SECURITY OF THE HUMAN PERSONS AND NATIONAL DEVELOPMENT: A LEGAL PERSPECTIVE

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Abstract
Apart from insecurity posed by Boko Haram and other terrorists, there are other different concepts of insecurities that exist side by side in social policy such as material, social, economic, financial, psychological, housing, and personal autonomy. Insecurity is closely related or allied to poverty, Wressinki postulated and defined - lack of basic security - "as the absence of one of more factors that enable individuals and families to assume basic responsibilities and to enjoy fundamental human rights... chronic poverty results, when the lack of basic security simultaneously affects several aspects of the people’s lives, when it is prolonged, and when it seriously compromises people’s chances of regaining their rights and resuming of their responsibilities in the foreseeable future." The root of insecurity is lack of resources, which means that each part of a person’s social life is compromised by the limitations that this places on each person’s capacity. The lack of resources is indirect poverty. Poor people are likely to be insecure, and his potentials are limited. Secondly, rights and responsibility are central to a place in society, and a place in the society is necessary for security. All over the world, even in the freest societies there exist laws, rules and regulations and a system of enforcement backed by sanctions for the protection of human persons in the overall interest of every citizen and the society at large. As it concerns, lives and properties, the nation will be impacted negatively and national development will suffer a decline as nobody will want to remain in a country where life, properties and investment will not be secure. Therefore this paper will not only examine security of human persons in Nigeria vis a vis other developed nations, the impact of insecurity of human persons on the country’s investment portfolio but will also consider the legal regime put in place by the various tiers of government in their bid to ensure security for every person living or doing business in Nigeria against the backdrop of increasing terrorist activities in the country. Therefore security of Human persons in Nigeria will be examined through the eye of terrorist activities which have left hundreds or thousands homeless and displaced, and its impact on national development.

KEY WORDS: security, human persons, national development and legalism.

Introduction
It is a sad situation in Nigeria, that upon her natural blessings from God, her human resources both men and women alike, that violent conflicts, chaos, disorderliness and retrogression abound. Nigerians are now used to unpleasant or are inured to the ugly and obscene pictures of the maimed, charred human bodies, and wanton destruction of properties as a result of some of the violence reminiscence of the Nigeria civil war fought from 1967-1970, when almost one million Nigerians were killed/dead. After independence in 1960, Nigeria has continued to experience persistent and intense violent conflicts that have threatened its foundation, which culminated into civil war. At the end of the civil war, ethnic tensions and civil conflicts became the second nature, culture or the norms of the Nigerian society. In recent times, Nigeria is experiencing a new wave of violence in the kind of kidnapping and terrorism executed in different methods, formula, means and places; such as bombing and killing persons and targeting places of worship, government properties, living homes, commercial buildings, telecommunication equipment, kidnapping as well as depriving people of their legitimate entitlements.

The activities of Boko Haram are a case in point in today’s Nigeria. Boko Haram is a religious fundamentalist in Northern Nigeria with a singular aim to Islamize Nigeria on their own terms and strict conditions away from what Islam teaches. To this extent, their terrorist activities is to use unlawful violence to put or produce fear in the public and these acts could be committed by a person or group of persons to unleash terror on the public. It is an adversary acts that influences an audience beyond the immediate victim. The reason and strategy of these terrorists is to draw attention from the populace, organization and the states either local or international. They obtain greatest publicity through this strategy; their targets are those they opposed. Boko Haram was founded in 2002 with late Mohammed Yusuf as their leader, who created an immense and an increasing radicalization that led to violent uprising in July 2009 in which its leader was summarily executed. There was a mass prison break in 2010, suicide bombings of Police Building and United Nations Office in Abuja. State emergency was declared at the beginning of 2012 and the same was extended to the next year. There was great insecurity in the entire North – East; Borno State in particular and in Nigeria in general. In April, 2014, Boko Haram abducted 276 Chibok School girls, Shekau announced that his intention was to sell them into slavery, however about 50 girls amongst them escaped their captivity, this abduction brought Boko Haram into international focus.

