

# Politics of Conviviality? State–Civil Society Relations Within the Context of Counter-Terrorism in Nigeria

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## **Politics of Conviviality? State-Civil Society Relations within the Context of Counter-Terrorism in Nigeria**

**By**

**Emeka Thaddues Njoku**

### **Abstract**

There are emergent interests on the dynamics of counter-terrorism measures (CTMs) at global, regional and national levels, particularly with respect to how CTMs intersect with and shape state-civil society relations. Using a descriptive research design, this study examines how the implementation of CTMs influences the dynamics of state-civil society relations in Nigeria. The stratified random sampling was used to select 205 programme officers of civil society organizations (CSOs), while purposive sampling was used to select 29 executive directors of CSOs for in-depth interviews. The descriptive statistics and content analysis were used to analyse the data. The findings show that the capacity of CSOs to contribute to CTM is shaped by the politics that places CSOs in the service of the government. Their positioning helps establish an environment of conviviality in which CSOs advance the interest of the state in the context of counterterrorism and in turn, the state engages and endorses CSOs. The paper argues that CTMs are increasingly impinging on the operations of CSOs in Nigeria, thus constraining the autonomous space that defines CSOs that lie at the intersection of state and society.

**Key Words:** Autonomous space, civil liberties, civil society organisations, “War on Terror”

### **Introduction**

State-civil society relations in Africa are premised on the state’s perception of the proper role of civil society<sup>1</sup> and how civil society organizations (CSOs) see themselves and their responsibility to the state (Atibil 2012). This assertion sets the tone for the discussion on state-civil society relations within the context of counter-terrorism in Nigeria. It aids in

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<sup>1</sup> Civil society is defined as an “arena where people deliberate upon and organize around shared, collective purposes [and] includes associational forms such as trade unions, social movements, virtual networks, campaigns, coalitions, faith groups, direct action group, peace groups, human rights organisations” (Howell and Lind, 2010:3). This study subscribes to the conceptualizations of civil society by these scholars as it aids in the discourse on state-civil society relations within the context of counter-terrorism in Nigeria.

understanding how the Nigerian state conceptualises the role of CSOs within the context of counter-terrorism and engages them, and how CSOs have reacted to the policy of the state.

The launching of the “War on Terror” (WoT) in 2001 was followed by the proliferation of counter-terrorism legislations and policies globally. These measures have affected not only human rights but facilitated the securitisation<sup>2</sup> of aids and CSOs especially in countries such as United States (US), United Kingdom (UK), Spain, Russia, Uzbekistan, Kyrgyzstan, Turkey, Afghanistan, India, Kenya, and Uganda (Howell and Lind 2009; 2010, Daucé 2015, Özçetin and Özer, 2015). Moreover, there are emergent interests on the dynamics of counter-terrorism measures (CTMs)<sup>3</sup> at global, regional and national levels, particularly with respect to how CTMs intersect and shaped state-civil society relations (Lind and Howell 2010; Dunn 2010; Sidel 2010; Colas 2010; Rubongoya 2010; Stevens 2010; Stevens and Jailobaev 2010; Spalek et al 2013; Krasnopolskaya et al 2015; Salamon et al 2015; Daucé 2015; Özçetin and Özer, 2015). However, the outcome of the effects of the implementation of CTMs on state-civil society relations in different political contexts is

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<sup>2</sup> Securitization is “an articulated assemblage of practices where heuristic artefacts (metaphors, policy tools, image repertoires, analogies, stereotypes, and emotions) are contextually mobilized 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 development” Balzacq (2011:3). For more on securitization, see Buzan, Wæver, and Wilde, 1998; Aradau, 2001.

<sup>3</sup> I define terrorism as a violent attack or the threat of it by individuals, groups, or states on civilians or unarmed combatants for political purposes. This definition emphasizes that terrorism is not only established when there are clear cases of violence; the threat of violence can also constitute acts of terrorism because it creates similar effects. Secondly, the definition incorporates terrorist violence by both state and non-state actors. Counterterrorism is also a disputable concept (see Corthright et al 2011).

dependent on both the nature of political regimes and extant civil society as well as its relationship with the state (Howell and Lind 2010). Hence, there exists no one-size-fits-all theory that explains state-civil society relations in this context.

This study advances the debate by examining how the Nigerian government engages CSOs through the enforcement of CTMs, and how CSOs perceive themselves and their roles in the context of counter-terrorism. It argues that while CTMs restrict CSO access to information, and deny CSOs access to victims of terrorist attacks and counter-terrorism operations, the government's amendment of CSO programmes distorts the relationship between the state and CSOs. This is so given that government CTMs has repressed CSOs in Nigeria even though many CSOs supported and continue to support government CTMs. Thus, this creates a convivial relationship whereby CSOs support government polices on counter-terrorism and in return receives endorsement by the state. The study further suggests that the compliance with the CTMs of the state reduced the roles of CSOs to essentially service delivery. Therefore, advocacy roles of CSOs for victims of terrorist attacks and counter-terrorism operations, in the interest of both the Nigerian and international community, is largely curtailed by the state.

To empirically examine state-civil society relationship within the context of counter-terrorism, the study adopts a mix-methods approach. Specifically, the study relies on surveys including questionnaires and interviews, and secondary literature such as government documents. Data was collected over 12 months from CSOs working in the areas of humanitarianism, peace building, human rights advocacy, and development in Nigeria. The selection of 205 CSO programme officers was based on systematic random technique; a total of 29 CSO executives and state security agents were purposively selected for interviews. The study revealed an increased regulation of the activities of CSOs in the implementation of

CTMs. However, in spite of this repressive measures introduced by the state, resistance to these CTMs were low. Moreover, CSOs worked with the government as service providers in its soft CTMs, as part of the state's policy of securitisation of the operations of CSOs and strategic co-option in its counter-terrorism programmes.

This study makes two contributions. First, it represents a unique endeavour to quantitatively examine state-civil society relations in the context of counter-terrorism. It empirically enhances the debates about the post-9/11 global war on terrorism, specifically the changing roles of CSOs and its relationship with the state. Second, it builds on the existing counter-terrorism literature and civil society studies, specifically on how emerging CTMs are shaping state-civil society relations in developing countries.

### **State-Civil Society Relations within the Context of Counter-terrorism: A Review of Literature**

Studies on state-civil society relations within the context of counter-terrorism are built upon two basic assumptions. First, scholars argue that the lack of transparency and accountability inherent in the operations of civil societies, particularly Muslim groups and charities in the West and other developing countries, has made them vulnerable to the manipulation of terrorist groups. As such, they have become a channel for terrorist recruitments and financing. This facilitated the securitization of CSOs globally (Tujan et al 2004; Woods 2005; Fleck and Kilby 2010). Secondly, states also believe that some civil societies can be useful tools in a broader soft approach at countering terrorism; so they sought the cooperation of CSOs in their counter-terrorism programmes (Colas 2010). Consequently, how counter-terrorism legislations and policies intersect and shape CSOs is more composite than a simple repression of CSO operations. It also entails the perception of the state on the proper role of

CSOs in the context of counter-terrorism, their strategic co-option to state's counter-terrorism programmes and the responses of CSOs. Howell and Lind (2010: 10) argue that, "it is a nuanced tale of dualities that refracts against the purposive dualities of good and evil, framed by the War on Terror Regime". In some states, CSOs are viewed as security threats, but in other states they are valuable as tools for combating terrorism. This facilitated the employment of a "dual-pronged strategy" of repression and co-option. Some CSOs that are identified as "bad" or complicit in terrorism are watched, confined, and regulated through regulations. The CSOs perceived as "good" are engaged, endorsed, and co-opted into government counter-terrorism policy (Howell and Lind, 2009, 2010).

