



# NIGERIA: SHRINKING CIVIC SPACE IN THE NAME OF SECURITY



- RAFIU ADENIRAN LAWAL
- GODWIN KINGSLEY
- OKECHUKWU NWANGUMA
- FYNEFACE DUMNAMENE FYNEFACE
- JOSHUA OLUFEMI
- VICTORIA IBEZIM-OHAERI

- CONFIDENCE MACHARRY
- JUSTIN GBAGIR, ESQ.
- NGOZI JUBA-NWOSU
- OHOTUOWO OGBECHÉ
- GODWIN UNUMERI
- LOTANNA NWODO



**NIGERIA:**  
**SHRINKING CIVIC**  
**SPACE IN THE NAME**  
**OF SECURITY**

**EXECUTIVE SUMMARY**

# INTRODUCTION

This research report, *SHRINKING CIVIC SPACE IN THE NAME OF SECURITY*, is the third and final part of the Security Playbook Series conducted by 11 members of the Action Group on Free Civic Space (AGFCS). The Security Playbook is a research project that aims to interrogate the use and misuse of the security architecture to narrow the online and offline spaces for civic engagement and participation in Nigeria. This third report examines the exploitation of the festering security challenges in Nigeria to undermine the ability of citizens to speak, associate and organize freely, to mobilise for citizen action and to participate in governance processes.

Nigeria is bedeviled by an assortment of security threats. According to Nigeria's National Security Strategy, "the threats are multifaceted and less predictable with blurred boundaries between external and internal risk factors."<sup>1</sup> A review of Nigeria's performance on the Security Threat Index shows that over a period of fifteen years (from 2007 to 2021), Nigeria has consistently recorded higher than average threat index.<sup>2</sup> The travel advisories issued by Canada,<sup>3</sup> United Kingdom<sup>4</sup> and the United States<sup>5</sup> depict a country troubled by several security threats: terrorism and kidnapping in the North, kidnapping, militancy, maritime crime, and curfews in the South.

The National Security Strategy categorizes the security threats in this way: "terrorism and violent extremism, armed banditry, kidnapping, militancy and separatist agitations, pastoralists-farmers conflicts, transnational organized crime, piracy and sea robbery, porous borders, cybercrimes and technology challenges.<sup>6</sup> Others are socio-political threats, fake news and hate speeches, environmental threats, public health challenges, economic challenges, regional and global security challenges." Crimes like kidnapping are also perpetrated by terrorists to raise funds through ransoms. Within this array of threats, terrorism and violent extremism rank high on the risk scale and have indeed, received the lion share of attention in terms of strategy, funding and media attention.

In name of curbing insecurity, law enforcement powers have been expanded, while physical and digital surveillance have become routinized. The expansion of policing powers and the routinization of surveillance have provoked an overflow of intended and unintended consequences of law enforcement such as a surge in arrests and detention, use of deadly force to disperse civil demonstrations, censorship of free speech, internet restrictions, proscription of religious and ethnic agitators, designation of dissenters as terrorist groups and so forth. The legion of security initiatives implemented across the country has increased opportunities for state security agents to misuse and crackdown on civil liberties and fundamental freedoms. All these have been justified by reference to protecting national interest or national security.

<sup>1</sup> [Nigeria Security threats index - data, chart | TheGlobalEconomy.com](#)

<sup>2</sup> [Global economy, world economy | TheGlobalEconomy.com](#)

<sup>3</sup> [Travel advice and advisories for Nigeria](#)

<sup>4</sup> [Safety and security - Nigeria travel advice - GOV.UK \(www.gov.uk\)](#)

<sup>5</sup> [Nigeria Travel Advisory \(state.gov\)](#)

<sup>6</sup> [ONSA-UPDATED.pdf \(ctc.gov.ng\) p.8](#)

While security threats are indeed prevalent, necessitating the deployment of counter measures, there is no clear definition of the terms, 'national security' or 'national interest' in the vast number of legal frameworks, statutes and policy directives pertaining to various aspects of defense, intelligence, military and non-military operations. Constitutional provisions also approve the subordination of certain human rights protections in certain circumstances such as in the interest of defence, public safety, public order, public morality or public health, including periods of emergency.<sup>7</sup> Due in part to the lack of definitional certainty and the constitutional authorization for the derogation of certain human rights guarantees in specific situations, securitized responses—often punitive in nature—have been applied to all manner of security threats ranging from ordinary local tensions, ethnic dissensions, communal conflicts up to insurgencies of frightening proportions.

Against this backdrop, this report examines the popular use of the security and counterterrorism architecture to limit civil society and disenable the environment for active civic participation. It seeks answers to the question: how can insecurity-ravaged states like Nigeria maintain a workable balance between combating violent security threats and the protection of civic freedoms? Although nations unanimously condemn organized crimes like terrorism and violent extremism in very strong terms, there is no corresponding consensus regarding the appropriate strategies for the enforcement of counter-terrorism measures. Two different positions, however, stand out: The first underscores respect for human rights, fundamental freedoms and the rule of law as sacrosanct principles that undergird both military and non-military measures deployed to counter terrorist activities. The second position invokes the “doctrine of military necessity”, questioning the applicability of human rights regimes to the activities of military forces exercising their official duties in violent security threats and armed conflict, including counter-terror combat operations. The use of maximum force to quell minor and serious security threats, and the resulting contractions on democratic freedoms, including the massive human rights violations are explained away as “collateral damage” or the “unavoidable by-product of legitimate military action.”