To properly understand and do justice to this topic it is important to know that Nigeria is a very complex society with about two hundred and fifty distinct ethnic groups, five hundred different languages and a rapidly growing population of over 160 million who were fused together into one unified entity in 1914 by their British colonial Masters. Nigeria gained her independence in 1960, became a Republic in 1963. It is pertinent to note that all these terrorist activities are carried out by both non-state actors, politicians and even government functionaries and it is this sudden scourge carried out by non state actors, politicians and even government functionaries that are referred to as Terrorism; which term constitutes greatest threat to the security of human persons. Therefore this institutional paper will endeavour to take a journey into the types, causes and risk factors of terrorism vis à vis the legal regime put in place to take care of this monstrous enemy of mankind and thereafter proffer well articulated suggestions on how to curtail its impact on National Development.

**TYPES OF TERRORISM**

On account of the advancement in technology and scientific development, more and different types of terrorism have emerged globally. The most frequent include:

a. State terrorism
b. Bioterrorism
c. Cyber terrorism
d. Narco terrorism

**State Terrorism:** cases abound in history where “states” have used force against people. The strategy often used to achieve their political goals is to employ the instrument of force to intimidate people to accept their proposals.

It is also connected to international terrorism. For example the United States considers Iran, Iraq, Libya and Afghanistan as sponsors of terrorist attacks. The local example is the attack of Fulani Herdsmen on farmers in villages across the Nation tacitly protected by federal government. The herdsmen we are told were looking for grazing land for their cattle, hence the need for all state Governments to provide the Herdsmen-grazing land in every state. The attitude of the federal government

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3 *Ibid*
6 The abduction of the Chibok girls by the Boko Haram sect.
7 The destruction and mayhem perpetrated by herdsmen in Benue, Enugu, and Delta States of Nigeria that warranted the Governor of Benue state asking herdsmen to leave his State.
to the whole issue seems to be “No grazing lands then the herdsmen are at liberty to murder, maim and slaughter and destroy farmers”

**Bioterrorism:**
This occurs when special biological agents are used to terrorize and harm the population. According to the United States center for Disease control, the viruses, bacteria and toxins that can be used in an attack are classified in groups. The “A” group which is the most dangerous and it contains:
- Botulism
- The Plague
- Small pox
- Tularemia
- Hemorrhagic viral fever

**Cyber Terrorism:** This is a new and emerging type of terrorism that is fast gaining grounds World Wide. Cyber terrorism harm people by means of modern technologies. Through the use of internet a man’s life savings could disappear from his Bank Account without much ado. They also and most often aim at disrupting network services. These categories of persons are popularly known as hackers.

**Eco terrorism:** This is connected to violence which is aimed at disturbing the environment. Such terrorists usually sabotage industrial properties and other relevant environmental factors thereby disrupting the Eco system, harming nature and Animals.

**Narco Terrorism:** This is connected to the activities of Drug barons to protect their drugs trade

**HISTORY OF TERRORISM IN NIGERIA**
Terrorism is defined as the systematic use of terror especially as a means of coercion and terror itself is defined as an alarm, dread, panic, fearfulness. The term terrorism was unknown in Nigeria in the early years of Nigeria’s independence in 1960 although all the features of it was fully present throughout the period of colonialism in Nigeria but not at the proportion at which it could be referred to as terrorism.

It became rampant after the return of civil rule in 1999 and further culminated in today’s epidemic proportion through the activities of ethnic militia groups that unleashed terror and attacks against security forces and other citizens and individuals residing in the country. The activities of these ethnic groups vary from Sabotage of oil production through pipeline vandalization, kidnapping of foreign oil workers, detonation of bombs to disrupt government functions such as the independence day bombing of Abuja, the bombing of the United Nations head quarters and police head quarters in Abuja, the bombing of markets and many places of worship, and kidnapping of Chibok girls and people in the Niger Delta, down to the menace of herdsmen nationwide.

