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Strategic Exclusion: The State and the Framing of a Service-Delivery Role for Civil Society Organisations in the Context of Counter-Terrorism in Nigeria

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Abstract

This article examines the socio-political factors that influenced the framing of counter-terrorism measures (CTMs) in Nigeria. It argues that the government strategically excluded CSOs from participating in the process of CTMs formulation. Thus, this situation renders CSOs without agency in the making of CTMs and their legal capacity to advocate for the marginalised and vulnerable groups in the context of counter-terrorism in Nigeria. Additionally, the employed strategic exclusion of CSOs aided in the construction of a service delivery role which restrained political advocacy. Furthermore, the study argues that the despite government counter-terrorism approach, CSOs did not seek public support on the need to contest CTMs in Nigeria and have complied with these laws and policies. The empirical analysis is based on mixed method research of CSOs and government agents. This research seeks to contribute to the debate regarding the effects of CTMs on CSOs by tracing the establishment of service-delivery roles for CSOs to its strategic exclusion in the formulation of CTMs.

Keywords: Counter-Terrorism, Civil society Organisations, Service Delivery Roles, Strategic Exclusion, Securitisation

Introduction

The rationale behind the construction of service delivery role for Civil Society Organisations[1] (CSOs) in the process of framing counter-terrorism laws is one area that seems to elude scholarship on the intersection of Counter-Terrorism Measures (CTMs) and CSOs. This study examines the socio-political factors that influenced the framing of Nigeria's Terrorism Prevention Act of 2011 (as amended), the 2011 Money laundering Prohibition Act (as amended) and the 2014 Countering Violent Extremism (CVE) programme. Specifically, it analyses how and why the Nigerian government strategically excluded CSOs in the framing of the counter-terrorism laws

and policies in the country. Also, the article also examines CSOs reactions to the counter-terrorism strategy of the government.

There have been advances in the literature about the effects of CTMs on the operational capacities of CSOs in different political contexts. Specifically, as part of post-9/11 global counter-terrorism policy, CSOs were securitised[2] due to their perceived vulnerabilities as tools for terrorist financing. Thus, states deploy a two-fold strategy, where some CSOs considered as "good CSOs" were co-opted as service providers in states' counter-terrorism programmes and then others termed as "bad CSOs" were primarily regulated or repressed.[3] Scholars also narrowed their lens to the diverse reactions of CSOs concerning supporting or rejecting states' CTMs.[4] Moreover, scholarship on the securitisation of CSOs is often traced to global CTMs led by Financial Action Task Force (FATF) of the United Nations and other world bodies. However, Howell and Lind had argued that how the global counter-policies unfolded in diverse polities is premised on the nature of the political system, the character of extant CSOs and their relationship with the state.[5] Hence, it is important to understand the socio-political dynamics that influenced the framing of state-level counter-terrorism laws and policies, concerning how it affected CSOs. Specifically, how and why states construct a service–delivery role for CSOs in the context of counter-terrorism. How have extant state-civil society relations influenced the framing of CTMs that re-construct the roles of CSOs in various states. This study investigates the Nigerian state's formulation and implementation of CTMs, to understand how it has influenced the redefinition of CSOs and its role in the state.

This study is based on field, and desk-research carried out between 2015 and 2018. The study relied on a descriptive research design that involves a mixed method approach. The population for this study comprised 445 CSOs' programme officers of non-governmental organisations and community- based organisations, such as faith-based, human rights, women, youth and children and development-oriented organisations, involved in capacity building and technical assistance in counter-terrorism operations in Nigeria. The population also consisted of Nigerian government officials including security personnel involved in the formulation of counter-terrorism laws and policies. Moreover, 211 CSOs programme officers, out of the 445 were selected using the proportionate sampling technique. However, 205

copies of the questionnaire were returned and used. The purposive sampling was used to select government officials and leaders of civil society for interviews. These include seven government officials and 14 operators of the CSOs as mentioned above. While the descriptive statistics of frequency counts and percentages in the statistical package of the social sciences (SPSS) were used to analyse quantitative data, secondary sources and interviews were content analysed.

From the findings of this study, it is argued that the construction of a service delivery role for CSOs in Nigeria is tied to state's strategic exclusion of CSOs in the framing of CTMs in the country. The state's perception that it is antithetical to engage CSOs in the process of establishing extraordinary security measures such as counter-terrorism laws and policies explains CSOs' exclusion. The government believed that these security laws and policies are by their nature repressive and that it should be rightly so if it wants to achieve success in its counter-terrorism goals. In other words, in framing laws aimed at tackling the upsurge of terrorism by Boko Haram, the Nigerian government believed that engaging CSOs would be retrogressive due to its advocacy qualities. Specifically, these organisations would seek to safeguard the rights and civil liberties of the people caught in the crossfire of counter-terrorism operations including terrorism suspects, which the state considers impede the success of CTMs.

Consequently, the above factors aided in the strategic exclusion of CSOs in the framing of CTMs in Nigeria. Thus, this situation renders CSOs without agency in the making of CTMs and their legal capacity to advocate for the marginalised and vulnerable groups in the context of counter-terrorism in Nigeria. Additionally, CSOs strategic exclusion by the government aided in the construction of a service delivery role in the context of counter-terrorism. Also, the strategic exclusion influenced the government's downplaying of political advocacy, which it considers hostile to the efficient implementation of CTMs. Furthermore, the study argues that despite government counter-terrorism approach, CSOs did not sensitise the public on the need to contest CTMs in Nigeria and have complied with these laws and policies.

This study advances fresh perspectives on the diverse manifestation of post 9/11 global CTMs, specifically its impact on CSOs. It provides an empirical understanding of the logic behind states' construction of mainly service delivery roles

for CSOs in the formulation and implementation of CTMs. It further advances the debates on the "dual-prong approach of co-option and repression" of CSOs in the context of CTMs as theorised by Jude Howell and Jeremy Lind, Alan Fowlers and Kasturi Sen[6] or what François Daucé termed the "duality of coercion".[7] The study contends that the success of this approach in Nigeria was premised on the strategic exclusion of CSOs in the framing of CTMs.

Two-Prong Strategy of Co-option and Control: Counter-Terrorism Measures and Civil Society Organisations.