After carefully considering both arguments, this study finds that the traditional and more conventional spaces for civil society have contracted considerably, especially in the last decade. As numerous case studies and documentations in this report demonstrate, fighting terrorism is the most popular justification advanced for the surging restrictions on the activities of civil society actors such as non-governmental organisations (NGOs), humanitarian organisations, political opponents and activists demanding accountability from the government for its human rights failings.<sup>8</sup> Findings further establish the

<sup>7</sup> Section 45 of the 1999 Constitution

<sup>8</sup> Office of the United Nations High Commissioner for Human Rights 'Human rights, terrorism and counter-terrorism' Fact Sheet No. 32 <https://www.ohchr.org/Documents/Publications/Factsheet32EN.pdf> (accessed on 7 September 2021).

patterns, tactics and enablers of the security-linked restrictions on fundamental freedoms and the civic space in general, underlining how the restrictions arising from securitization are impacting civil society organizations and minority groups. The litany of tactics and legal rules frequently exploited to securitize the civic space and repress the voices of potential challengers appear to be copied from the security playbook of authoritarian regimes intolerant of dissent.

This research reveals a systematic pattern of exercising overbearing governmental power in ways that tighten the traditional and digitalized spaces for civic engagement in Nigeria. Laws enacted and institutions established with the noble intention of maintaining law and order have been given new meanings and weaponized against the citizens in the name of countering terrorism and protecting national security. Citizens, especially civil society actors operating in this type of environment feel repressed and lack the zeal to communicate possible security threats to the government. Civic spaces are impacted when limitations are placed on citizen's rights, constraining their ability to organize, speak and assemble freely, making interaction between them and with other state and non-state actors difficult.

The recommendations in this third part of Security Playbook Series report offer civil society actors with the levers to push back against the continuing misuse of the security paradigm to restrict the civic space and curtail civil liberties. These recommendations, if followed, can help improve the legal and operational environment for civil society by plugging the structural, capacity and legitimacy gaps in traditional intelligence, military, and law enforcement functions and also help increase pressure on both the military and political authorities to uphold their human rights commitments.

# SUMMARY OF FINDINGS

## Part A: Major Drivers of Insecurity in Nigeria

**1. Southern and Northern Nigeria:** Nigeria is broadly grouped into Northern and Southern Nigeria. Northern Nigeria comprises three geo-political zones namely: Northeast, Northwest, and the North-Central also known as the middle-belt while the southern region comprises three zones, namely: South-West, South-East and South-South. Although other ethnic minorities that are mostly Christians and farmers have significant presence there, northern Nigeria is dominated by Muslim adherents of Hausa and the Fulani tribe, who are predominantly nomadic pastoralists moving across the country with their herds.

**2. Drivers of Insecurity in Nigeria:** Insecurity is indeed rife across the country with no region spared from security challenges. The drivers of insecurity significantly differ across the northern and southern poles of the country. In the northern region, the combination of religion, ethnicity, and agriculture are the major drivers of the security crisis, including violent clashes among diverse ethnic groups, and account for the resulting fragility, loss of governmental control of vast swathes of territory and social dislocations. Accordingly, religious differences as well as land tussles and disparities in farming practices particularly between Muslim nomadic herdsman and Christian sedentary farmers constantly expand the tension points in the region. The North-West, Nigeria's largest geopolitical zone in terms of the number of states, has descended into an insecurity-free-for-all over the past five years, particularly in the states of Kaduna, Katsina, and Zamfara. Armed groups, popularly called "bandits" (known in Hausa as Yan Bindiga and Yan Ta'adda) by the Nigerian government are responsible for kidnappings along highways, schools and in communities.

In the Southern region, the unchecked incursion of Fulani herdsman into the south-eastern and southwestern states had seen communities come under relentless attacks by herdsman which resulted in the sacking of entire villages, killings, and massive damages to property. In sum, the historical marginalization of the South-East region, the unmitigated terror inflicted by the Fulani herdsman against southern communities and the apparent bias and aloofness by the Federal Government to rein in the irate herdsman have sparked agitations for self-determination in the two southern regions.