Fowler and Sen (2010) argue that the extant genial relationship between the state and some CSOs can be traced to the endorsement of both parties on the service delivery role for CSOs in state's counter-terrorism policies.<sup>4</sup> Consequently, as a way of encouraging these "good" CSOs, states and foreign donor organisations ensured that they are well off through the provision of funds and unhindered access to resources. In other words, within the context of counter-terrorism, foreign and local aids to CSOs in different political contexts are being deployed strategically (Howell and Lind 2009, 2010; Colas 2010; Stevens 2010). Thus, while some CSOs that have been termed "donor darlings" benefit from the largesse of the state as a result of their cooperation, others that are perceived as security threats or uncooperative have

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<sup>4</sup> These roles include government support through programmes that prevents the recruitment of youths into violent extremism, reintegrating ex-convicts into society, reaching out to moderate Muslim preachers to help deconstruct extremist narratives, reviewing the pedagogy of madrassas, and providing social welfare to victims of terrorists attacks, counter-terrorism operations, internally displaced persons (IDPs) and refugees.

also been termed “donor orphans”. These groups are strategically left out (Fowler and Sen 2010:16).

Another critical part of the literature is the responses of CSOs to the dual strategies employed by states in several political milieus. Scholars posit that there are variations in terms of responses to counter-terrorism programmes of the government. According to Bloodgood and Tremblay-Bloire (2010), the responses of CSOs to the enforcement of counter-terrorism policies vary. While in some states CSOs went underground as a way of avoiding prosecution by the government, others engage in vocal opposition to states counter-terrorism programmes. Specifically, scholars observe that in states such as Australia, UK, US, India, and Kenya, where counter-terrorism policies have been introduced in response to rise of terrorism, mainstream CSOs were silent in the early stages of the implementation of states counter-terrorism policies. The reason is that it had no direct impact on their operations. Only Muslim minority groups, human rights advocacy groups, and activists vocally opposed government counter-terrorism policies (Howell and Lind 2009, 2010, Sidel 2010; Dunn 2010).

However, the implementation of counter-terrorism policies is not always neat, as security agents tend to widen their nets to other areas that have no terrorist links. This situation affected CSO operations and forced them to become complicit in government policy (Dunn 2010) In Uganda, Uzbekistan, and Kyrgyzstan, no resistance or opposition to state policies by CSOs was observed because of government repression (Stevens and Jailobaeva 2010, Rubongoya 2010). While Bloodgood and Tremblay-Biore (2010: 5) attributed the responses of CSOs to “the amount of uncertainty created and, the availability of access to participate in policy making,” Howell and Lind (2009) argue that in the global south, where the repression of CSOs in state’s counter-terrorism policies have taken root, the silence of

mainstream CSOs and the vocal opposition of minority groups is traced to the internal divisions extant among civil society in these countries. For instance, the Indian and Kenyan political context of ethnic and religious division among civil society reflected in the uncoordinated responses to various states' repressive CTMs.

Comparatively speaking, few studies of how CTMs have intersected and shaped state-civil society relations have been conducted in West African context. Furthermore, scholarly findings on the implications of CTMs on state-civil society relations are limited and at best conflicting (Stevens 2010). According to Howell and Lind (2009:6) "the linkages between the War on Terror regime and civil societies in different parts of the world are neither neat nor uniform". This study therefore examines how the implementations of CTMs are impinging on state-civil society relations using Nigeria as a critical case. This is because the dynamics of state-civil society relations in Nigeria was characterized by socio-economic and political contestations, particularly during military dictatorship (Agbaje 1999). However, there is a growing decline in civic activism by civil society in the Nigerian democratic dispensation (Obadare 2011). Thus, it is important to examine the relationship between the state and civil society in the wake of the establishment of repressive CTMs that are reminiscent of military rule where human rights and civil liberties were chiefly stifled. Empirically studying the ways in which CTMs have shaped state-civil society relations advances the on-going debate on the relationship between CTMs and CSOs, and the dynamics of state-civil society relations in Africa. Explicitly, this study asserts that within the context of counter-terrorism in Nigeria, CSOs are increasingly becoming appendages to the state. There is a growing convivial relation where CSOs acquiesced to all state counter-terrorism programmes and in return are compensated by the state. Hence, the CSOs'



independent supervisory and advocacy roles are gradually eroding as a result of the implementations of CTMs in Nigeria.

### **State-Civil Society Relations in Nigeria**

An unambiguous elucidation of the relationship between the state and civil society organisation within the context of counter-terrorism in Nigeria is premised on the historiography of state-civil society relations in the West African country. The Nigerian state has a rich tradition of civil society that heralded British colonialism and it was effective to the end of colonial rule (Kew and Oshikoya 2014). In the early period of colonialism, the colonialists largely influenced civil societies; these organizations represented the interest of the colonialist socio-culturally and educationally. Therefore, these organisations were neither effective nor autonomous as a result of their defined relations to authoritarian colonial state. However, the 1940s saw the emergence of nationalist movements, which awakened socio-political consciousness. Within this period, various types of associations were established to challenge colonial rule in Nigeria and in diaspora (Walker 1999, Ikelegbe 2001, Okome 2013). Furthermore, in the 1990s, the vibrancy of civil society was felt because they rose to challenge military interventions in civilian administrations. Three military administrations were infamous as a result of their repressive policies towards civil society. They are the military administrations of Generals Muhammadu Buhari, Ibrahim Babangida and Sani Abacha (Adekson 2004). According to Aiyede (2003) General Buhari's believe that unpatriotic disturbances, strikes, embezzlement, lateness and corruption were impediments to developments; as a result it led to his establishment of the "war against indiscipline" policy. Consequently, he proscribed civil society organisations specifically labour unions, professional bodies and the press that engage in strikes, protests by calling for a return to

civilian rule. The repression of civil society under General Buhari's administration aided in radicalizing some of these groups; they began to employ both civic and extreme violence in achieving their goals.

The Babangida led military government introduced the Structural Adjustment Programme (SAP), an economic policy to cushion the falling economy. However, this policy faced strong resistance, because it adversely affected living standards. The economic crisis led to various levels of protests by CSOs to force not only a reversal of the policy but rather a change of government. In order to maintain his hold on political power the Babangida's government used diverse repressive methods (Aiyede 2003). Explicitly, Lewis (1996: 88) identifies these measures such as "political manipulation, populist side-payments, elite dispensations, expansion of parallel economy and overt repression ... frequent alterations of the transition timetable". Additionally, the peak of state's authoritarianism was the cancelation of the June 12, 1993 presidential election. Perhaps, this event facilitated the complete radicalization of civil society in Nigeria; most of them turned to the use of extreme violence to wrest power from the military elites (Adekson 2004). Echoing this further, Aiyede (2003: 11) argues that, "cruel tyranny and dictatorship and debilitating economic crisis were two crucial forces that drove the transformation of state-society relations in Nigeria's multi-ethnic country".

