits authoritative constitutional testing against section 35 of the Constitution. Witnesses and judges are exposed, and witness protection remains embryonic. Regional spillover from the Sahel replenishes what domestic operations deplete. Ransom payments continue because families face impossible choices. And the temptation of the security state, to treat every critic as a subversive and every protest as insurrection, presses constantly against the civic space that section 1(4) of the Act was drafted to protect. The pattern that emerges is a familiar one: laws of the first rank, implementation of the second, accountability of the third. The comparative survey that follows is chosen precisely to address that pattern.

9. Comparative Best Practices from Other Jurisdictions

Seven bodies of experience repay study. In each case the paper identifies the transferable discipline rather than the borrowed text, for a statute can be copied overnight; the habits that make it work cannot.

a. The United Kingdom: Strategy, Proscription and the Independent Reviewer

The United Kingdom's framework rests on the Terrorism Act 2000, with its calibrated definition and its proscription regime administered under parliamentary control, reinforced after 2005 by the Terrorism Act 2006.[1] Two disciplines stand out from the British experience. The first is strategy: CONTEST organises the entire national effort around four published workstreams, Prevent, Pursue, Protect and Prepare, with ministerial ownership, annual reporting and a statutory Prevent duty placed on schools, universities, prisons and local authorities.[2] Nigeria has a National Counter Terrorism Strategy; what it has lacked is CONTEST's cadence of published revision and public accountability. The second discipline is independent review: the Independent Reviewer of Terrorism Legislation, with statutory access to classified material, reports publicly on the operation of the terrorism statutes, and the Terrorism Prevention and Investigation Measures regime subjects executive restriction of liberty to judicial supervision and periodic renewal.[3] A Nigerian equivalent, an independent reviewer of the 2022 Act reporting annually to the National Assembly, would convert the Act's most criticised provisions from standing suspicions into audited powers.

b. The United States: Material Support and the Financial Weapon

The American contribution is the prosecutorial theory of material support: the statutes criminalising the provision of resources, training, personnel or services to terrorists and designated organisations, upheld by the Supreme Court in Holder v Humanitarian Law Project, allow the state to intervene upstream of the atrocity, at the point of financing and facilitation.[4] The Nigerian Act contains comparable offences; what the United States adds is the machinery: the Joint Terrorism Task Forces that fuse federal, state and local investigation into single prosecutable files, and the Treasury designation regime that makes the financial system itself a battlefield.[5] The Nigerian lesson is the primacy of the financing case: the prosecutions that dismantle networks are the ones that follow money, and the FATF exit will be squandered unless the Nigerian Financial Intelligence Unit's product is converted, routinely, into charges.

c. France: The Specialised Prosecutor

France concentrates terrorism cases in a specialised national anti-terrorism prosecution office, the Parquet national antiterroriste, working with dedicated investigating judges, so that every major case is handled by counsel and judges who do nothing else.[6] The result is institutional memory: doctrine on evidence gathered abroad, on returnees, on juveniles, accumulates in one office rather than evaporating across a general prosecution

[1] Terrorism Act 2000 (UK), ss 1 and 3; Terrorism Act 2006 (UK).
[2] HM Government, CONTEST: The United Kingdom's Strategy for Countering Terrorism; Counter-Terrorism and Security Act 2015 (UK), s 26.
[3] Terrorism Prevention and Investigation Measures Act 2011 (UK); Terrorism Act 2006 (UK), s 36.
[4] 18 USC §§ 2339A and 2339B; *Holder v Humanitarian Law Project* 561 US 1 (2010).
[5] Executive Order 13224 (2001) and the designation regime administered by the Office of Foreign Assets Control; the Joint Terrorism Task Forces led by the Federal Bureau of Investigation.
[6] The Parquet national antiterroriste, the specialised national anti-terrorism prosecution office created in 2019, working with specialised investigating judges in centralised terrorism proceedings.

service. Nigeria's Complex Casework Group within the Federal Ministry of Justice gestures in this direction; the French lesson is to complete the gesture, with a permanently staffed, specialised terrorism prosecution directorate and designated terrorism judges of the Federal High Court, trained, protected and retained.

d. Australia: Control Orders under a Statutory Monitor

Australia pairs strong preventive powers, control orders restraining persons who cannot yet be prosecuted, with a standing Independent National Security Legislation Monitor whose statutory mandate is to review whether each power remains necessary, proportionate and consistent with human rights obligations.[1] The pairing is the point, for the legitimacy of extraordinary powers is purchased with extraordinary scrutiny. It is the same lesson as the United Kingdom's, arrived at independently, which is itself evidence of its soundness.