The literature on the intersection between CTMs and CSOs has mostly two principal arguments: the co-option and regulation of CSOs in the context of counter-terrorism and the responses of civil society organisations to CTMs.

After the 9/11 terrorist attacks, concerns were raised on the complicity of CSOs to terrorist financing. The issues of probity and transparency in its operations and their vulnerability to terrorist abuse were highlighted. Consequently, the Financial Action Task Force (FATF), an agency of the UN established 40 recommendations to check terrorist financing; among these is Recommendation 8[8] that checks the operations of CSOs explicitly. Hayes (2017:18) stated that "the hypothesis promoted by the FATF is that terrorists hide behind CSOs or use them to funnel money and that this requires states to enact a range of countermeasures".[9] Bloodgood and Tremblay-Boire (2011: 46-147) further assert that the rationale behind the narrative over the complicity of CSOs is traced to how the nature and the activities of international CSOs and terrorist organisations are overlapping. According to them, "INGOs and terrorist groups both fundraise and recruit members across countries and most often move people and money within their networks across national borders…both build communication and transportation networks, which are at times used to circumvent state control".[10]

Consequently, Meissler (2017:1) asserts that, in response to the FATF directives, many countries have established relevant legislation or amending existing laws aimed at complying with the Recommendation 8 of FATF. These legal frameworks affected the operations of CSOs in different parts of the world.[11] Specifically, Meissler stated that these legislations have made "civic engagement

almost impossible. CSOs may have their registrations withdrawn, or bank accounts frozen. Bans on foreign financing are becoming increasingly common. Some countries have introduced complicated as well as time and resource consuming administrative processes. These legal frameworks thwart the work of CSOs all over the world and limit their independence".[12] Emmerson reiterated the above argument by asserting that the directives by FATF on both state and private institutions to implement its due diligent requirements on its transactions with CSOs led to rising administrative burden such as increased in the cost of humanitarian actions. It also affected the effectiveness and timeliness of aid projects globally.[13] Fowler and Sen had argued that while CSOs have diverse experiences regarding the influence of CTMs in the US, they have been evenly affected by the ambiguities and challenges that these laws have created in the country.[14] Hence, the counter-terrorism legal frameworks introduced by FATF and domesticated by states, have a negative impact on the operations of CSOs globally.

Furthermore, scholars also argued that having recognised the importance of CSOs to soft CTMs, various states strategically co-opted some CSOs they consider cooperative to carry out various service delivery programmes in the context of counter-terrorism; and mostly repressed others that are termed unfriendly, uncooperative and antagonistic.[15] Explicitly, Howell stated that CSOs were constructed as "both handmaidens of security and development, and as an associated security issue meriting surveillance and containment".[16] Reiterating this further, Howell and Lind stated that states, in collaboration with donor agencies, established a two-fold strategy of "co-option and control" of CSOs in the context of counter-terrorism. In other words, CSOs that were constructed by the state as decent are engaged, while they stifle those believed to be decadent.[17] Fowler and Sen further argued that this two-fold strategy influenced CSOs' access to aid. According to them, CSOs were categorised into "donor darlings" and "donor orphans". As the name suggests, donor darlings are endorsed and engaged by the state and donor agencies. Moreover, they are given unhindered access to donor funds while the state marginalised donor orphans and denied them access to donor funds. The state also represses donor orphans.[18] The two-fold strategy of co-option and control has reverberated in some states. For instance in Russia, as part of the implementation of

the Foreign Agent Act, Foreign-funded CSOs were repressed and delegitimised by the state while they consider pro-government CSOs "socially useful".[19] Similarly, in Australia, Ethiopia, Egypt, Turkey and Hungary, there is a bifurcated nature of government relations with CSOs in the context of CTMs. The government of these countries strategically engaged CSOs they believed are cooperative to its counter-terrorism programmes and contained CSOs that engaged in political advocacy.[20]

Furthermore, while many CSOs have been affected by CTMs, scholars further argued that Muslim and human rights organisations were constructed as "bad" CSOs, targeted and largely repressed by states. According to Howell "Securitising speech acts constructing NGOs as associated security threats cannot alone explain their potentially persuasive power, nor why despite the use of generic terms such as NGOs and charities, it is predominantly Islamic charities that have borne the brunt of negative security measures".[21] In the US, UK, Kenya, India, Muslim groups and charities decried that they have been treated as suspect communities and primarily repressed by state-level counter-terrorism measures.[22] The two-fold strategy of co-option and control can be constructed as a complete subjugation of the civic space and associational life by the state. Similarly, the engagement of CSOs as principally service providers is governments' scheme aimed at re-defining or re-constructing the meaning of CSOs and their role in the state.

Scholars have equally concerned themselves with how CSOs made sense of and responded to state-level CTMs. Howell classified the responses of CSOs to CTMs from "quiescence and active compliance, vocal opposition, non-compliance and litigation, to internal adaptation and creative resistance." She further argued that the responses of CSOs are partly tied to the level of effects of CTMs on the operations of CSOs and government's engagement with CSOs. Hence, this influenced the divided responses of CSOs to State CTMs.[23] Explicitly, Sidel and Howell assert that conventional CSOs in the UK, US, Kenya were initially tongue-tied because they did not experience the effects of CTMs. However, they soon voiced out when these policies began to affect their operations.

Furthermore, Muslim organisations and human rights groups that were mainly affected by CTMs from the very beginning vocally opposed or resisted CTMs.[24] Some CSOs devised new means of resisting state-CTMs such as monitoring the

political, legal and cultural consequences of the enforcement of CTMs. They resisted narratives and images that portray Muslim CSOs in bad light thereby legitimising their securitisation.[25] Nevertheless, there is yet a collective resistance of CSOs to repressive CTMs in diverse political contexts.[26] Governments' dual-prong strategy of co-option and control has effectively pitched CSOs against each other. In the case of Kenya and Nigeria, the majorities of the CSOs have become pro-government and have primarily supported repressive CTMs. In some cases, they criticised the reports of human rights groups on states violations of human rights and civil liberties in the enforcement of CTMs.[27]

The preceding discourse illuminates the interface of state and CSOs relations in the contexts of violence and conflict. Its discussion goes beyond simple narratives of the repressive approach engaged in by the state during violent conflicts; as a substitute, it mirrors the distinction and occasionally the twofold relationship between state and civil society in these conditions. Various scholarly works have claimed that global counter-terrorism efforts by the FATF have been responsible for labelling CSOs as good and dangerous in the context of counter-terrorism. Nevertheless, how the post-9/11global counter-polices unfurled in many political settings depend mainly on the nature of the different political systems, the existing CSOs character and the existing relations with the state.[28] So, there is a need to have a good grasp of the internal socio-political factors responsible for the construction and execution of counter-terrorism laws and policies at the state level.