**3. Religious Drivers of Insecurity:** Religion is the thick thread sewing the three major terrorist groups operating in northern Nigeria together. Boko Haram insurgency tops the list of security concerns in Nigeria. In 2014, the group kidnapped over two hundred secondary school girls in Chibok, Borno State,<sup>9</sup> impelling its designation as a foreign terrorist organisation by the United States.<sup>10</sup> Recently, a splinter group of Boko Haram, Islamic State West Africa Province (ISWAP), emerged. Together, they form Nigeria's most

<sup>9</sup> [TIMELINE: Seven years after Chibok, mass kidnapping of students becoming norm in Nigeria | Premium Times Nigeria \(premiumtimesng.com\)](#)

<sup>10</sup> [US names Nigeria's Boko Haram and Ansaru 'terrorists' - BBC News](#)

worrisome security threats. Both groups have as their objective, the establishment of an Islamic Caliphate where 'pure Islam' will be enforced. Boko Haram and ISWAP share similar modus operandi – suicide bombings and kidnappings. Ansarul fi Muslimah biladis Sudan also known as Vanguard for the Defence of Black Muslims is the latest entrant into the caucus of deadly terrorist groups operating in Northern Nigeria. The group, also designated by the USA as a foreign terrorist group, parades<sup>11</sup> themselves as the al-Qaeda in the Lands Beyond the Sahel, a former splinter group of Boko Haram in Kogi State that seemed to focus on targets with international significance, claiming to do so in defence of Muslims.

**4. Ethnic/Tribal Drivers of Insecurity:** A horde of armed groups in Northern Nigeria are largely ethnic in nature and evolve from the agitations around land, water and livelihood (mostly agriculture). Attacks by ethnic militias are far more commonplace in the north-central part of the country, especially in Plateau, Taraba and Benue States, with the clashes caused by struggles for land and water and also as revenge for previous attacks. Fulani militias have been accused of incessant attacks in Benue State, where between 600,000<sup>12</sup> and 1.5 million people<sup>13</sup> are reportedly displaced. In Plateau State, the attacks are concentrated in Jos South, Riyom, Barkin Ladi and Bassa Local Government Areas, and have displaced at least 170,000<sup>14</sup> persons. There have also been attacks by Fulani militias in parts of Nasarawa and Taraba States, albeit far fewer and less frequency.

**5. Agricultural Drivers of Insecurity:** The recurrent frictions between crop farmers and Fulani pastoralists have snowballed into a major national security threat. Nothing has degenerated the farmer-pastoralists rift more than the lack of justice for crop farmers who suffer enormous damage from the incursions of Fulani cattle rearers. The lack of consequences for these atrocities emboldens Fulani herdsmen to unleash mayhem with impunity across states and regions. While the north-central states of Benue, Plateau, Adamawa, Nasarawa and Taraba states are currently the hotbeds of such conflicts, pastoralists-farmers conflicts<sup>15</sup> have now spilled over to the southern states,<sup>16</sup> catalysing self-determination agitations in the Southwest and the South-east.<sup>17</sup>



*The Insecurity Map of Nigeria. Source: Africanargument.org*

18

11 [We wont stop reporting terrorist attacks, media chiefs dare NBC \(punchng.com\)](https://www.punchng.com/news/we-wont-stop-reporting-terrorist-attacks-media-chiefs-dare-nbc/)

12 [Herdsmen attacks: Over 600,000 persons displaced in Benue \(Daily Post Nigeria\)](https://www.dailypostnigeria.com/news/herdsmen-attacks-over-600000-persons-displaced-in-benue/)

13 [Herdsmen Attacks: Benue facing worst humanitarian crisis with 1.5million IDPs. Ortom \(Vanguard Nigeria\)](https://www.vanguardngr.com/2017/05/herdsmen-attacks-benue-facing-worst-humanitarian-crisis-with-1-5-million-idps-ortom/)

14 [Stopping Nigeria's Spiralling Farmer-Herder Violence \(Crisis Group\)](https://www.crisisgroup.org/africa/west-africa/stopping-nigerias-spiralling-farmer-herder-violence)

15 [Stopping Nigerias Spiralling Farmer-Herder Violence | Crisis Group](https://www.crisisgroup.org/africa/west-africa/stopping-nigerias-spiralling-farmer-herder-violence)

16 See: [Communities in South-East groan, as herdsmen take over farmlands \(vanguardngr.com\);](https://www.vanguardngr.com/2017/05/communities-in-south-east-groan-as-herdsmen-take-over-farmlands/) [Living under siege of herdsmen in South-South Features The Guardian Nigeria News Nigeria and World News;](https://www.theguardian.com/world/2017/may/17/living-under-siege-of-herdsmen-in-south-south-features-the-guardian-nigeria-news-nigeria-and-world-news/) [Five killed as suspected herdsmen attack Ondo community \(tribuneonline.ng\)](https://tribuneonline.ng/news/five-killed-as-suspected-herdsmen-attack-ondo-community/)

17 [Sunday Igboho issues fresh eviction notice to herdsmen in South-West \(premiumtimesng.com\)](https://www.premiumtimesng.com/news/local-news/2017/05/sunday-igboho-issues-fresh-eviction-notice-to-herdsmen-in-south-west/)

18 [From Boko to Biafra: How insecurity will affect Nigeria's elections | African Arguments](https://www.africanarguments.com/2017/05/18/from-boko-to-biafra-how-insecurity-will-affect-nigerias-elections/)