e. Kenya: The Courts as Constitutional Keel

Kenya's confrontation with Al-Shabaab produced the Prevention of Terrorism Act 2012 and, in 2014, an omnibus security amendment whose excesses the High Court struck down in a landmark judgment, holding provisions on media restriction and refugee caps unconstitutional while leaving the operational core intact.[2] The Kenyan experience speaks to Nigeria in two registers. It shows an African judiciary policing the boundary between security and liberty without disarming the state, a role Nigerian courts must be equipped and emboldened to play under the 2022 Act. And it shows the cost of the alternative: heavy-handed communal policing of Kenya's Somali population is widely credited with driving recruitment, a caution for every operation that treats whole communities as suspects.

f. Indonesia, Saudi Arabia and Denmark: The Rehabilitation Frontier

Because insurgencies end by demobilisation as much as by defeat, the rehabilitation programmes matter. Indonesia couples an elite enforcement unit with a national deradicalisation agency that deploys credible religious voices and, notably, former militants; Saudi Arabia's counselling and care model wraps theological re-education in family and economic reintegration; Denmark's Aarhus model assigns returning foreign fighters a mentor within a municipal-police partnership rather than presuming prosecution in every case.[3] None of these transplants whole into Nigeria's circumstances, but their common discipline does: rehabilitation is professional, individualised, measured and community-anchored, not a periodic amnesty ceremony. Operation Safe Corridor and the DDRR plan should be re-engineered to that standard, with published recidivism data as the test of success.

g. The United Nations and FATF Framework

Finally, the multilateral scaffolding: the Security Council resolutions requiring the criminalisation of terrorism financing and of foreign terrorist fighter travel, the Global Counter-Terrorism Strategy's four pillars, and the FATF Recommendations that measure a state's financial defences.[4] Nigeria's 2022 legislative season was, in substantial part, the domestication of this scaffolding, and the FATF exit shows what disciplined engagement with international standards can achieve in under three years. The same method, a published action plan, inter-agency ownership and external verification, should now be turned inward upon the criminal justice deficits catalogued in Part 8.

h. The Distilled Lessons

Six lessons emerge from the comparative survey. First, publish the strategy and report against it annually. Secondly, specialise the prosecution and the bench. Thirdly, fight the financing case as the main case, not the makeweight. Fourthly, buy extraordinary powers with extraordinary scrutiny, through an independent reviewer and unflinching judicial oversight. Fifthly, professionalise rehabilitation and measure it. Sixthly, protect the community relationship, for the population is the sea in which either the state or the insurgent swims.

10. Recommendations

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[1] Criminal Code Act 1995 (Cth), Division 104; Independent National Security Legislation Monitor Act 2010 (Cth).

[2] Prevention of Terrorism Act 2012 (Kenya); *Coalition for Reform and Democracy (CORD) v Republic of Kenya* [2015] eKLR.

[3] Indonesia's Badan Nasional Penanggulangan Terorisme (BNPT) and the Densus 88 counter-terrorism unit; the Mohammed bin Naif Counseling and Care Centre in Saudi Arabia; and the Aarhus model of municipal-police collaboration in Denmark.

[4] United Nations Security Council Resolutions 1373 (2001) and 2178 (2014); the United Nations Global Counter-Terrorism Strategy (2006); the Financial Action Task Force Recommendations.

The following recommendations are proposed to strengthen the legal framework for combating terrorism in Nigeria.

1. **Independent Review of Terrorism Legislation.** An independent reviewer of the terrorism legislation should be established by statute, reporting annually to the National Assembly with access to classified material, so that the extraordinary powers of the 2022 Act become audited powers rather than standing suspicions.

2. **Specialised Prosecution and Judiciary.** A permanently staffed, specialised terrorism prosecution directorate should be created within the Federal Ministry of Justice, and designated terrorism-trial judges of the Federal High Court should be trained, protected and retained, in the manner of the French specialised prosecution model.

3. **Judicial Safeguards on Detention.** The section 66 detention power should be subjected to automatic judicial review at short intervals, with mandatory production of the detainee and reasons on the record, pending authoritative constitutional testing of the provision.