The question of how and why service delivery role was constructed for CSOs by states has received limited attention in the literature. The proposed argument is that the Nigerian government strategically excluded CSOs in the formulation of state-level CTMs. The reason is that engaging CSOs in the framing of CTMs is considered inimical to the effective enforcement of extraordinary security measures related to counter-terrorism laws and policies. This conclusion is reached based on the Nigerian government's view that the repressive nature of security laws and policies will aid in combating counter-terrorism effectively. So, engaging CSOs in the process of constructing counter-terrorism laws in Nigeria, possibly, will lead to retrogression of its counter-terrorism efforts. The government believed that CSOs in Nigeria will always advocate for the civil rights of people trapped in the web of counter-terrorism

actions. Thus, accentuating human rights while creating and executing counter-terrorism laws will bring about problems. Hence, the state strategically excluded CSOs from participating in the process of framing CTMs in Nigeria. However, excluding CSOs rendered them without agency in the framing of CTMs; hence the government constructed a service delivery role for CSOs and then deconstructed the political advocacy in the context of counter-terrorism. This proposed argument was advance using mixed methods research on the interface between counter-terrorism and CSOs in the Nigeria political context.

Nigeria offers a fascinating case study going by the trajectory of political contestations that characterise state-civil society relations on the one hand and the emergence of repressive CTMs in response to the activities of Boko Haram terrorist group in the other hand. Explicitly, scholars argue that the military rules of Sani Abacha, Ibrahim Babangida and Muhamadu Buhari, awakened the spirit of resilient activism amongst CSOs in the country. The military maladministration influenced advocacy actions that were both civic and violent, and ultimately led to the ouster of military rule in Nigeria thereby ushering civilian administration in 1999.[29] However, scholars are now beginning to question the activism of CSOs due to their incremental speechlessness in various national issues[30] even in the context of counter-terrorism.[31]

Therefore, it would be interesting to know how and why the state excluded CSOs in the framing and execution of CTMs in Nigeria. It will also be noteworthy to examine why the construction of a service-delivery role was carved out for CSOs in the context of CTMs in the country. First, it is important to briefly explain the emergence of the Nigerian government counter-terrorism laws and policies.

The Counter-Terrorism Measures of the Nigerian Government's

Since 2003, the *Jama'atul Alhul Sunnah Lidda'watiwal Jihad*, also known as Boko Haram has been carrying out terrorist attacks against the Nigerian state. In response, the Nigerian government established a series of counter-measures to weaken the group's capacity to wreak havoc in the state. These include both hard and soft counter-terrorism measures aimed at curbing the activities of Boko Haram both in the long and short term. However, these measures were enforced in a legal vacuum, hence posing challenges in effective enforcement of these measures. Consequently,

between 2005 and 2008 counter-terrorism bills were presented to the Nigerian legislatures.

Nevertheless, the bill generated controversy among the legislatures. Some members of the legislature fear that the counter-terrorism bills if passed, could be exploited by political leaders against oppositions groups (Sampson and Onuoha 2011). However, the government passed the bills into law following the Boko Haram attacks, and the 2009 attempted suicide attacks of a US-bound aeroplane by the Nigerian terrorist-Abdul Farouk Muttalab. Also, the government passed the laws following intense pressures by the US and the FATF (Njoku 2017). These laws include the Terrorism (Prevention) Act, 2011 (amended in 2013), the Money Laundering Prohibition Act of 2011 (amended in 2012).

Furthermore, in 2014 the government established its soft counter-terrorism approaches such as the Countering Violent Extremism (CVE) programme and the National Counter-terrorism Strategy (NACTEST). In order to effectively enforce these counter-terrorism financing measures, the government established the Nigerian Financial Intelligence Unit, which is domiciled within the Economic and Financial Crimes Commission. Moreover, the Joint Military Task Force on Boko Haram (JTF) was also established to counter the activities of Boko Haram in North-eastern Nigeria. In 2012, the government in partnership with governments of Niger, Chad, The Republic of Benin expanded the powers of Multinational Joint Task Force to cover counter-terrorism within the region.

These responses of the Nigerian government are no doubt laudable and showed sincerity in tackling Boko Haram terrorist acts. However, there have been claims by scholars and observers that the Nigerian counter-terrorism laws and policies are alienating human rights and civil liberties, and that these practices may feed and sustain terrorism in North-eastern Nigeria. Specifically, there were claims of incarceration of terrorist suspects in secret detention facilities, lack of medical treatment or legal representatives, torture and summary executions of these suspects (Njoku 2017, Amnesty International 2014, Human Rights Watch 2014, United States Department of States 2013). Furthermore, while there has been an emphasis on the effects of CTMs on human rights, there is a growing concern on how CTMs is affecting CSOs in Nigeria. According to Njoku (2017), the enforcement of CTMs is

impinging on the operational capacity of CSOs. Explicitly, the government restricted CSOs from having access to information, victims of terrorist attacks and counter-terrorism operations. The programmes of CSOs are amended or shut down by the government under the guise of national security. The government engaged some CSOs as service providers to serve their interest in its counter-terrorism measures. Therefore, Njoku asserts that CTMs have intersected with and shaped the spaces and actors of CSOs; this situation has negative implications on the socio-political development in the country (Njoku 2017). However, the above raises some fundamental questions. How and why did the Nigerian government establish a service-delivery role for CSOs in the context of counter-terrorism? How did CSOs make sense of and responded to the strategy of the Nigerian government? While these questions will be addressed in subsequent sections, first an understanding of the methods that informed this study is necessary.