The effervescence of CSOs continued in the military regime of General Sani Abacha. They pursued ways of forcing the General out of office. Professional and religious associations challenged Abacha's "authoritarian" approach to governance, to invading public spaces, and to showing apathy toward the political transition programme. They called for the enthronement of the winner of the annulled 1993 presidential election-Chief Moshood Abiola (Walker 1999). These agitations contributed to the return of civilian democratic

administration in Nigeria. Therefore, from the 1980s to the 1990s, state-civil society relations was characterised by intense political and economic contestations (Agbaje 1999). However, Scholars assert that CSOs have lost their vivacity as instruments of democratic consolidation because they lack the capacity to engage the state in areas of development, security and human rights, (Obadare 2011; Aiyede 2003).

These inconsistencies in the relationship between the state and civil society organisation in Nigeria further provide the ground for this research. Particularly, there is a need to understand the nature of CSOs in the face of the establishment and entrenchment of various repressive CTMs by the state. It is imperative to understand the implications of the enforcement of CTMs on state-civil society relations in the new security environment.

### **Nigerian Counter-Terrorism Laws, Institutions and Policies**

Although Nigeria is signatory to UN legal instruments in countering terrorism from the 1970s to date, these resolutions were ratified without establishment of internal mechanisms to enforce them. However, the September 11, 2001 terrorist attacks on the US and subsequent attacks in Nigeria led to the establishment of counter-terrorism legislations and institutions through the United Nations Security Council (UNSC) and the Financial Action Task Force (FATF). Furthermore, the formation of these legislations was also influenced by the US and the UK. Moreover, a critical assessment of the contents of these laws and policies showed that they “provided the grounds for state agents to stifle civil liberties, all forms of oppositions and ultimately undermine democratic consolidation in the country” (Njoku 2017: 1)

The Nigerian legislature resisted attempts by Western powers to influence the establishment of counter-terrorism laws that do not take political and social conditions into

account. Nonetheless, the increase in the international posture of these attacks, particularly the attempted suicide bombing of a US Northwest Airline Flight 253 to Detroit by Abdul Farouk Muttallab, a Nigerian Muslim on December 25, 2009, and the bombing of the UN headquarters in Abuja on Friday August 26, 2011 by Boko Haram, changed Nigerian position. In response to these events, the US government through its Transportation Security Administration (TSA) and FAFT imposed both travel and financial sanctions on Nigerian. This facilitated the establishment of Nigerian counter-terrorism law, such as the amended Terrorism (Prevention) Act (TPA) and the Money Laundering (Prohibition) Act (MLPA) of 2011.

The Terrorism Prevention Act (TPA) of 2011 established measures for the prevention of terrorism and the financing of terrorist activities in Nigeria. In spite of this, two major criticisms were levelled against the Act. The first is the Section 2 of the TPA that defined terrorism. This definition of terrorism as contained in the TPA of 2011 was too broad and ambiguous; it re-categorised all forms of criminal offences addressed in the Criminal and Penal Code as terrorism. This include: illegal possession, use or sale of firearm arson, kidnapping, oil bunkering. This raises issues on the principle of proportionality. Another important criticism of the TPA of 2011 can be seen in Sections 9, 12, 25, and 26. These sections granted the National Security Adviser and the Inspector General of Police wide discretionary powers. Precisely, these security agents were empowered to recommend to the president that a person be declared a terrorist where they reasonably suspect that an individual is a terrorist. Furthermore, the TPA of 2011 also empowered them to seize any cash, search a place, person or vehicle without warrant. Also, they can order a communication service provider to provide information on any person that may appear to them, or they reasonably suspect is a terrorist, or intends to carry out an act of terrorism.

The criticisms against the TPA of 2011 may have influenced its amendment in 2013. The amendments are contained in the Terrorism Prevention (Amendment Act) also known as the Terrorism Prevention Act of 2011 (as amended). They were amendments to section 9, 12, 26, and 29. However, the state failed to address human rights concerns raised in the TPA of 2011. Dakas (2014) argues that Section 1 (2) TPA of 2011 (as amended) that imposes death sentences on conviction contravenes the principle of proportionality and can also lead to further abuses. The section was also a direct violation of the Optional Protocol of the International Covenant on Civil and Political Rights, and the European Human Right that requires states to abolish the death penalty.

The Nigerian government amended its Money Laundering Prohibition Act of 2004, as a result of pressures by the US through the FAFT (Nssien 2013). This brought about the formation of the Money Laundering Prohibition Act of 2011. This Act was aimed at tackling the financing of terrorism in Nigeria. Conversely, the law was quickly passed to satisfy Western interest and relieved the country from financial restrictions imposed on it. Consequently, it did not only fail to achieve its intended objectives (Ezewudo 2012) but was also opened to abuse by state's security agents.

Furthermore, the Nigerian government instituted the Joint Task Force (JTF) on June 12, 2011. The JTF was made up of officers and men of the Nigerian military, Defence Intelligence, Department of State Security Service, Nigerian Police, Nigerian Immigration, Nigerian Custom and the National Security and Civil Defence Corps. However, the JTF was disbanded in 2013 and the responsibility of implementing CTMs was transferred to the 7<sup>th</sup> Division of the Nigerian Army under the coordination of the Office of the National Security Adviser (ONSA). The ONSA also established other institutions such as Counter-Terrorism Centre that comprises the Joint Terrorism Analysis Branch and the Strategic Communication

Unit (Abidde 2014). As the coordinator of counter-terrorism operations in Nigeria, the ONSA inaugurated the National Counter-Terrorism Strategy (NACTEST) and the Countering Violent Extremism (CVE) programme. These policies entail collective efforts by all agencies of government in employing hard and soft measures to prevent terrorism. However, the National Human Rights Commission (NHRC), Amnesty International (AI), and Human Rights Watch (HRW) condemned these agencies' counter-terrorism operations. According to these organisations, cases of human rights atrocities committed by these security agencies, such as establishment of unknown detention facilities, illegal detention, torture, rape, and summary executions, have been reported (HRW 2013, AI 2014, NHRC 2014).

## **Methods**

### *Research Design*

In examining the implications of the enforcement of CTMs in shaping state-civil society relations in Nigeria, this study adopts a descriptive research design.