**6. Government's Prejudice is Fuelling Insecurity:** The Buhari government's glaring differential in dealing with different groups across the north and south bears evidence of favoritism and double standards, sparking violent resistance across regions.<sup>19</sup> Official favouritism towards certain ethnic groups manifests in four ways: First, the consistent clampdown on farming communities resorting to self-help when faced with farmland invasions and destruction points to the Nigerian government's unhidden sympathy for the Fulani herdsmen.<sup>20</sup> Emboldened by the apparent support of the Federal Government,<sup>21</sup> herdsmen operate with an air of impunity, openly brandishing weapons as they wade through communities. Secondly, the Federal Government's widely-resisted attempt to establish cattle colonies for herdsmen across the country under the guise of agricultural schemes—like the programmes like Rural Grazing Area (RUGA) and the National Livestock Transformation Plan (NLTP)—is another major pointer to the government's famed favouritism towards herders.<sup>22</sup> Many states of the federation kicked against the initiative, describing it as a ploy to forcefully snatch indigenous lands for the benefit of armed Fulani herders.<sup>23</sup>

Third, criminalizing and proscribing non-violent groups like the Indigenous People of Biafra (IPOB) raises red flags especially when the evidently-violent Fulani herdsmen whose members bear deadly weapons and engage in terrorist activities had not been designated a terrorist group.<sup>24</sup> Global Terrorism Index named Nigerian Fulani militants as fourth deadliest terror group in world.<sup>25</sup> Miyetti Allah, the umbrella body of Fulani cattle owners has taken responsibility for some deadly revenge attacks on farming communities, but the federal government appears to approach the issue more disinterestedly.<sup>26</sup> More tellingly, the use of deadly force to crackdown on the activities of self-determination campaigners—like the IPOB and Sunday Igboho's pan-Yoruba movement—continue to provoke heated debates in the polity. And finally, despite the intensity and lethality of banditry activities, the government had initially refused to declare Yan Bindiga and Yan Ta'adda popularly known as 'bandits' a terrorist group; a reluctance criticised by many Nigerians particularly when more benign organisations such as the IPOB and the Islamic Movement in Nigeria have been proscribed as terrorists. Yielding to public pressure, the Federal Government of Nigeria officially designated Yan Bindiga and Yan Ta'adda as terrorist groups on Wednesday, 5 January 2022.

**7. Other Social Vices:** Other social vices igniting security concerns include internet fraud (popularly known as yahoo-yahoo), cultism, ritual killings, robberies, drug abuse and so forth. Out of these major social vices, internet fraud has particularly attracted the attention of security agents, prompting the enactment of dedicated cybercrimes

<sup>19</sup> Chidi Odinkalu (@ChidiOdinkalu) Tweeted: Under @MBuhari, the contrast between @NigeriaGov's weakness with #KillerHerdsmen & #TerroristBandits on 1 hand & its ruthlessness 2wds others on the other is stark & unforgivable. Repression & #HumanRights abuses have in many cases radicalized populations.

<sup>20</sup> [Enugu community decries arrest of 76 villagers after feud with Fulani herdsmen - Vanguard News \(vanguardngr.com\)](#)

<sup>21</sup> [-Understanding the Herder-Farmer Conflict in Nigeria ACCORD](#)

<sup>22</sup> [-Interrogating the constitutionality of retracing old grazing routes. Features. The Guardian Nigeria News. Nigeria and World News](#)

<sup>23</sup> Ibid

<sup>24</sup> Ugwueze, M.I. (2021). Biafra war documentaries: Explaining continual resurgence of secessionist agitations in the South-East, Nigeria. *Civil Wars*, DOI: 10.1080/13698249.2021.1903781

<sup>25</sup> <https://www.independent.co.uk/news/world/africa/global-terrorism-index-nigerian-fulani-militants-named-fourth-deadliest-terror-group-world-a6739851.html>

<sup>26</sup> <https://businessday.ng/exclusives/article/buhari-dithers-miyetti-allah-claims-responsibility-plateau-killings/>

legislations to deter and punish such crimes. Across the north and south, high unemployment rates, illiteracy and poverty exacerbate tension points and increase predisposition to violent and organised crimes etc.

## Part B: The National Security Architecture

**8. The National Security Set-up:** Based on the dominant themes in the country's national security threat analysis, the National Security Strategy is focused broadly on all categories of security threats. These include terrorism and violent extremism; armed banditry, kidnapping and militancy; cybercrimes; transnational organised crime; insecurity in other domains; potential threats from Chemical, Biological, Radiological, Nuclear and Explosive (CBRNE) agents; and national disasters. Out of the above threats, terrorism and cybercrimes have their separate national strategy documents, governing legislation and dedicated agencies vested with specific statutory powers to respond to terrorist threats. While the Armed Forces of Nigeria oversee the territorial integrity of Nigeria, defending it against external threats, the Nigeria Police focuses on internal security, peace and order. A host of intelligence agencies support the national security mandates of both the Nigerian Army and the Nigerian Police. They include the National Intelligence Agency (NIA), the Defence Intelligence Agency (DIA) and the Nigerian Financial Intelligence Agency (NFIU) etc.