Methods

The study utilised a mixed-method approach. Data was collected through a survey of programme officers and executive directors of CSOs such as human rights, women, youths and children, and faith-based CSOs that are engaged in softer measures of terrorism prevention in Nigeria between 2009 and 2015. Besides 11 government officials were also surveyed for this study. Secondary sources include reports from international governmental organisations, government's documents and grey literature. The primary data was generated through fieldwork carried out from December 2014 to November 2015. Data was collected from secondary sources from 2014 to 2018.

The study population comprised 445 CSOs programme officer, 15 executives of CSOs and 11 government officials selected in Abuja, Adamawa, Borno, Gombe, Plateau, Lagos, Ogun, and Oyo States. These areas were chosen on based on the fact that the headquarters of the CSOs mentioned above have their offices and areas of operations in these locations and Abuja which is the headquarters of top governmental functionaries involved in counter-terrorism policy formulation.

Furthermore, from the population of 445 CSOs programme officers such as women, youth/ children, human rights and faith-based CSOs focused on

humanitarianism, peacebuilding, human rights advocacy and development, a stratified random sampling of 211 programme officers was selected as a representative population. Also, the proportionate sampling technique was utilised to determine the precise number of CSOs programme officers in order to administer the copies of the questionnaire, which was commensurate with their population. However, out of the 211 distributed copies of the questionnaire, 205 were retrieved. Besides, 14 executive directors of the CSOs mentioned above, and seven government officials including security agents were purposively selected. Moreover, the programme officers and executive directors of selected CSOs provided valuable data about their level of engagement with government in the context of counter-terrorism, while government officials provided vital information on the framing of counter-terrorism measures.

The in-depth interview and questionnaire formed the survey instruments. These instruments contained questions on relevant issues regarding the implication of counter-terrorism policies on civil society organisations in leading literature,[32] proven methodological tools.[33] First, respondents were asked to rank their involvement in the framing of CTMs in Nigeria on a nominal scale of Yes =1; No =2: Were you involved or consulted in the formulation of CTMs? Moreover, respondents were asked the manner of government engagement within the context of CTMs on a scale of none, direct, indirect; Your organisation has given expert advice to the government on their counter-terrorism legislation, policies and practices. Importantly, respondents were asked to rank their responses on government's perception that they should play primarily the role of service providers within the context of CTMs in a nominal scale of True=1, False=2.

Second, the respondents were asked to rank their responses on the clarity of CTMs. Their level of awareness of the CTMs of the Nigerian government: Countering Violent Extremism Programmes, Terrorism Prevention Act 2011 (Amended), Money Laundering Prohibition Act 2011 (Amended) and Military campaigns. Furthermore, respondents were asked to rank their responses on government's efforts to create awareness or understanding of CTMs in a nominal scale of Yes =1; No =2: Were there orientations/supports given to aid the understanding of CTMs? Are the guidelines given on the implementation of CTMs

clear and consistent? Were there measures put in place to guarantee that those carrying out CTMs abide by the guidelines?

Moreover, the respondents were asked to rank their responses on their views of CTMs in a nominal scale Yes = 1; No = 2: Do you feel the CTMs are a reasonable response to the level of threat? Do you feel that any of the implementations of CTMs has been discriminatory? Also, respondents were asked to rank their responses when asked how they have complied with government CTMs. These include the following questions: Your organisation does not comply with CTMs; Your organisation complies minimally with the CTMs; Your organisation carried out campaigns to sensitise the people on the need to reject CTMs.

Findings

Table 1 shows the most frequent responses from respondents when asked if the government consulted their organisations in the process of formulating counter-terrorism laws and policies. The results show that 81% indicated that the government did not consult them. Furthermore, the majority of the executives of CSOs interviewed stated that their knowledge of drivers of violent extremism and terrorism in local communities puts them at the right position of providing the government with the vital information that would aid the curbing of the proliferation of terrorism in Nigeria. Specifically, executives of these organisations stated that they had close connections with local communities in these areas and that their interactions with these communities predisposed them to the knowledge of issues that fueled violent extremism and terrorism. According to the interviewed CSOs, these issues include right violations in government operations, lack of protection of the rights of victims of terrorism and counter-terrorism operations and failure of the government in addressing grievances of local communities towards them. Also, other issues identified include socio-economic inequality due to government neglect of critical infrastructures needed for self-sufficiency in food production and entrepreneurial skills for personal and collective developments.[34] However, when asked if they had given expert assistance to the government in its CTMs about 87.8% of respondents reported that they had not. In the same vein, an executive of human right CSO stated that the rationale behind government's aversion to the involvement of CSOs in the

framing of CTMs is due to the belief that CSOs would seek CTMs that respect the rights of individuals and groups. However, the government believes that emphasising human rights will be counter-productive to the success of CTMs. Explicitly, he states that "One thing that is very clear is that the legislation did not benefit from the input of civil society… It was made from the viewpoint that we have to discard human rights if we must achieve success in fighting terrorism. But, I don't think that is true, and it (CTMs) has no human rights content and so didn't benefit from civil society input".[35]

Furthermore, interviewed executives of CSOs stated that they were not consulted in the process of framing CTMs.[36] Explicitly, a programme manager of a human rights CSOs stated that government does not consult CSOs in the process of formulating CTMs but what government does is to invite CSOs to showcase their successes in the enforcement of CTMs. Moreover, she stated that "But I think it would be more realistic that before such policies are formulated, stakeholders just like ourselves are called to a roundtable. So I don't think that their (government) engagement of civil society organisations is adequate before the formulation of such policies."[37] In the same vein, CSOs were asked the roles the government wants them to play in the context of CTMs. The results show that 89.3% reported that the government believed that they should primarily play the role of social service provision in the context of counter-terrorism. The above results were further validated by the interviewed CSO executive who claimed that the only counter-terrorism policy in which the government engaged CSOs is the CVE programme; it essentially outlines various social services some selected CSOs are required to engage in, as part of state's soft counter-terrorism programmes.[38] Hence, CSOs were not considered worthy partners in the framing of CTMs irrespective of their knowledge of the drivers of violent extremism and terrorism. Thus, the study argues that the incapacity of the government to adequately address terrorism is traced to the non-inclusion of CSOs in the framing and enforcement of CTMs.