### *Population*

The studied population are all programme officers and directors of CSOs, (faith groups, human rights, women, youth/children non-governmental organisations (NGOs), and community-based organizations) engaged in the prevention of terrorism in the North-eastern Region of Nigeria. It also includes state security officials engaged in counter-terrorism operations in the region between 2009 and 2015. A total of 445 programme officers of CSOs in addition to 14 directors and 15 government officials comprising security agents involved in the framing and enforcement of CTMs in Nigeria were identified for this study. CSOs were

selected from Abuja, Adamawa, Borno, Gombe, Plateau, Lagos, Ogun, and Oyo State. The research sites were purposively selected. This is because the headquarters of CSOs involved in capacity building and technical assistance in terrorism prevention and other softer CTMs have their headquarters and areas of operations in the aforementioned locales. CSOs directors shared information regarding these locations during the preliminary interview of this study. The headquarters of the Defence Quarters, Office of the National Security Advisers (ONSA) and Ministry of Foreign Affairs are located in Abuja. These locations are adopted because they afford the researcher accessibility to indispensable information about the design and implementation of CTMs, and their implications on state-civil society relations. Similarly, detailed information concerning the manner of inhibition regarding the modus operandi of the CSOs vigorously engaged in counter-terrorism procedures in the Northeastern part of Nigeria was gathered.

#### *Sample Size and Sampling Technique*

The total population is 445. The stratified sampling technique was adopted and 211 programme officers were randomly selected across the CSOs as a representative population. The proportionate sampling technique was then employed to ascertain the exact number of respondents in each CSO in order to administer copies of questionnaires in relation to their population. Out of 211, 205 copies were collected for analysis. Overall, 59 (28.8%) CSOs focused on humanitarianism, 28 (13.7%) focused on Peace building, 48 (23.4%) focused on development and 70 (34.1%) focused on human rights advocacy CSOs. Moreover, the purposive type of non-probability sampling technique was also adopted to select a total of 14 directors of CSOs and 15 government officials including security agents for in-depth interviews (IDIs). Programme officers' engagement in capacity building and technical

assistance in the prevention of terrorism presents the opportunity to gain information for understanding the challenges CSOs faced between 2009 and 2015. IDIs provide insight into security agents and experts' roles in developing CTMs and their implications on state-civil society relations.

### *Data Collection*

This study used both primary and secondary sources of data collection. Primary data were collected through a survey of programme officers and in-depth interviews of directors of CSOs across various groups such as women, youth/children, faith-based and human rights groups that focus on humanitarianism, peace-building, human rights advocacy, and development. Data was also sourced from government officials including security agents involved in the counter-terrorism operations. Secondary data were sourced from relevant and grey literatures, as well as government documents and reports.

Primary data on CSOs include how the implementation of the CTMs is intruding on their activities and how they have responded in terms of rejecting or supporting these new security measures. The actions of the state regarding CSOs and the responses of CSOs helped in uncovering the prevailing state-civil society relations within the context of counter-terrorism. These data was collected from December 2014 until November 2015.

### *Measures*

The survey instruments, such as the interview and questionnaire, were developed to encompass questions on prevailing issues on counter-terrorism and civil society from the review of relevant literature (Howell and Lind 2009 and 2010, Fowler and Sen 2010) and related research instruments developed by Charity and Security Network in 2013. A pilot



study was undertaken to check the reliability coefficient measuring instruments. This helped in revising the instruments, which was peer reviewed by an expert. The respondents were asked to rank the levels of the following CTMs: denial of access to information on terrorist attacks and counter-terrorism operations; denial of access to victims of terrorist attacks and counter-terrorism operations; pressure applied on them in amending their programmes to reflect the state's counter-terrorism goals. This was done using the Likert scale ranging from "1=not at all" to "5=very often." Moreover, respondents were asked to rank their responses in support of or opposition to these state's CTMs. These questions include: does your organisation support CTMs of the state and does your organisation resist the CTMs of the state. This was also done using the Likert scale ranging from "1=undecided" to "5=strongly agree."

### *Data Analysis*

The quantitative data adopted relevant statistical tools such as charts, tables, simple percentages, and frequency distributions through the Statistical Package of the Social Sciences (SPSS 20.0). The interviews and secondary sources were content analysed.

### *Findings*

Figure 1 shows the most frequent responses from CSOs when ask if they have been denied access to information on Terrorists attacks and counter- terrorism Operations. The result revealed that approximately 52% of respondents indicated that the CTMs of the Nigerian government had made it impossible for CSOs to access information on terrorist attacks and

counter-terrorism operations in the north-eastern part of Nigeria. Figure 2 also shows that 37% and 3% indicated that they were denied access to information on victims of terrorist attacks and counter-terrorism operations as part of the government's CTMs in the country. Thus, it can be deduced that CSOs are unanimous in their views regarding the steady increase of restrictions of public knowledge on the state's CTMs. Another key component of the CTMs of the state is the amendment or shutting down of CSOs' programmes that they believe to be detrimental to the enforcement of CTMs. As shown in Figure 3, 36% of CSOs indicated that on occasions the state amended or closed down the programmes of CSOs, and 10% indicated that this practice by the government was frequent. This shows an increase in state's interference in the activities of CSOs in the guise of countering terrorism in the country. However, irrespective of the repressive nature of counter-terrorism measures of the state, Figure 4 shows that 49.8% of CSOs agreed and 34.1% strongly agreed that they supported government counter-terrorism measures. This raises questions on the nature of state-civil society relations and the efficacy of CSOs in Nigeria in advocating the interest of the public. The next section gives a detailed examination of the raised questions.

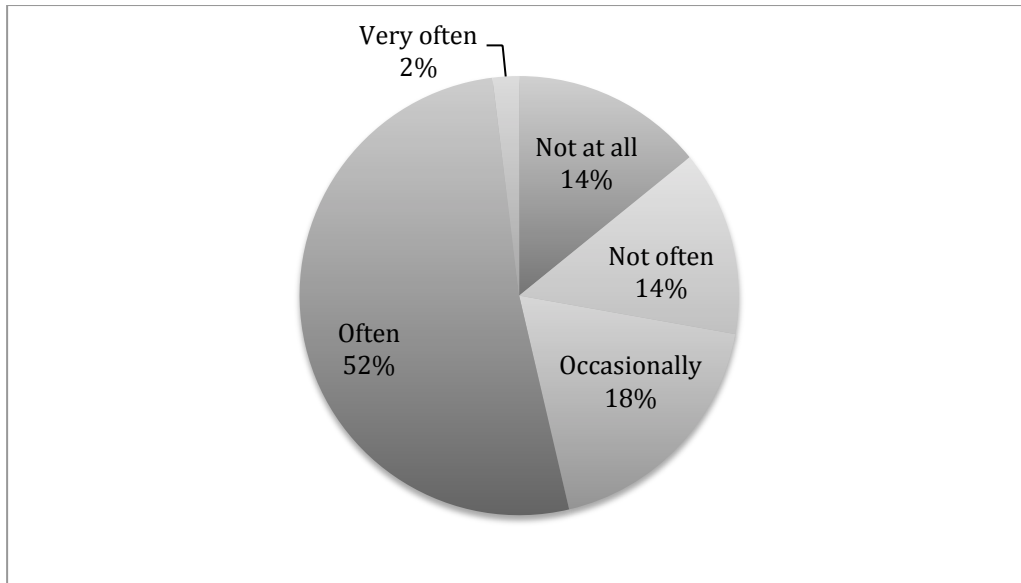


Figure 1: CSO Responses on access to information on Counter-terrorism attacks (%)