Indeed the greatest act of terrorism in Nigeria is perpetrated by the Herdsmen and “ Boko haram because every community they have ventured into left with the tale of tears, blood and sorrow” to tell. Their activities are aimed to ensure that the security of the human persons as enshrined in the constitution is emasculated and done away with. While the activities of Oodua people’s congress, MEND, Niger Delta people’s volunteer force, Nigeria Delta Militants are focused on getting the government attention in not giving their people a fair share in the distribution of the Nation’s wealth and offices, the same cannot be said exactly of the focus or objectives of Boko Haram and the Fulani herdsmen. Boko Haram made its presence known in

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8 For instance the activities of the game pia rchers, for companies or animal research laboratories.  
9 For instance Escobar of Columbia went to great length terrorizing Government Agents and other drug barons to protect his drug trade and to evade arrest.  
10 Encyclopaedia Britannica  

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2004\textsuperscript{12} in Yobe State and 2011, it presence was felt by the global community by the Bombing of the United Nations Head Quarters in Abuja and the Police Head Quarters Abuja.

**Effect of Insecurity on Development**

Terrorism scares away every one, because no one knows when or where it will take place and nobody knows who would be the next victim or dead as result of terror attack. National development – it is beyond doubt that terrorism affects negatively on economic development and disorganizes nation’s stability. It greatly affects the psychology of the citizenry, including the hope of life, which the bombings on their life and property occasioned. The area affected by this terror attack becomes unsecured and unattractive for any positive investment by both the foreign and local investors and businessmen and women.

Terrorism is a violent act committed by people who want to get attention for their cause, creating fear upon attacks on person’s life, kidnapping and destroying private and government properties/facilities in a willful and dangerous manner to endanger human life, which results in economic loss. Terrorism is a great threat to our values such as democracy, rule of law, freedom and free society. It represent a threat to the society, as terrorists wage war on our values and extends their campaign to political, physical and orchestrated economic damage on our nation which would force the people and the government to surrender to their ideologies or be cowed down to submitting to their demands.\textsuperscript{13}

Terrorism has paralyzed all sectors of the Nigerian economic activities. It has impeded peace and progressive development in Nigeria. It affects rapid economic and agricultural growth as it creates fear on the minds of the people. It leads to food crises, reduces foreign investment, hence it affects revenue of the Nation, supply of goods and services, tourism industry, cripples and retards National development. The act of terrorism and constant killing had driven the farmers out of their farms as they cannot bend to farm or work, under the sound of gun shot behind them. Women at the farm are being kidnapped and raped by these terrorists in front of their husbands, who might be killed. These terrorists utterly destroyed crops, maize, and Irish tomatoes.\textsuperscript{14}

Nigeria had passed many laws on kidnapping and terrorism. In Edo State, Governor Adams Oshimohole signed into law a bill prescribing death penalty for convicted kidnappers in the state on 20/10/2013, thereby making kidnapping a capital offence.\textsuperscript{15}

Another Federal law on Terrorism was passed in 2013 named Terrorism (Prevention)(Amendment Act 2013, cited as “Terrorism (Prevention) Act No. 10, 2011”, this Law makes provision for extra-territorial application of the Act and strengthens terrorist financing offences and for related matters.

Section 1A (3) provides for the enforcement and security agencies (in this Act referred to as the law enforcement agencies shall be responsible for the gathering of intelligence and investigation of the offences provided under this Act.

Further to subsection 3, the law enforcement agencies shall have powers to-

\begin{enumerate}
  \item[(a)] enforce all laws and regulation on Counter – Terrorism in Nigeria;
  \item[(b)] Adopt measures to prevent and combat acts of terrorism in Nigeria;
  \item[(c)] facilitate the detention and investigation of acts of terrorism in Nigeria;
  \item[(d)] establish, maintain and secure communication, both domestic and international, to facilitate the rapid exchange of information concerning acts that constitute terrorism;
  \item[(e)] conduct research with the aim of improving preventive measures to efficiently and effectively combat terrorism in Nigeria;
\end{enumerate}

\textsuperscript{12} Ibid
\textsuperscript{13} Friedman M, Economic War, the impart of the war on terrorism, http://www.hoover.org. accessed on 27/3/2017
\textsuperscript{14} Terrorism, food crises looms, http://www.punchng.com. accessed on 27/03/2017
(f) partner with civil society organizations and the Nigerian public to provide necessary education, support, information awareness and sensitization towards the prevention and elimination of the acts of terrorism;

Subject to the provision of this Act, the law enforcement agencies shall have powers to -