The above findings find relevance to scholars' theorisation of state-civil society relations within the context of counter-terrorism. Njoku (2017) postulated that there is a precarious convivial relationship between the government and civil society organisations in Nigeria. It is a situation where the state engages some CSOs as

service providers in its counter-terrorism operations. Therefore, the study provides an empirical backing to the above claim, as the surveyed CSOs and government officials, including security agents, reported that CSOs are perceived and engaged solely as social service providers in the context of counter-terrorism in Nigeria. The government engagement of CSOs solely as service providers is in contrast to the political advocacy roles that define the historical trajectory of state-civil society organisations in the country (Njoku 2017). The study argues that that government's cognisance of CSOs' history of activism influenced the service-delivery nature of government's engagement with them in the context of counter-terrorism in Nigeria. Thus, this also influenced the strategic exclusion of CSOs in the framing of CTMs. It induced the redefinition of roles of CSOs not only in the context of CTMs but also in other socio-political issues in contemporary Nigeria.

Furthermore, the above finding advances extant debates that, in the context of counter-terrorism, the government of various states restrains the advocacy responsibilities of CSOs to the public and canvases for service provision. Sidel (2010) argues that political leaders believe that tackling terrorism requires emergency laws, which de-emphasised human rights. Hence, the government sought CSOs that share similar ideas while they targeted those that engage in political advocacy for rights and civil liberties of individuals in the context of counter-terrorism. The State used FATF directives on the financial regulations of CSOs as a guise to repress CSOs that are engaged in political advocacy. Thus, Haynes (2017:38) contended that "organisations involved in funding and delivering projects aimed at conflict transformation – whose activities, such as human rights advocacy and support for marginalised groups, often lack legitimacy in the eyes of state parties".

Furthermore, according to Guinane (2007) and Sidel (2008), in the US and Canada, directors of CSOs that advocated the rights of individuals were worried about government reprisals, which took the form of freezing of assets amongst other regulatory practices. Explicitly, "NGOs became especially concerned about political targeting after the ACLU (American Civil Liberties Union) accused the FBI of spying on advocacy groups engaged in legal protest activities" (Bloodgood and Tremblay-Boire 2010: 152). Similarly, in Russia, the government's 2003, 2006 NGO Law and 2012 NGO and Foreign Agent Laws criminalised and targeted those

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organisations that engaged in various advocacy efforts in the context of CTMs (Brechenmacher 2017). According to Howell and Lind (2009), in Afghanistan, the burgeoning and influence of CSOs following the fall of the Taliban in 2001 sparked resentments among political leaders. Consequently, a political debate about the roles of CSOs in the context of CTMs ensued. Subsequently, the political leaders established an NGO Act of 2005, which prescribed the roles of CSOs as essentially service delivery.

Furthermore, according to Brechenmacher (2017), in Egypt advocacy groups were labelled as Muslim Brotherhood or fronting for them; hence they were considered threats to national security. She further asserts that this labelling gave the government the power to repress these advocacy organisations in the country. "At least three prominent rights groups have decided to quietly phase out their advocacy activities and legal assistance work after receiving threats from intelligence officials" (Brechenmacher 2017:55). Similarly, in Ethiopia, the government preference for CSOs social service provision as against political advocacy influenced its restrictions on funding for those CSOs engaged in advocacy. The state argued that "external funding for political and rights advocacy amounted to illegitimate meddling in the country's internal affairs"(Brechenmacher 2017:67).

Table 1

	Involvement in the Framing of CTMs	
	Counts	**%**
Was your organisation involved or consulted in the formulation of CTMs		
Yes	39	19.0
No	166	81.0
Total	205	100.0
Your organisation has given expert advice to the government on their counter terrorism legislations, policies and practices		
Yes	25	12.2
No	180	87.8
Total	205	100.0
Government's perception that CSOs should play primarily the role of service providers within the context of CTMs		
True	183	89.3
No	22	10.7
Total	205	100.0
Manner of government's engagement with CSOs		
None	41	20.0
Direct	3	1.5
Indirect	161	78.5
Total	205	100.0

This section examines CSOs' perception of the CTMs, its enforcement and their level of compliance. The importance of assessing CSOs views of the CTMs is that it reinforces the argument on the exclusion of CSOs in the framing of CTMs and its implications in the success of CTMs. Table 2 shows that an estimate of 74.6% of respondents indicated that they have more clarity or understanding of the government's counter-violent extremism (CVE) programme. The CVE programme entails the government's soft counter-terrorism policy where it outlines essentially various service delivery roles of CSOs. Consequently, it can be explained in part that CSOs' level of awareness of this part of government's CTMs is due to government's perception of a service delivery role for CSOs in the Nigerian CTMs context.[39]

In contrast, 0.5 % and 0.1 % of CSOs reported that they did not fully comprehend the critical features of Terrorism Prevention Act of 2011 (as amended) and the Money Laundering Prohibition Act of 2011 (as amended), which are the primary fulcrum of government's counter-terrorism efforts in Nigeria. Furthermore, irrespective of CSOs more awareness of CVE, 89.8% of respondents also indicated that the government had not made concerted efforts to intimate them on the CTMs in general. Similarly, when asked if the guidelines or rule of engagement in the enforcement of CTMs are clear and consistent, 89.8% of respondents reported that the guidelines were shrouded with ambiguities. Also, 67.8% stated that, in addition to the lack of clarity and inconsistency in the guiding rules of engagement, the government did not abide by these rules of engagement in the enforcement of CTMs in the country. Also, questions concerning the assessment of the efficiency of the counter-terrorism laws and policies were requested. The Findings show that 53.2% of respondents believed that counter-terrorism laws and policies were necessary while 47.3% disagreed. When asked if the laws and policies were a reasonable response to the level of threat, 52.7% stated yes while 47.3% stated differed. Respondents were also asked if the laws and policies have been discriminatory: 78% disagreed while 22% stated yes in their responses to the question. Moreover, the majority of the interviewed CSOs executives scored the government a low mark regarding the enforcement of CTMs.[40]

An interview with an executive of CSO who focused on humanitarian services validates the results from the survey questionnaire. He reported that the government tactically avoided CSOs in the process of passing counter-terrorism bills into law. According to the CSO executive, legislative committees on security are required to advertise for a public hearing of a bill during the committee stage. However, the committees did not advertise public hearings on counter-terrorism bills; hence CSOs were unaware of most of these hearings. Moreover, the committees did not give CSOs adequate time to make a meaningful input in times where they were informed about a public hearing on counter-terrorism bills. The following are his exact words: "imagine a situation whereby on Friday you see an advert in the newspaper that there will be a public hearing on Monday. So it does not make room for inclusiveness in the sense that most people do not attend and even when they do the quality of what they present, because it has not been researched upon, is always very shallow."[41] Other executives of CSOs also stated that they had been kept in the dark by the government in the process of formulating counter-terrorism measures.[42] The above further explains that the government snubbed the CSOs in the areas of information sharing on counter-terrorism or it denied CSOs access to information that is vital for its operations in the context of counter-terrorism.[43] Therefore, this study argues that the non-inclusion of CSOs in the Nigerian government's counter-terrorism approach influenced the uncertainties experienced in CTMs in the country.