*Source:* Created by the author, based on data gathered from the field in 2015

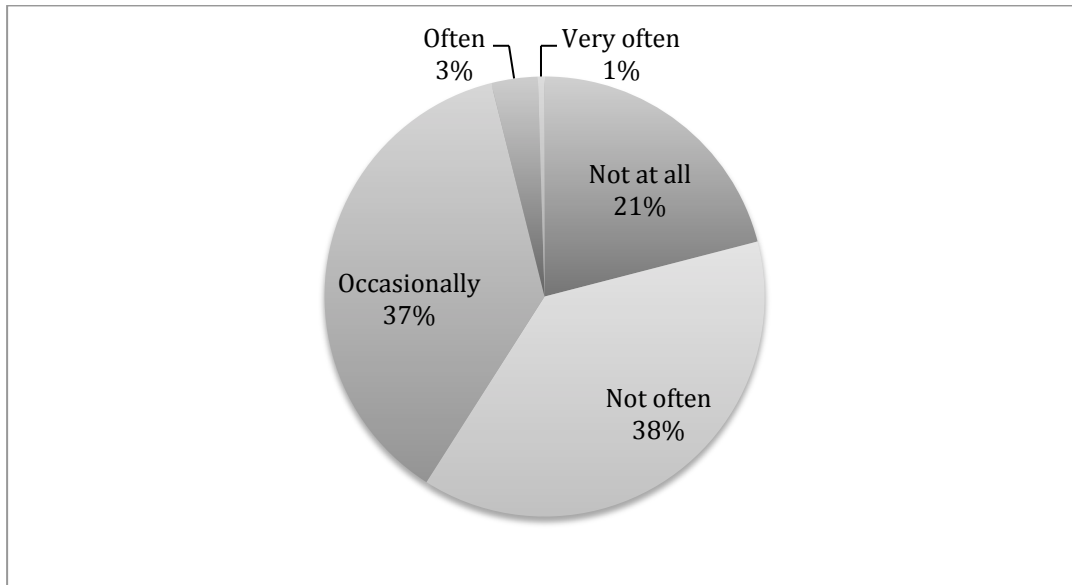


Figure 2: CSOs responses on access to information of victims of Terrorist Attacks (%)

Source: Created by the author, based on data gathered from the field in 2015

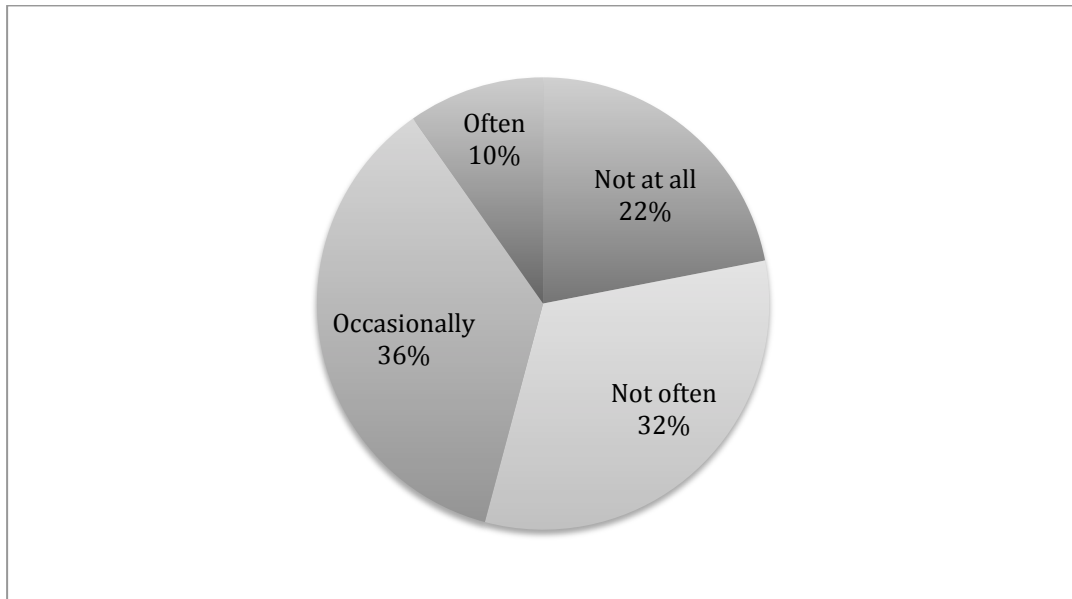


Figure 3: CSOs responses on government regulations of their programmes (%)

*Source:* Created by the author, based on data gathered from the field

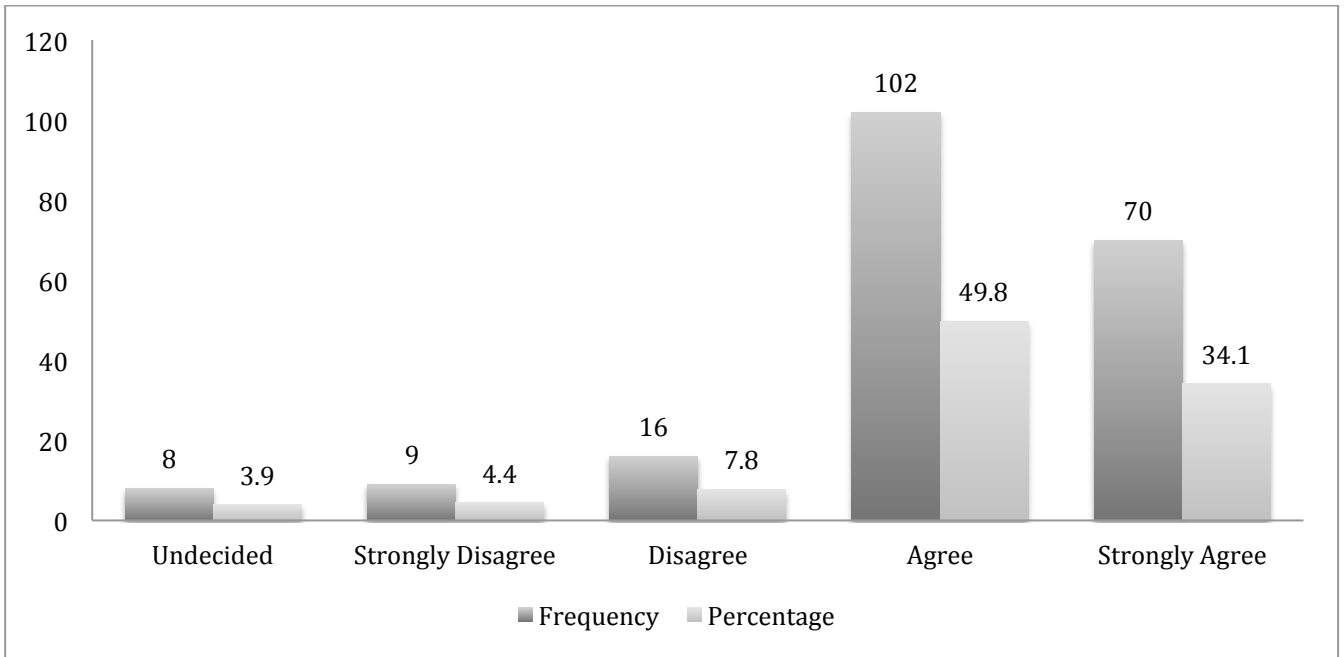


Figure 4: CSOs Support of Government Counter-terrorism Programmes (%)