(a) Investigate whether any person or entity has directly or indirectly committed an act of terrorism, or is about to commit an act of terrorism or has been involved in an act of terrorism under this Act or under any law;

(b) Execute search warrants as granted by the courts authorizing its officers or any other law enforcement officer to enter into any premises, property or conveyance for the purpose of conducting searches in furtherance of its functions under this Act or under any other law;

(c) Investigate, arrest, and provide evidence for the prosecution of offenders under this Act or any other law on terrorism in Nigeria;

(d) Seize, freeze or maintain custody over terrorist property or fund for the purpose of investigating, prosecution, or recovery of any property or fund which the law enforcement and security agencies reasonably believed to have been involved in or used in the preparation of terrorist activities in Nigeria outside Nigeria;

(e) seal up premises upon reasonable suspicion of such premises being involved with or being used in connection with acts of terrorism;

(f) Adopt measures to identify, trace, freeze, seize terrorist properties as required by the law and seek for the confiscation of proceeds derived from terrorist activities whether situated within or outside Nigeria;

(g) Under the authority of the Attorney – General of the Federation enter into cooperation agreements or arrangement with any national or international body, either intelligence, enforcement or security agencies or organization which, in its opinion, will facilitate the discharge of its functions under this Act;

(h) Request or demand for, and obtain from any person, agency or organization, information, including any report or data that may be relevant to its functions; and

(i) Appoint experts or professionals, where necessary, to execute the powers required in furtherance of its functions under this Act.\(^{16}\)

This Act being a Federal Act enabled our Security Officers to act, defeat terrorism and defend our citizens and their properties from terrorist’s attacks. This law provides death punishment for any offender. Despite this enabling authority, Boko Haram still poses the greatest danger and causes a lot of havoc to the security and the Nation in general. 

The legislators of Delta State of Nigeria passed a bill named Anti-Terrorism Act and was signed into law by the Governor Emmanuel Uduagha on Wednesday the 7th day of 2012. This law empowers the Governor to seal up premises of suspected to be harbouring kidnappers and imposed stiff punishment of 14 years imprisonment for any person to handle any explosive and any dangerous devices with intent to commit to commit a crime upon conviction\(^{17}\).

Lack of Basic Security- 
Apart from insecurity posed by Boko Haram and other terrorists, there are other different concepts of insecurities that exist side by side in social policy such as material, social, economic, financial, psychological, housing, and personal autonomy. Insecurity is closely related or allied to poverty, Wresinki postulated and defined - lack of basic security “that the absence of one or more factors that enable individuals and families to assume basic responsibilities and to enjoy fundamental human rights… chronic poverty results, when the lack of basic security simultaneously affects several aspects of the people’s lives, when it is prolonged, and when it seriously

\(^{16}\) Terrorism (Prevention) Act No. 10, sec 1A (3)(4)(5)

compromises people’s chances of regaining their rights and resuming of their responsibilities in the foreseeable future.\(^{18}\)

The root of insecurity is lack of resources, which means that each part of a person’s social life is compromised by the limitations that this places on each person’s capacity. The lack of resources is indirect poverty. Poor people are likely to be insecure, and his potentials are limited. Secondly, rights and responsibility are central to a place in society, and a place in the society is necessary for security. This work tried to study the United State of America and its challenges of war on terror especially since 9/11/2001 that is 11\(^{th}\) September, 2001 terror attack on the super power.

The National Security Policy of the United States of America

The United States of America remains the single superpower in the world today and maintains a strategic presence around the globe. Since the al-Qaeda terrorist air attack of September 11 2001 in which hundreds of American citizens and foreigners lost their lives in the United States air space, America’s security policy has centered on three key issues:

1. Fighting the war against terrorism
2. Preventing America’s enemies from amassing weapons of mass destruction.
3. Transforming America’s national security institutions to meet the challenges of the 21\(^{st}\) century\(^{19}\).

1. Fighting the War against Terrorism

1.1 A security policy document reports that thousands of trained terrorists remain at large with cells in North America, South America, Europe, Africa, the Middle East and across Asia. The priority of the United States will be first to disrupt and destroy terrorist organization of global reach and attack their leadership, command control and communications, material support, and finances. This will have a disabiling effect upon the terrorist’s ability to plan and operate.