Importantly, the findings of this study contribute to the on-going discussions on the ambiguities inherent in the counter-terrorism laws and policies, and its misinterpretation by the state to serve their interest. Bloodgood and Tremblay-Boire (2010) stated that in the US, nonprofit organisations are often confronted with the uncertainty that is characteristic in the government's counter-terrorism laws. Specifically, scholars argue that US counter-terrorism laws and policies such as the Patriotic Act, Executive Order 13224 and the Anti-Terrorist Financing Guidelines: Voluntary Best Practices for U.S Based Charities created confusion among CSOs in the country. First, the Executive Order 13224 presented an ambiguous definition on terrorism, where acts of protests and government dissent were classified as acts of terrorism by the US government (Odendhal 2005, 1; Guinane et al. 2008). Similarly, the USA Patriot Act stretched the meaning of material support. The 'material

support' narrative inherent in the law has been contentious and attracted much litigation by CSOs. According to Howell and Lind (2010: 286) "Muslim charities have taken the lead in challenging the meaning and constitutionality of material support provisions and have launched appeals in court with variable outcomes. In one successful instance, a judge in Oregon ruled that the Treasury Department's proscription of the Al Haramain Foundation in 2004 had violated due process and that the term 'material support' was too vague to be applied".

Furthermore, Howell (2014), Fowler and Sen (2010), Sidel (2010), Bloodgood and Tremblay Boire (2011) assert that for US CSOs operating in developing states faced with security challenges of terrorism, the vagueness surrounding material support proviso has continued to pose significant challenges. Similarly, following the 9/11 terrorist attacks in the US, the Canadian government established counter-terrorism laws and policies. However, Canadian CSOs were confronted with the lack of clarity inherent in its 2001 Anti-Terrorism and Money Laundering Act. Notably, they were concerned about the effects of potential misinterpretation of the laws on their operations (Bloodgood and Tremblay Boire 2011). The laws have undergone several amendments and establishment of new counter-terrorism laws such as the 2015 Anti-Terrorism Act (Bill C-51). However, scholars criticised C-51 due to its inherent ambiguity. Explicitly, the Canadian Bar Association stated that the law "generally suffer from overly broad language, uncertainty and vagueness. These weaknesses would make the proposals vulnerable to constitutional challenge and have little, if any, impact on public safety" (Canadian Bar Association 2016). Hence, this study offers empirically understanding of the ambiguities created by states in the framing and implementation of CTMs.

Table 2

	Clarity of Government's CTMs	
	Counts	**%**
Clarity of CTMs		
Countering Violent Extremism Programmes	153	74.6
Terrorism Prevention Act 2011 (Amended)	1	0.5
Money Laundering Prohibition Act 2011 (Amended)	2	1.0
Military campaigns	49	23.9
Total	205	100.0
Government made efforts to create awareness or understanding of CTMs		
Yes	21	10.2
No	184	89.8
Total	205	100.0
Guidelines or rules of engagement in the implementation of CTMs clear and consistent		
Yes	21	10.2
No	184	89.8
Total	205	100.0
Were there measures put in place to guarantee that those carrying out CTMs abide by the guidelines		
Yes	66	32.2
No	139	67.8
Total	205	100.0
Are the legislation, policy and practice been necessary?		

Yes	109	53.2
No	96	46.8
Total	205	100.0

Do you feel the CTMs are a reasonable response to the level of

threat?

Yes	108	52.7
No	97	47.3
Total	205	100.0

Do you feel that any of the legislation/policy/practice has

been discriminatory?

Yes	45	22.0
No	160	78.0
Total	205	100.0

As part of the reactions of CSOs to CTMs, the study examined CSOs compliance with CTMs of the government. However, irrespective of their exclusions in the process of framing these laws and policies, the findings showed that 54% and 32% disagreed and strongly disagreed when asked if they had not complied with the CTMs of the government. Moreover, 51.7% of respondents disagreed while 28.3% strongly disagreed when asked if they had complied minimally with CTMs. Similarly, 78% also stated that they had not carried out campaigns to sensitise the people on the need to reject government CTMs. In other words, irrespective of CSOs exclusion in the process of framing and also enforcing CTMs, the majority of the CSOs surveyed complied with the laws and policies. This further advances Njoku's argument that despite the repressive CTMs by the Nigerian government, "CSOs have either remained silent, acquiesced or openly supported state's repressive CTMs".[44] The response of CSOs above also reinforces Daucé "duality of coercion theory". Daucé argues that in Russia, the silence of CSOs to repressive CTMs and the co-operation of others afraid of government prosecution as service providers are the state's bifurcated oppressive strategies.[45]

Additionally, the above findings advance the debates on the different response of CSOs to CTMs. Howell (2014), Bloodgood and Tremblay-Boire (2010), Howell and Lind (2010) and Sidel (2010) argue that mainstream CSOs in the US were slow to react to CTMs. However, Muslim groups and Charities reacted immediately through legal means and protest against government CTMs. In Canada, however, CSOs resisted government CTMs, arguing that the laws alter the balance between privacy and security (Forcese and Roach 2015). In countries such as Uganda, Uzbekistan and Kyrgyzstan there was little or no resistance to CTMs, due to the intensity of government regulations (Rubongoya 2010, Stevens 2010), Stevens and Jailobaeva 2010).