**9. The Counterterrorism (CT) Framework:** The counterterrorism (CT) laws, strategies and institutions in Nigeria were mostly installed in compliance with Nigeria's international law obligations – as may be mandated by the United Nations and its agencies, and the Financial Action Task Force (FATF).<sup>27</sup> Two major frameworks driving CT operations are the NACTEST and the Policy Framework and National Action Plan for Preventing and Countering Violent Extremism (PCVE). To ensure a holistic approach to the implementation of the five streams of the strategy, (NACTEST) is coordinated by the Counter-Terrorism Centre (CTC) in the Office of the National Security Adviser (ONSA) while CT functions are fragmented across 19 ministries, 32 agencies and civil society organizations with defined roles and responsibilities consistent with the whole of government approach. While NACTEST spells out the rules undergirding Nigeria's use of the military in fighting sophisticated armed groups, the PCVE is designed to be non-military in approach, focusing on enhancing the capacity of individuals/communities to prevent and counter violent extremism, and recover from violent occurrences.

<sup>27</sup> Action Group on Free Civic Space, Harms from Abroad: Impact of Global Security Measures on Civic Space in Nigeria (2021) <https://closingspaces.org/harms-from-abroad-impact-of-global-security-measures-on-civic-space-in-nigeria/>

**10. Legal Impetus for National Security Initiatives:** There are two categories of laws governing national security in Nigeria. The first category includes laws establishing and defining the powers and responsibilities of national security agencies and while the second refers to legislations criminalizing specific security threats. The first category encompasses laws establishing and/or regulating security agencies such as the Nigeria Police, the Armed Forces of Nigeria, The Economic and Financial Crimes Commission, the Nigerian Drug Law Enforcement Agency, the Nigeria Civil Defence, the Office of the National Security Adviser. The second category of national security laws prescribes punishment for specific offences that pose threats to national security. These include counterterrorism legislations such as the Terrorism Prevention Act (TPA), Central Bank of Nigeria Anti-Money Laundering/Combating the Financing of Terrorism Regulations, 2013 ("CBN CT Regulation"), the Money Laundering Act and so forth. Apart from federal legislations, numerous state laws also prescribe stiffer punishment for kidnapping to deter the commission of such crimes within states.<sup>28</sup>

**11. Exploiting the Lack of Definitional Certainty and Vague Provisions in Security Laws:** The term, 'terrorism' was not clearly defined under the TPA or any applicable domestic and international law document. What amounts to terrorism therefore becomes a political decision. Although this is not unique to Nigeria, Nigeria is among countries that exploit definitional uncertainty to clamp down on critics of the government and opposition figures. Because terms like 'terrorism', 'national security' and 'national interest' are not defined in federal and state security laws, law enforcement agents have latched on to the often vague and broad language in these provisions to overstretch and import new meanings unintended by the legal draftsmen.

**12. Unintended Effects of the Proliferation of Security Laws and Agencies:** The first and second categories of national security laws are complemented by the general criminal legislations such as the Criminal Code (applicable in Southern Nigeria) and the Penal Code (enforced in Northern Nigeria). Numerous offences prohibited under a plethora of new security laws have already been covered under the general criminal law legislations. The duplication of offences in a maze of security laws produce the effect of vesting wide discretion on law enforcement agencies to pick and choose which law to invoke to justify serious criminal charges like terrorism and cybercrimes. Consequently, simple offences which ordinarily fall within the purview of general criminal legislation may be prosecuted under the TPA or Cybercrimes Act in order to obtain the harshest punishment possible for the accused.

<sup>28</sup>—[Senate passes law prescribing life imprisonment for kidnappers](#) Nigeria The Guardian Nigeria News Nigeria and World News

**13. Overlaps, Duplicity Slow Down Efficacy of Security Measures:** The over-concentration of national security response in the Federal Government of Nigeria whittles down the power of state governors to address security challenges across states and regions. Second, there is no clear rule regulating the interaction between the various security agencies, culminating in the lack of coordination, duplicity, waste and accountability deficits. Dispersing CT responsibilities across multiple agencies further creates significant coordination challenges due to regulatory overlaps. More so, Nigeria's CT strategies seem to be designed to counter Boko Haram. It is therefore unclear whether stipulated strategies are effective enough to counter different kinds of terrorist threats engulfing other parts of the country. The legion of security initiatives implemented across the country has increased opportunities for state security agents to misuse and crackdown on civil liberties and fundamental freedoms.

## Part C: Misuse of Security Laws to Restrict the Civic Space

**14. Security Challenges Providing Justification for Stifling Dissent:** The advent of social media expanded the frontiers of activism, enabling a vibrant civic space for ventilating and addressing a variety of issues of national importance. The significant increase in digital literacy and the growing culture of mass-based actions happening online—as exemplified by the #RevolutionNow and #ENDSARS in Nigeria—reflect the shared aspirations of citizens to hold duty-bearers accountable. High levels of organized crime especially the rising activities of insurgents and extremist groups like Boko Haram in fragile states in the northern region has provided legal justification for the Nigerian state to adopt militarized responses to defend its national security and suppress the activities of civic actors demanding accountability for the worsening insecurity and governance failings. The huge differentials, including bias, in governmental responses to different security threats and hostile groups across regions illuminate how protecting national security has equally provided justification for enhanced security measures to be repurposed to achieve other restrictive objectives unrelated to either national interest. Consequently, the surge in the number of arrests, intimidation, detention, heightened security surveillance, bank account freezes, disruption of peaceful protests and use of excessive force by security agents is not only restraining people from speaking up, but also discouraging other forms of civic action.