1.2 Terrorists Financing

Working closely with its allies the United States will disrupt the financing of terrorism, identify and block the sources of funding for terrorism, freeze the assets of terrorists and those who support them, deny terrorists access to the international financial system, protect legitimate charities from being abused and prevent the movement of terrorists’ assets through alternative financial networks.

1.3 Disruption of Terrorist Organizations

The US will disrupt and destroy terrorist organizations of global reach and any terrorist or state sponsor of terrorism which attempts to gain or use weapons of mass destruction (WMD). The US will defend itself, the American people and its interests by identifying and destroying a terrorist threat before it reaches the borders of America.

1.4 Waging a War of ideas

The United States will wage a war of ideas to win the war against international terrorism by making it clear to its friends and allies that acts of terrorism are illegitimate and should be viewed in the same light as piracy, slavery or genocide. The United States will support any moderate government especially in the Muslim world to ensure that the conditions and ideologies that promote terrorism do not fertile ground in any nation.

2. Preventing America’s adversaries from threatening America with weapons of Mass Destruction (WND)

Today’s security environment is more complex and dangerous in that when the opportunity presents itself terrorists are prepared to use weapons of mass destruction to attack America and her allies.

Americas Security Strategy to Combat the Proliferation of Weapons of Mass Destruction attack includes:

i. Proactive counter-proliferation efforts: The strategy is to deter and defend against the threat before it is unleashed. America must ensure that the key capabilities, detection, active and


\(^{19}\) The National Security of the United State of America, Policy Document at pp 1-3.

\(^{20}\) The National Security strategy of the United State of America, White House Publication of September, 2002, at pp 29-31
passive defenses and counterforce capabilities are integrated into the security systems. Counter proliferation must also be integrated into the doctrine, training, and equipping of US military forces to ensure that the US can withstand any conflict any weapons of mass destruction armed adversaries.

ii. Strengthened non-proliferation efforts to prevent hostile states and terrorists from acquiring the materials, technologies and expertise necessary for weapons of mass destruction.

iii. Effective management to respond to the effects of weapons of mass destruction (WMD) use, whether by terrorists or by hostile states.

iv. The United States must be prepared to respond to the effects of WMD use against American forces abroad and to assist allies if they are attacked.

v. International law has long recognized the need for nations not to suffer an attack before they can lawfully take action to defend themselves against forces that present an immediate danger of attack. The USA has long maintained the option of preemptive actions to counter a serious threat to her national security.

The US will take necessary action to ensure that America’s efforts to meet her global security commitments and protect Americans are not impaired by investigations, inquiring or prosecution by the International Criminal Court (ICC) whose jurisdiction does not extend to Americans and which America does not accept. The United States will protect its nationals from the International Criminal Court and implement the American Service Members Protection Act whose provisions are intended to ensure and enhance the protection of US officials and personnel.

**Conclusion**

Terrorist’s activities and terrorism growth are now part of Nigerian system and her existence. The ways to stop these nefarious and heinous crimes against humanity by our force operatives seems to elude the grip of our security agencies. It found its root on the complex nature of Nigeria as a Nation. These acts of terrorism are carried out by private, public officers; government functionaries who aid and abet them. This kind of violence has given chance to the growth of poverty and insecurity in Nigeria as it is presently threatening the entire fabric of the Nigerian society.

**Recommendation**

We recommend that all the enacted laws from both the Federal and State against terrorism and kidnapping be carried out to the letter and be executed by the Law Enforcement Agencies. That the miscreants amongst the force operatives; the Police, Army, Immigration Officers, Civil Defense Corps etc, who had continually sabotaged the efforts of our security personnel be flushed out and dismissed from their work, in order to achieve the defeat of these fundamentalists. The government must endeavour to secure the rights of the citizens of Nigeria, especially right to life and other fundamental rights, reduce poverty and illiteracy, in order to achieve the basic security that is needed in this country. Try to stop these terrorists from obtaining Instruments of Mass Destruction and the proliferation of such, finally their ability to raise fund and all their supporters must be nipped from the board.
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