Table 3

Options	Your organisation does not comply with CTMs	Your organisation complies minimally to the CTMs	Your organisation carried out campaigns to sensitize the people on the need to reject CTMs
Undecided	9 (4.4)	11 (5.4)	33 (16.1)
Strongly disagree	67 (32.7)	58 (28.3)	160 (78.0)
Disagree	111 (54.1)	106 (51.7)	8 (3.9)
Strongly agree	0 (0.0)	29 (14.1)	0 (0.0)
Agree	18 (8.8)	1 (0.5)	4 (2.0)
Total	205 (100.0)	205 (100.0	205 (100.0

Percentages in parenthesis

Furthermore, to have a balanced perspective of the strategic exclusion of CSOs in the framing of CTMs in Nigeria, government officials including Senior military officers were interviewed. They stated that in the framing of counter-terrorism laws and policies CSOs were considered significant only in the areas of providing technical support such as relief materials during counter-terrorism operations.[46] They stated that the success of CTMs was premised on CSOs acceptance of essential social service provision, as political advocacy would undermine counter-terrorism operations. Furthermore, an officer in the Office of the National Security Adviser (ONSA) also reiterated that during the formulation of CTMs, the government recognised the importance CSOs in providing technical assistance for the government in tackling terrorism. Thus, during the process of framing the CVE, 60 CSOs were selected by the government to find out ways through which CSOs can effectively deliver various social services to youths in the North-eastern part of the country.[47] Therefore, the state had visualised the roles of CSOs, which influenced the promulgation of laws and policies that redefined them as service providers.

Interestingly, the senior military officers interviewed further stated that the exclusion of CSOs was not entirely the making of the government. They claimed that some CSOs believe that working with the government in any form was inimical to their principles. This practice, they claimed, has been recurrent because some of these CSOs seek to protect their narrow interest as against that of the state. While this may seem a logical explanation for the strategic exclusion of CSOs, as discussed in previous sections, it is also evident that government agencies in charge of counter-terrorism policy formulation have a pre-determined position in the framing of CTMs, as it concern CSOs and the construction of service delivery roles for these organisations. The above situation necessitated CSOs to become circumspect in working with the government in the framing of CTMs in the country. Moreover, the limited information and limited time are given by the legislative committees to the CSOs regarding the discussion of counter-terrorism security bills during public hearings is an indication that government had pre-conceived ideas of the CSOs roles. This further advances the argument that there exists a mutual suspicion in the state-civil society relations within the context of CTMs in Nigeria, the state marginalised

CSOs in it CTMs operations, and some CSOs consider the state as a threat to their organisations.[48]

Conclusion

This article proposed a reflection on how and why CSOs service-delivery roles were constructed for CSOs in the framing of counter-terrorism laws and policies in Nigeria. It also examines responses of CSOs to the government's counter-terrorism strategy. The literature on the securitisations of CSOs often points to the post 9/11 global counter-terrorism policies enforced by the FATF of the UN. However, given the context-specific nature of the manifestation of CTMs (Howell and Lind 2010), this article advances how socio-political dynamics in Nigeria influences the framing of CTMs. The study draws from secondary and primary data generated through relevant and grey literature, and a survey of CSOs' programme officers, CSOs' executives and government security personnel between 2015 and 2018 in Nigeria. The study argues that the construction of service delivery roles and de-legitimisation of political advocacy for CSOs in the context of counter-terrorism was premised on CSOs' strategic exclusion in the framing of CTMs by the Nigerian government. First, the analysis finds that the government did not consult the majority of CSOs in the framing of CTM in Nigeria irrespective of their expert knowledge and capacity to address factors that drive violent extremism and terrorism in North-eastern Nigeria. Moreover, the study argues that the Nigerian government's lack of inclusiveness of CSOs in the framing of CTMs is traced to the trajectory of political activism that characterised extant CSOs relations with the state. Thus, the government believes that this would influence their disposition towards the incorporation of human rights components in the CTMs. However, the government believes that over-emphasising human rights in the fight against terrorism undermine its efforts. Furthermore, the data also show that in the framing of CTMs, the government considered CSOs importance only in the areas of social service provision for victims of terrorism and counter-terrorism operations. Therefore, this article argues that in the framing of CTMs, the government had a pre-conceived idea of the nature of CSOs contributions.

Consequently, this influenced the government strategic exclusion of CSOs in the framing of CTMs. However, the exclusion of CSOs gave the state the leverage to

formulate a service delivery role for CSOs and to de-legitimise political advocacy for the rights of the vulnerable or disadvantaged or those caught in the crossfire of government counter-terrorism operations in North-eastern Nigeria. Furthermore, the exclusion of CSOs facilitated government's creation of a two-fold strategy of co-option of 'good' CSOs in government CVE programme and the repression of other CSOs considered as threats to the success of the government CTMs. The above deduction advances extant arguments on the logic behind some states' reductionist approach in their engagement of CSOs in the context of counter-terrorism. Explicitly, in the context of counter-terrorism, states' adopted a two-prong approach, whereby some CSOs were co-opted as service providers and they repressed others[49]

Likewise, the study analyses CSOs reactions, such as their perception of the laws, its enforcement and their level of compliance to CTMs in Nigeria. The findings of this study show that there were uncertainties in government's CTMs, particularly the TPA of 2011 (amended) and MPLA of 2011 (amended). Majority of the CSOs surveyed stated that there were no concerted efforts by the Nigerian government to provide clarity for its CTMs. The lack of clarity for CTMs by CSOs further confirms the lack of consultation or involvement of CSOs in the framing of CTMs. Therefore this study empirically enhances extant perspectives on the ambiguities created by states in the formulation and executions of CTMs.[50]

Furthermore, irrespective of the CSOs views on the lack of clarity and inclusiveness in the framing of CTMs, the most frequent responses of CSOs indicated that CSOs did not make concerted efforts to seek public support in challenging government CTMs. Instead, they complied with these laws. The above responses of CSOs also find relevance to existing studies on the responses of CSOs to CTMs in various political contexts. While mainstream CSOs were initially silent until the laws began to encroach on their civic space,[51] some CSOs supported the government's CTMs, while others supported CTMs out of fear of government prosecution.[52] In conclusion, the strategic exclusion of CSOs in the framing of CTMs aided the construction of a reduced role for CSOs in the context of counter-terrorism in Nigeria. Thus, the actions of the Nigerian government negatively influenced the success of government counter-terrorism operations. Hence, this calls for a re-think

of CTMs that considers CSOs not only as partners but where CSOs are given a sense of ownership of the problem.