Source: Created by the author, based on data gathered from the field in 2015

**Table 1: How CTMs are impinging on the operations of CSOs**

Options	Denial of Access to information on Terrorists attacks and counter-terrorism Operations	Denial of access to victims of terrorist attacks and counter-terrorism operations	Forced to amend, adjust or close down a programme due to concerns over compliance with counter terrorism regulations
Not at all	29 (14.1)	43 (21.0)	45 (22.0)
Not often	28 (13.7)	78 (38.0)	66 (32.2)
Occasionally	38 (18.5)	76 (37.1)	74 (36.1)
Often	106 (51.7)	7 (3.4)	20 (9.8)
Very often	4 (2.0)	1 (.5)	
Total	205 (100.0)	205 (100.0)	205 (100.0)

\* Percentages are in parenthesis

Source: Derived from Author's field work, 2015

First, Table 1 shows that an estimated 51.7 % of the respondents reported that there was a restriction of access to information on various terrorist attacks and counter-terrorism operations in the north-eastern part of the country. Moreover, a programme branch manager of a human right civil society organisation stated that the language of “national security” was often invoked by security agents in response to making request for information on terrorist attacks and counter-terrorist operations by CSOs under the Freedom of Information Act of 2011. This situation gives security agents the opportunity to engage in secret trials and detention of soldiers who were alleged to have committed crimes in the implementation of counter-terrorism operations and violation of various human rights.<sup>5</sup> The state has been secretly violating human rights and civil liberties in its counter-terrorism operations. This can be seen in the establishment of secret detention centres such as “the Sector Alpha (Guantanamo) in Damaturu, Yobe State and the Special Anti-Robbery Squad commonly known as the *Abattoir* in Abuja, Giwa Military Barracks in Maiduguri and the Presidential Lodge also known as *Guard Room*” (Njoku, 2017: 16). These detention centres house individuals alleged to be members of Boko haram. They are secretly detained without trial, tortured and in most cases killed. Denial of access to information under the guise of national security has affected the capacity of civil society to function. This situation has also created a major strain in the relationship between the state and CSOs in the country. Furthermore, operating in secrecy using national security narrative has also created rooms for corruption

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<sup>5</sup> Author’s interview with a programme manager of CSOs that focuses on justice sector reform (Lagos; February 17, 2015).



and other questionable actions among security agents involved in counter-terrorism. These factors have made countering terrorism in the country difficult.<sup>6</sup>

On the other way round, a senior military personnel involved in defence policy formulation asserted that information on terrorist attacks and counter-terrorism operations or on those arrested were deemed classified. According to him, although the Freedom of Information Act of 2011 compels the release of this information, until the information are declassified they cannot be divulged to CSOs. The reason is that it will constitute a major security breach in the state's counter-terrorism operations.<sup>7</sup> A Counter-Terrorism Officer of the National Security and Civil Defence Corp (NSCDC) and a member of the seventh division in the Nigerian Army further reiterated that CSOs were excluded from participating in security meetings at the various camps where they domiciled due to lack of trust. Men and officers in the seventh division in the Nigerian Army and other security outfits involved in counter-terrorism are suspicious of CSOs because if information is released to them, it may find its way into the camps of the terrorist groups.<sup>8</sup> Moreover, they were also of the opinion that terrorist could infiltrate them to get information on the location of men and officers involved in counter-terrorism operations, hence obstructing counter-terrorism goals of the

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<sup>6</sup> Author's interview with a programme manager of Christian Non-government organisation that focuses humanitarian services (Abuja; March 10, 2015), Author's interview with a programme Manager of CSOs that focuses on justice sector reform (Lagos; February 17, 2015).

<sup>7</sup> Author's Interview with a key Senior Military Officer of the Nigerian Army (Abuja; March 9, 2015)

<sup>8</sup> Author's Interview with a Counter-Terrorism Officer of the National Security and Civil Defence Corp (Oyo, February 19, 2015) and Author's Interview with a Counter-Terrorism Officer of the Nigerian Army (Lagos; August 11, 2015)

state.<sup>9</sup> Therefore, the rationale behind the denial of access to information is for the safety of lives and protection of military hardware used by security agents in combat and by extension, the counter-terrorism objectives of the state.<sup>10</sup> Another reason for the denial of access to information was that the state accused CSOs of being unpatriotic. CSOs were accused of providing information on the victims of terrorist attacks and counter-terrorism operations in the north-eastern part of the country for international governmental and non-governmental organisations. This they said ultimately frustrated counter-terrorism efforts, as advanced countries have refused to assist in supplying weapons due to the reported human rights abuses by some of these CSOs. This situation created mutual suspicion between these organizations and the state; it thus aided in ostracizing of CSOs in its counter-terrorism operations, especially in the areas of information sharing.<sup>11</sup>

Second, the results on Table 1 also show that 37.1% and 3.4 % of respondents reported that they were restricted by the government to have access to victims of terrorist attacks and counter-terrorism operations in the north-eastern part of the country. The praxis

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<sup>9</sup> Author's Interview with a key policy maker on counter-terrorism in the Nigerian Army (Abuja; March 9, 2015), Author's Interview with military officers of the Nigerian Army and Navy (Abuja; March 9, 2015), Author's Interview with a Counter-Terrorism Officer of the National Security and Civil Defence Corp (Oyo, February 19, 2015) and Author's Interview with a Counter-Terrorism Officer of the Nigerian Army (Lagos; August 11, 2015) Author's Interview with a Senior Military Officer of the Nigerian Army (Oyo; July 21, 2015). Author's interview with an Officer in the Office of the National Security Adviser (Abuja, March 27, 2015), Author's interview with a Foreign Service Officer, Ministry of Foreign Affairs, Nigeria (Abuja; March 21, 2015) Author's Interview with a Counter-Terrorism Officer (7th Division) of the Nigerian Army (Lagos; August 11, 2015)

<sup>10</sup> Author's Interview with a Senior Military Officer of the Nigerian Army (Oyo; July 21, 2015)

<sup>11</sup> Author's Interview with military officers of the Nigerian Army and Navy (Abuja; March 9, 2015), Author's Interview with a Senior Military Officer of the Nigerian Army (Oyo; 21 July, 2015)

restricting them from accessing victims of terrorist attacks and counter-terrorist operations was re-echoed by the interviewed executives of CSOs. They reported that the language of national security was employed as a tool to prevent CSOs from accessing the victims of terrorist attacks and counter-terrorism operations. They further stressed that the reason was to avoid a situation where information on the repressive nature of counter-terrorism operations was leaked to the Nigerian public and international community.<sup>12</sup> Moreover, an executive director of a gender based CSOs that interviewed the families of the Chibok girls<sup>13</sup> stated that in order to overcome state's repression on access to information, they had to operate in secrecy. In addition, she reported that information gathered from interactions with victims of terrorist attacks and counter-terrorism operations was instantly sent to their own emails or that of other recipients in their organisations. This is to evade the confiscation and destruction of their electronic gadgets or storage devices by security agents at various checkpoints. Clearly, the state's actions including security agents involved in the counter-terrorism operations was intended to prevent them from reporting their experiences and specifically the experience of the victims to the international community. Moreover, the relationships of CSOs to both international non-governmental and governmental organizations have further strained state-civil society relations in the country. The reason is that the state perceived the action of sending information to these international non-governmental and governmental organizations by CSOs as unpatriotic acts that could destabilise its efforts in curbing

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<sup>12</sup> Author's interview with a programme manager of CSOs that focuses on justice sector reform (Lagos; 17 February and Abuja; March 12, 2015).