**15. Categories of Security-based Restrictions on the Civic Space:** Restrictions on the civic space are categorized according to the rights violated or the strategy used to impose the restrictions. The categories include violations of the right to free speech, freedom of association & assembly. Other restrictions include politically-motivated attacks on

on opposition voices, digital/tech surveillance as well as the application of anti-money laundering and countering financing of terrorism (AML/CFT) measures on civil society organizations.<sup>29</sup> The most popular tactics used by security agents to enforce security-linked restrictions include Forced Disappearances, Unlawful Arrests and Detention; Unlawful Killings, Physical Attacks, Torture, Degrading Treatment; Disruption and Anti-NGO and Restrictive Laws; Proscription and Designation as Terrorists; and Violation of Court Orders. The above-listed tactics are typically used to enforce three major types of governmental restrictions under the guise of protecting national security, namely: overbroad application of existing laws, restrictive legislations, and non-legal restrictions taking the form of shaming, negative labelling and including the outright proscription of the activities of targeted groups.<sup>30</sup> These categories are not exhaustive, but have been rehashed to highlight the impacts of civic space contractions arising from the multiple security initiatives in different parts of the country.

**16. Overbroad Application of Existing Counterterrorism and Security Laws:** State actors can stretch and apply anti-terrorism regimes to any perceived threat or semblance of collision with constituted authority with relative ease. Activists posting critical commentary, including purely religious sentiments, on Facebook/Twitter have been charged with terrorism and blasphemy. Statutes governing the administration of criminal justice such as sedition, criminal defamation and treason/treasonable felony have been frequently invoked to harass, arrest, detain and prosecute private citizens including civil rights agitators and journalists for very benign activities such as peaceful protests, publication of critical and satirical commentary, and other forms of dissent. Journalists, campaigners, protestors, leaders of ethnic agitation groups, religious and self-determination movements have been particularly targeted in the name of curbing extremism, terrorism and insecurity. Framing public protests as a push for regime change has been used to discredit the legitimate grievances of protestors and taint the peaceful agitations with the same brush used to characterize serious security breaches and felonies such as treason, rebellion or inciting revolt or violence against a lawful authority. These narratives provide justifications for the use of maximum force to suppress peaceful assemblies.<sup>31</sup>

The Terrorism Prevention Act (TPA 2011 amended in 2013) and Nigeria's 2015 Cybercrime Law top the list of security laws often used to stifle dissent under the guise of advancing the security agenda. The provisions of the TPA are supplemented by regulations such as the Central Bank of Nigeria's regulation on freezing the assets of suspects of terrorism plus the Cybersecurity Act which contains provisions on cyber terrorism, cyberstalking, etc. Although the Nigeria's 2015 Cybercrime Law was enacted to create a legal, regulatory and institutional framework for improving cybersecurity and to ensure the protection of

<sup>29</sup> See [www.closingspaces.org](http://www.closingspaces.org).

<sup>30</sup> Victoria Ibezim-Ohaeri, Confronting Closing Civic Spaces in Nigeria, Issue 26, SUR International Journal on Human Rights, September 2017: page 7; <https://sur.conectas.org/en/confronting-closing-civic-spaces-in-nigeria/>

<sup>31</sup> Spaces for Change, Unintended Consequences of FATF standards on the NPO Sector and the Civic Space in Nigeria, Policy Brief submitted to the FATF Workstream on Unintended Consequences of FATF Standards (2021).

the critical national information infrastructure, civic actors found publishing critical commentary about political and business leaders are routinely slammed with charges of terrorism, cyberterrorism and cyberstalking.<sup>32</sup> According to the Closing Spaces Database, civic actors targeted by the overbroad interpretation of CT and security laws are (a) Journalists and bloggers; (b) Self-determination and religious leaders and (c) Campaigners and protestors.

**17. The Most Popular Abusers of Security Laws:** Arrest of civic actors are mostly effected by the State Security Service (SSS) also known as the Department of State Security (DSS), the Nigeria Police Force and the Economic and Financial Crimes Commission. The primary triggers for state-ordered onslaught on civic actors range from the informal expressions of critical commentary on social media to the publication of news reports considered 'offensive' in the mainstream media. Arrests by security agencies are usually followed by criminal charges alleging public disturbance and threats to national security. The order to arrest self-determination agitators and religious leaders usually come from the highest authorities, notably the Presidency,<sup>33</sup> and is executed by the SSS/DSS in collaboration with the Nigerian Army. Brazen disregard for court orders are hallmark features of the Nigerian government's responses to cases involving self-determination agitators and religious leaders. Protestors and campaigners are usually rounded up a combination of security operatives comprising the Nigerian Army and the Nigeria Police, and they are most likely to be charged for terrorist financing relying on the provisions of the Section 13(1)(a) and (b) of the TPA and Regulation 31(2)(a) and (3)(b) of the Central Bank of Nigeria Anti-Money Laundering/Combating the Financing of Terrorism Regulations, 2013 ("CBN CT Regulation"). The criminalization and disruption of peaceful assemblies represents the growing evolution of new narratives to legitimize crackdowns on civic actors built on the rhetoric of terrorism.