4. **A Published and Audited National Strategy.** The National Counter Terrorism Strategy should be published in revised editions on a fixed cycle, with annual public reporting against its benchmarks in the manner of the United Kingdom's CONTEST.

5. **Primacy of the Financing Case.** Terrorism financing prosecutions should be made a stated institutional priority, converting Nigerian Financial Intelligence Unit disseminations into charges and preserving the disciplines that earned Nigeria's exit from the FATF grey list.

6. **Evidence, Forensics and Witness Protection.** Sustained investment should be made in battlefield evidence doctrine and forensic capacity, so that principal offenders are convicted of principal offences, and a witness and judicial protection framework for terrorism proceedings should be legislated.

7. **Professionalised Rehabilitation.** Operation Safe Corridor and the DDRR programme should be re-engineered to professional, individualised, community-anchored standards, with published recidivism data as the test of success.

8. **Regional Cooperation, Legal Aid and Open Justice.** Regional legal cooperation across the Sahel and Lake Chad Basin should be deepened, using the Mutual Assistance in Criminal Matters Act 2019 as the operational spine; legal aid and access to counsel should be guaranteed in all terrorism trials; and the trials should be opened to the maximum extent security permits, for justice done in the dark persuades no one.

11. Conclusion

Terrorism is an attack on the premise of the legal order itself: that disputes among human beings, even the deepest, are to be resolved by argument under law rather than by slaughter. It is therefore fitting that the response of a constitutional Republic should be led, in substantial part, by law, by statutes carefully drawn, prosecutions carefully conducted, powers carefully audited and defeats carefully learned from. The foregoing analysis confirms the central argument of this paper: Nigeria's architecture is no longer the problem. The Terrorism (Prevention and Prohibition) Act 2022 and its companion statutes place the country, on paper, in respectable international company, and the exit from the FATF grey list in October 2025 proves that Nigerian institutions can meet exacting external standards when the method is right. Yet the record of practice reveals a stubborn and troubling gap between the law in the books and the law in action: opaque proceedings, prolonged detention, thin forensic capacity, embryonic witness protection and provisions in unresolved tension with the Constitution.

What is required, instead of further legislation, is a holistic strategy of institutional completion: an independent reviewer, a specialised prosecution service and bench, judicially supervised detention, a published and audited strategy, prioritised financing prosecutions, professionalised rehabilitation and guaranteed access to counsel. The jurisdictions surveyed in this paper teach that the states which defeat terrorism durably are those that fight it with their constitutions intact, their prosecutions specialised, their finances policed, their powers reviewed and their communities kept close. Nigeria can be such a state. The defeat of terrorism by law is, in the final analysis, not merely a security imperative but a true measure of the nation's commitment to constitutionalism, human rights and the rule of law.

Beyond its central argument, the paper has sought to make four distinct contributions. It has supplied a taxonomy of the phenomenon that situates the Nigerian variants, jihadist insurgency, judicially proscribed banditry and separatist violence, within the general theory of terrorism rather than treating them as sui generis; it has assembled in one place the full post-2022 domestic architecture, the principal statute and its financing, proceeds, mutual-assistance and intelligence companions, together with the institutions that operate them; it has audited that architecture's record with candour, crediting the genuine achievements, from the convictions secured to the exit from the FATF grey list, while confronting the failures of transparency, speed and capacity; and it has distilled from the comparative survey not foreign texts for copying but institutional disciplines for adaptation. In doing so it has attempted to close the gap identified in the literature review, where the security-studies, doctrinal, human-rights, theoretical and financing literatures have too long proceeded on parallel tracks.

A research agenda follows from these conclusions. The most urgent need is empirical: systematic public data on the terrorism docket, charges, timelines, conviction and acquittal rates, sentences and appellate outcomes, would convert impression into evidence and allow the audit attempted in this paper to be repeated on firmer ground; the rehabilitation and reintegration programmes await rigorous independent evaluation; and the financing regime deserves a dedicated study tracing prosecutions and confiscations from suspicious-transaction report to final order. The most consequential doctrinal question now rests with the Supreme Court: the reconciliation of the extended ex parte detention permitted by section 66 of the 2022 Act with the guarantees of section 35 of the Constitution, upon which the constitutionality of the preventive limb of the framework substantially turns. The reforms proposed in Part 10 will, finally, require monitoring in their implementation, for the lesson of two decades of Nigerian counter-terrorism is that enactment is the beginning of reform and not its end. The defeat of terrorism by law is a long labour, and this paper is offered as one instalment of it.

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