<sup>13</sup> Commonly referred to the 276 girls who were kidnapped by Boko Haram on April 14-15, 2014 in the Government Secondary School, Chibok, Borno State, northeastern Nigeria. However, 57 of the girls escaped and 219 are still missing.

terrorism in Nigeria. Hence, state's denial of access to these victims of both terrorist attacks and counter-terrorism operations in the North east was aimed at controlling information and public opinions both locally and internationally; so, the ineffectiveness of the state agents involved in counter-terrorism operations and the diverse human rights atrocities committed by security agents in its counter-terrorism operations would not be exposed.<sup>14</sup>

Lastly, the results on Table 1 also shows that 36.1% of respondents reported that their organizations were forced to amend, adjust or close down their programmes as part of the counter-terrorism regulations to reflect the state's counter-terrorism objectives. Faith-based organizations particularly Muslim groups have been the mostly affected by these regulations. An executive of Muslim youth organisation stated that their religious activities were under strict government regulations. On many occasions, the government stopped their organisations from holding religious campaigns or conferences in various parts of the state. Moreover, international Muslim clerics invited from different parts of the Middle East and North Africa to Nigeria to preach or hold one religious ceremony or the other were refused entry or visa into the country because of the state's CTMs.<sup>15</sup> Therefore, they argued that the actions of the state create platforms for animosity and mutual suspicion between Muslim organisations in the country and state agents. This was because Muslim organizations were coming to the realization that state counter-terrorism laws and policies were targeted at Muslims; they were treated as suspect community under the CTMs of the state.<sup>16</sup> Moreover,

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<sup>14</sup> Author's interview with an Executive Director of gender based civil society organisation that promotes peace and security for African women (Lagos; February 20, 2015).

<sup>15</sup> Author's Interview with President of a Muslim youth non-governmental organisation (Ogun; March 4, 2015).

<sup>16</sup> Author's interview with an State Coordinator of a Muslim Organizations (Oyo; February 2015), Author's Interview with President of a Muslim youth non-governmental organisations (Ogun; March 4, 2015).

CSOs were forced to amend their programmes to reflect the view of the state on the proper roles civil society organisation should play within the context of counter-terrorism in Nigeria.<sup>17</sup> State officials including security agents had similar opinion that they needed CSOs in its counter-terrorism programmes but only as service providers; anything in short of this would be counter-productive to its goals of curbing the rise of terrorism in the country.<sup>18</sup> Therefore, the measures aimed at influencing the amendment or in some cases shutting down of the programmes of CSOs in Nigeria was the state's strategy which was aimed at co-opting some of these organizations as service providers in its softer counter-terrorism approach. On the other hand, those CSOs that dared to criticise the state CTMs came under strict regulations by the state.

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<sup>17</sup> Author's interview with a programme manager of CSOs that focuses on justice sector reform (Lagos; February 17 and Abuja; March 12, 2015), Author's interview with a Programme Manager of Christian Non-government Organisation that focuses humanitarian services (Abuja; March 10, 2015). Author's interview with a programme manager of CSOs that focuses on justice sector reform (Lagos; 17 February).

<sup>18</sup> Author's Interview with military officers of the Nigerian Army and Navy (Abuja; 9th March, 2015), Author's Interview with a Senior Military Officer of the Nigerian Army (Oyo; 21 July, 2015)

**Table 2: The responses of CSOs to the CTMs of the state**

Options	Your organizations have resisted to state's CTMs	Your organizations have supported state's CTMs
Undecided	15 (7.3)	8 (3.9)
Strongly Disagree	179 (87.3)	9 (4.4)
Disagree	5 (2.4)	16 (7.8)
Agree	5 (2.4)	102 (49.8)
Strongly Agree	1 (.5)	70 (34.1)
Total	205 (100.0)	205 (100.0)

\* Percentages are in parenthesis

Source: Derived from Author's field work, 2015

Another major part of the study is to examine how CSOs have responded in terms of resisting or supporting the CTMs by the state. The findings on Table 2 reveal that 87.3% of respondents recounted that their organizations did not resist the CTMs of the state, and 49.8% of respondents reported that their organizations showed support to the government in its counter-terrorism programmes. Furthermore, the findings from the interviews conducted validates the results of the survey, as executives of CSOs were in agreement with the view that they may be critical against proposed counter-terrorism laws that they believed infringes on their rights. However, once these bills were passed into law they immediately complied irrespective of its repressive nature.<sup>19</sup> Unambiguously, a programme manager of a faith based civil society organisation and a CSOs that focus on peace building and conflict management stated that sometimes they engaged the state in policy formulation on counter-terrorism. Nonetheless, their response was always constructive and at no time did they reject or resist these laws; they believed that it affected the endorsement that they were enjoying from the state.<sup>20</sup> Furthermore, an executive of a gender based CSOs said that they did not openly

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<sup>19</sup> Author's interview with a Branch Manager of a civil society organisation that focuses on justice sector reforms (Lagos; February 17, 2015).

Author's interview with a Programme Manager of Christian Non-government Organisation that focus human rights advocacy (Oyo; March 3, 2015). Author's interview with the President of a Muslim CSOs that focuses youth development (Ogun; March 4, 2015). Author's interview with an Executive Director CSOs that focuses on development and (Abuja; March 10, 12, 2015). Author's interview with a Programme Manager of CSOs that focuses on justice sector reform (Abuja; March 12, 2015).