**18. Restrictive Security Regulations:** A litany of restrictive legislative proposals introduced in the federal parliament over the past five years have been justified by their proposers as necessary to strengthen the country's efforts to combat terrorism and insurgency. Three major examples are the '*Protection from Internet Falsehood and Manipulation Bill 2019*' popularly called the Social Media Bill, the '*Independent National Commission for the Prohibition of Hate Speeches Bill*' also known as the Hate Speech Bill and the 'Bill for an Act to Provide for the Establishment of the Non-governmental Organizations Regulatory Commission' also called the NGO Bill. The first two draft statutes seek to criminalize the spread of falsehoods and hate speech. The bills vaguely define what constitute hate speech and the spread of internet falsehood and prescribe punishments ranging from five-year prison terms to death sentence.

<sup>32</sup> Victoria Ibezim-Ohaeri, Galvanizing Collective Action to Protect Nigeria's Civic Space, published by Shehu Musa Yar Adua Foundation, 2021, <https://yaraduafoundation.org/files/Galvanizing%20Collective%20Action.pdf>

<sup>33</sup> Referring to the Office of the President

On the other hand, the NGO Bill, aimed to establish a regulatory commission to supervise, coordinate and monitor the activities of non-governmental organisations in the country. Although Nigeria already has numerous existing laws and regulations related to AML/CFT—such as the Money Laundering (Prohibition) Act, the Terrorism (Prevention) Act, the Special Control Unit against Money Laundering (“SCUML”) Regulations, and the Central Bank of Nigeria AML/CFT Guidelines)—one of the reasons proffered by the backers of the bill is to keep track of funding for the work of non-governmental and civil society organisations as part of a broader effort for combating anti-money laundering (AML) and countering the financing of terrorism (CFT). Widespread resistance from civil society organizations halted the passage of this bill.

**19. Securitization of Health Emergency:** The flurry of regulations enacted at the federal and state levels in the wake of the pandemic stipulated adherence to lockdowns, social distancing and other health and safety protocols. Though the litany of expedited policy and legislative measures provided the speed and toughness needed to take decisions, the appearance of police and army patrols roaming the streets, mounting roadblocks and checkpoints, prohibiting inter-state travels, banning public protests and gatherings, plus the unprecedented number of arrests and detentions of citizens recorded, are reminiscent of the military regimes of the 80s and 90s when the civic space was completely closed. The brewing tension between COVID-19 responses and constitutionally-protected civil liberties have led commentators<sup>34</sup> and groups to conclude that the disease containment measures are reinforcing fears of deliberate governmental clampdowns on civic freedoms using COVID-19 as an excuse [S4C:2020].<sup>35</sup>

## Part D: Enablers and Justifications for Security-Based Restrictions on Civil Society

**20. The Terrorism Decoy:** Fighting terrorism is the most popular justification advanced for the surging restrictions on the activities of civil society actors such as non-governmental organisations (NGOs), humanitarian organisations, political opponents and activists demanding accountability from the government for its human rights failings.<sup>36</sup> The meaning of terrorism has been so expanded that any disagreement with state actors—by anyone whatsoever—can be equated with terrorism. Labelling activists as 'terrorists', 'spies', 'western agents' sits atop the security playbook used for discrediting the personalities and statements of activists and activist organizations. Ways that have been used to neutralize civil society activities include terrorist labelling, proscription, suspension, license revocations, office raids, disruption of programs, funding restrictions and so forth.

34 Victoria Ibezim-Ohaeri, COVID-19: The Legality and Limits of the President's Emergency Powers, Premium Times, March 2020:

<https://opinion.premiumtimesng.com/2020/03/30/covid-19-the-legality-and-limits-of-the-presidents-emergency-powers-by-victoria-ibezim-ohaeri/>

35 SPACES FOR CHANGE, COVID-19, Human Rights and the Civic Space in Nigeria, March 2020: <https://spacesforchange.org/covid-19-human-rights-and-the-civic-space/>

36 Office of the United Nations High Commissioner for Human Rights 'Human rights, terrorism and counter-terrorism' Fact Sheet No. 32 <https://www.ohchr.org/Documents/Publications/Factsheet32EN.pdf> (accessed on 7 September 2021).