Notes

[1] For the purpose of this study, civil society is characterized as a platform where individuals organize around common, collective purposes [and] it entails associational forms such as social developments/ movement groups, human rights organisations', trade unions, faith-based organisations, networks, coalitions, peace groups, campaigns, (Howell and Lind 2010a, 2010b: 3)

[2] Securitization is ''an articulated assemblage of practices where heuristic artefacts (metaphors, policy tools, image repertoires, analogies, stereotypes, and emotions) are contextually mobilised by a securitizing actors, who works to prompt an audience to build a coherent network of implications (feelings, sensations, thoughts, and intuition) about the critical vulnerability of a referent object, that concurs with the securitizing actor's reason for choices and act by investing the referent subject with such an aura of unprecedented threatening complexion that a customised policy must be undertaken immediately to block its its development'' Thierry Balzacq, A theory of securitization: Origins, core assumptions and variants, in Thierry Balzacq (ed.), Securitization theory: How security problems emerge and dissolve. (New York: Routledge., 2011), p.3

[3] Lana Baydas, & Shannon N. Green (2018). Counterterrorism Measures And Civil Society: Changing The Will, Finding The Way, A Report of the CSIS Human Rights Initiative (Centre for Strategic and International Studies, 2018), pp.1-81 Emeka T. Njoku, Politics of Conviviality? State-Civil Society Relations Within the Context of Counter-Terrorism in Nigeria. Voluntas: International of Voluntary and Nonprofit Organizations. DOI 10.1007/s11266-017-9910-9, 2017); Saskia Brechenmacher, Civil Society Under Assault: Repression and Responses in Russia, Egypt, and Ethiopia (Massachusetts: Carnegie Endowment for International Peace, 2017),pp. 1-107 Irina Krasnopolskaya, Yula Skokova, Ulla Pape, Government-nonprofit relations in Russia's regime: An exploratory analysis. VOLUNTAS: International Journal of Voluntary and Nonprofit Organizations, no 6 (2015). 26(6), pp 2238–2266; Lester M. Salamon, Vladimir B. Benevolenski., & Lev I. Jakobson, "Penetrating the dual realities of government-nonprofit relations in Russia," VOLUNTAS: International Journal of Voluntary and Nonprofit Organizations, 26(6), (2015) pp. 2181–2198; François Dauce, "The duality of coercion in Russia: Cracking down on foreign agent''. Demokratizatsiya. *The Journal of Post-Soviet Democratization*, 23(1), (2015). pp.57–75; Jude Howell, "The Securitisation of NGOs post-9/11," *Conflict, Security & Development*, 14(2), (2014) 151-179; Mark Sidel, "Counter-terrorism and the Regulation of Civil

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[5] Howell and Lind *Civil Society Under Strain: Counter-terrorism Policy, Civil Society and Aid Post 9/11*, p. 4

[6] Ibid, 2010, p 10; Alan Fowler & Sen Kasturi. "Embedding the War on Terror: State and Civil Society Relations" p. 16

[7] François Daucé, "The duality of coercion in Russia: Cracking down on foreign agent''p.59

[8] Ratify and implement all UN measures relevant to terrorist financing by enacting measures to freeze and confiscate terrorist assets,set-up reporting mechanisms for suspicious financial transactions related to terrorism, establish disclosure regimes around alternative remittance and 'wire transfer' systems…Non-profit organisations were singled-out by the FATF as 'particularly vulnerable' to exploitation by terrorist organisations. The FATF rules set out a wide range of legal measures and due diligence obligations to be implemented by states and private actors in order to prevent terrorist groups and their supporters utilising the banking system. Compliance with FATF rules is extremely onerous and non-compliance is not an option, with banks facing a range of sanctions including large fines, possible withdrawal of their banking licenses and criminal prosecutions. This has spawned a global compliance industry, already worth billions of euros annually" (Ben Hayes, The impact of international counterterrorism on civil society organisations: Understanding the role of the Financial Action Task Force. (Berlin: Bread for the World – Protestant Development Service Protestant Agency for Diakonie and Development, 2017), pp.14, 15

[9] Ibid, p. 18

[10] Elizabeth Bloodgood and Joanne Tremblay-Boire "International NGOs and National Regulation in an Age of Terrorism" p. 146

[11] Christine Meissler "Preface" the impact of international counterterrorism on civil society organisations: Understanding the role of the Financial Action Task

Force, (Berlin: Bread for the World – Protestant Development Service Protestant Agency for Diakonie and Development, 2017) p.1

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[14] Alan Fowler & Sen Kasturi. "Embedding the War on Terror: State and Civil Society Relations", p.15

[15] Emeka T. Njoku "Politics of Conviviality? State-Civil Society Relations Within the Context of Counter-Terrorism in Nigeria"

[16] Jude Howell "The Securitisation of NGOs post-9/11, *Conflict, Security & Development,* p. 162

[17] Howell and Lind *Civil Society Under Strain: Counter-terrorism Policy, Civil Society and Aid Post 9/11*, p 10

[18] Alan Fowler & Sen Kasturi. "Embedding the War on Terror: State and Civil Society Relations", p.16

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[25] Ibid, p.171

[26] Jude Howell and Jeremy Lind "Securing the World and Challenging Civil Society: Before and After the 'War on Terror'" Development and Change 41(2) (2010), p 289

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[43]Ibid.

[44] Ibid.

[45] François Dauce, "The duality of coercion in Russia: Cracking down on foreign agent'', p. 59

[46] Author's interview with the senior military officer charge of defence planning in the Nigerian army (Abuja; 9 March, 2015); Author's interview with the senior military officer in charge of defence planning in the Nigerian Navy, (Abuja; 9 March, 2015) ; Author's interview with the senior military officer in charge of defence planning in the Nigerian Army, Author's interview with the senior military officer in charge of defence planning in the Nigerian Army (Abuja; 9 March, 2015) Author's interview with a Senior Military Officer of the Nigerian Army (Oyo; 21 July, 2015) Author's interview with Military officer of the Nigeria n Army (Oyo 21 July 2015).

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