<sup>20</sup> Author's interview with the Managing Director of a Lagos branch of civil society organisation that focuses conflict prevention and management (Lagos; February 17, 2015). Author's interview with a Programme

oppose state's counter-terrorism laws. Nevertheless, once these laws affected their capacity to carry out their activities, they went underground and operated in secrecy. Hence, these organizations believe that going against the government would be counter-productive; thus, the only way to survive the harsh CTMs was to cooperate with the government. But in worst situation, they would operate clandestinely in order to achieve their objectives.<sup>21</sup>

In corroboration to the findings of this study, on June 3 2015, Amnesty International issued a report on the gross violation of human rights by Nigerian soldiers and their commanders. It specifically stated that 7,000 innocent people were executed by the military for failing to produce Boko Haram members who killed their comrades in arms in their villages and towns. Hence, it called for the arrest and prosecution of these serving and retired military officers and men such as immediate past Chief of Defence Staff, Admiral Ola Sa'ad Ibrahim, and the erstwhile Chief of Army Staff, Lt. Gen. Azubuike Ihejirika, and their successors (Mustapha 2015). However, the coalition of CSOs-an umbrella body challenged Amnesty International's report and its call for the trial of these former or serving military officers for war crimes. This umbrella body advised Amnesty International to come up with credible evidence to support their case. Speaking at the Defence Headquarters during their solidarity visit to the Nigerian military, the group stated that "after critical and painstaking analysis of the report of the Amnesty International and based on available facts arising from an on the spot assessment in the war against terrorism, we unequivocally declare that the report is devoid of truth, lopsided, lacks facts and is bereft of fundamental understanding of

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Manager of Christian Non-government Organisation that focuses humanitarian services (Abuja; March 10, 2015).

<sup>21</sup> Author's interview with an Executive Director of gender based civil society organisation that promotes peace and security for African women (Lagos; 20 February, 2015).



how the war against insurgency has been fought and almost won in Nigeria. While we may not overrule some rare extreme measures as it is with war situation, we challenge Amnesty International to prove these isolated cases with evidence” (Metro Watch 2015).

The findings of this study signify a rising decline of the advocacy roles of CSOs in Nigeria. The most frequently occurring response in the survey proves that CSOs have either remained silent, acquiesced or openly supports state’s repressive CTMs. Even in the face of damning reports by amnesty international, majority of CSOs have taken sides with the Nigerian government without conducting an independent and detailed investigation on the allegation of the Amnesty international against the counter-terrorism operations of the state. Moreover, even though they believe that some casualties or violations of the fundamental rights of the people have been recorded in the counter-terrorism operations of the state, they excuse the state on the grounds that it is a characteristic of war situations globally.

## **Discussion and Conclusion**

The analysis here considers how the implementation of CTMs has shaped state-civil society relations in Nigeria. First, the evidence suggests that the programmes of CSOs have been affected as a result of the enforcement of CTMs, Specifically, those measures that deny CSOs access to information and victims of terrorist attacks and counter-terrorism operations on grounds of national security. Consequently, public knowledge and opinions about terrorist attacks and counter-terrorism operations are controlled by the state. In a way, this is in tandem with the findings of Freedom House (2007) that the United States government uses the narrative of national security to constraint public knowledge on it counter-terrorism operations. Pitts and Ovsyannikova (2014: 90) stated that, “under the Obama administration, the government has more frequently invoked national security exceptions to maintain secrecy

in response to Freedom of Information Act requests”. The narrative of national security has also been employed in developing countries such as Uganda for the establishment of secret rendition programmes and detention facilities, where suspects are detained and deprived access to family and legal representatives (Sidel 2010, Rubongoya 2010).

Second, the findings of the study reveal that the government stifle the space of CSOs to operate. They also influence their activities in such a way that the programmes of these organisations that do not fit into the soft counter-terrorism objectives of the state are either amended, adjusted or closed down. This ties into the larger debate on the dual pronged strategy of repression and strategic co-option by the state in its relationship with civil society as theorized by Howell and Lind (2010), and Fowler and Sen (2010). These scholars argue that the governments of the United States, United Kingdom and the European Union employed a two-prong attitude to CSOs. First, it ranks CSOs into two, such as good and bad CSOs. Those considered to be bad CSOs are largely repressed because of the belief that they are complicit in the proliferation of terrorism and extremism. On the other hand, those conceptualised as good CSOs are co-opted into its soft counter-terrorism strategies. Recently, the Russian and Turkish government have also employed the two-face strategy of repression and co-option in its relationship with civil society within their respective states. Scholars assert that, as part of the enforcement of the “Foreign Agent Act ”<sup>22</sup> in Russia, the activities of CSOs came under major regulations. However, the government also came up with policies to engage CSOs particularly in areas of social development (Krasnopolskaya et al 2015, and Salamon et al 2015). Nevertheless, Daucé (2015) termed the Russian government strategy as

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<sup>22</sup> Foreign Agent law (Federal Law NO. 121-FZ, 2012) is a counter-terrorism law established by the Russian government in 2012. This law targeted nonprofit organizations that received aids from foreign government and institutions. For more see on foreign agent law see (Government of the Russian Federation 2012)

“the duality of Coercion”. He argues that the repression and cooperation approach employed by the state in its relationship with CSOs as the other side of the foreign agents law aimed at complete repression of CSOs. In Turkey, on one hand, state-civil society relations is characterised by mutual suspicion. On the other hand, the state co-opted some CSOs through its support system and the regulation of others specifically denying them platforms for communication or cooperation (Özçetin and Özer 2015). Therefore, implementation of CTMs have not only changed the roles of CSOs at the intercession between the state and the public but also altered the autonomous spaces that defined civil society in its relationship with the state.

In addition, the results of this study provides empirical backing to the theorization of Bloodgood and Tremblay-Boire (2009), Howell and Lind (2009 and 2010), Sidel (2010), Rubongoya (2010), and, Salamon et al (2015). They argue that, in the US, UK, Russia, Uzbekistan, Kyrgyzstan, India, Afghanistan, Kenya and Uganda, majority of CSOs have either been silent or acquiesced to the counter-terrorism strategy of their states. Reiterating this, Sidel (2010:10) asserts that “the parts of the non-profit and philanthropy that have been directly prosecuted or attacked have responded with vigorous legal and public defences, but much of the American non-profit sector which were not directly affected by new government policy have remained quiescent”. Howell and Lind further argue that, US and Kenya, until these CTMs began to affect their activities, mainstreams CSOs were silent. Only few minority groups such as Muslim human rights groups and activists were critical to these measures. Moreover, in some countries such as Uzbekistan, Kyrgyzstan, India, Afghanistan and Uganda, CSOs were largely silent to repressive CTMs. This is the case in Nigeria; the results of the survey showed that the most frequent responses in terms of rejecting the

repressive CTMs by CSOs were low compared to the support of the measures by CSOs in Nigeria.

In the face of establishment and entrenchment of repressive counter-terrorism laws that are rapidly encroaching on the independent spaces of independent public actions in Nigeria, there exist a growing convivial relationship between the state and large sections of CSOs. This has significant implications on both the organizations that make up civil society and the Nigerian public. First, state repression and engagement of CSOs as service deliverers within the context of counter-terrorism influences the construction of a reductionist role of CSOs in the country. Consequently, the state's approach in its relationship with CSOs within the context of counter-terrorism facilitates the incremental eradication of the advocacy roles of CSOs in the country. Specifically, it also impinges on the capacity of CSOs to give voice to victims of terrorist attacks and counter-terrorism operations, in the interest of both the Nigerian public and international community. Furthermore, creating a reductionist role for civil society does not only impinges on socio-justice. It creates room for grievances, mutual suspicion between the state and the society at large, but further rescinds democratic consolidation in Nigeria. As a result, a review of extant CTMs that continues to restrain the capacity of CSOs to operate freely in Nigeria is now warranted.

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