The major tactics used by state security agents to stifle dissent and limit civil society include disrupting protests and public rallies organized by civil society organizations (CSOs) pushing for social change, arresting the organizers, raiding their offices, threats and intimidation, confiscating their equipment, and sponsoring smear campaigns on targeted groups. Other tactics include using counterfeit groups to attack legitimate civil society organizations; use of biometric information and surveillance gadgets—either collected or procured in the name of countering terrorism and threats to national security—to curtail internet use, arbitrarily surveil and limit the activities of the political opposition, journalists and against civic actors demanding accountability and pushing for social justice.<sup>37</sup> Other forms of digital surveillance include cyberbullying, the use of fake emails, email monitoring, website attacks, phishing attacks, and hacking into activists' social media accounts. Others include hate mails, posting hateful comments, reporting and facilitating the removal of posts made by activists on social media. A new report by the Action Group on Free Civic Space, *The Security Playbook of Digital Authoritarianism in Nigeria* builds evidence of a security playbook of digital authoritarianism by showing how the massive financial resources, equipment and technologies originally procured in the name of counterterrorism and curbing insecurity have been diverted to monitor the movement of citizens, to track activities of civic actors online, intercept private communications and restrict online civic space.<sup>38</sup>

**21. Suspensions and Bans:** Officials commonly express scepticism for NGO funding sources<sup>39</sup> or blatantly accuse civil society organisations of receiving funds from unscrupulous sources and providing support to terrorist groups. Questioning the source of NGO funding operates as a precursor for the suspension of aid groups or to justify the imposition of restrictions on civil society operations. The Nigerian Army has suspended some aid groups from operating in the North-East, accusing them of sabotaging the country's counterterrorism and counter-insurgency efforts. Suspended groups include the United Nations Children's Fund (UNICEF), Action Against Hunger, Mercy Corps and ACTED.

The same way suspension limits the ability of civil society to operate freely is the same way the suspension of social networking sites perceived to be sympathetic to anti-government rhetoric<sup>40</sup> interrupts citizens' access to information and communication. During the Twitter ban, millions were denied access to real-time and unfiltered information and conversations on governance, undermining press freedom and the online civic space. Twitter ban followed shortly after the #EndSARS protests on the ground that the microblogging site was being used to undermine Nigerian government and the national security. Twitter ban follows a pattern of repression of civic freedoms online through regulatory initiatives seeking to increase governmental powers to

37 Action Group on Free Civic Space, *The Security Playbook of Digital Authoritarianism In Nigeria*; <https://closingspaces.org/the-security-playbook-of-digital-authoritarianism-in-nigeria/>

38 Action Group on Free Civic Space, *The Security Playbook of Digital Authoritarianism In Nigeria*; <https://closingspaces.org/the-security-playbook-of-digital-authoritarianism-in-nigeria/>

39 EFCC through the head of its Lagos Zonal Office, Ahmed Ghali; EFCC Charges NGOs, CSOs on Money Laundering, Terrorism Financing <https://www.efccnigeria.org/efcc/news/6738-efcc-charges-ngos-csos-on-money-laundering-terrorism-financing>

40 See Brookings "Nigeria's Twitter ban is a misplaced priority." Available at <https://www.brookings.edu/blog/africa-in-focus/2021/08/11/nigerias-twitter-ban-is-a-misplaced-priority/>, accessed 26 September 2021

regulate the social media, control the digital spaces and undertake surveillance operations.

**22. Use of Deadly Force:** The use of excessive force against protesters and self-determination agitators reached an all-time high under the President Muhammadu Buhari administration where security agencies continue to demonstrate zero tolerance for all kinds of public assemblies, whether peaceful or not. No incident demonstrates the Nigerian government's high-handed response to public assemblies more than the 2020 #EndSARS protests and the IPOB public gatherings characterized by bloodshed, arrests, detentions, travel bans, freezing of bank accounts, proscription, fines and sanctions on broadcast media stations etc. Homes of the leaders of the Yoruba and IPOB self-determination groups, have been raided on grounds of gun running and treason.<sup>41</sup> Self-determination agitators have been arrested,<sup>42</sup> and labeled as criminals, anti-state and political agents.<sup>43</sup>

**23. The CT Paradigm is Displacing the Criminal Justice Systems:** Overzealous security forces are exploiting the national security mantra to crush civil liberties, causing unwarranted fatalities, human rights violations and shrinkage of the civic space. The deployment of maximum force including military action to resolve internal strife and simple misdemeanors evince how the counterterrorism architecture is rapidly ousting the criminal justice system. The Nigerian legal system has a plethora of existing legislation that punish speech that cross the red lines of libel, slander, defamation and the like. Yet, authors of critical commentary directed against state actors are frequently slammed with terrorism charges. Increased securitization is also weakening the oversight functions of other organs of government like the judiciary with a mandate to tame overreaching state behaviour and protect human rights. Nothing has weakened judicial powers more than the ease and frequency with which security agents vested with broad powers defy court orders and use security as an excuse to take away civil liberties.

## Part E: Impacts of National Security Measures on Minority Groups

**24. Neutrality Versus the War against Terror:** Nothing has strained relations between Nigerian security forces and the humanitarian organizations more than the adherence to the principles of neutrality, humanity and impartiality. In Nigeria, organizations rendering humanitarian assistance especially in the conflict zones adhere strictly to the principle of neutrality and impartiality which requires them to abstain from any participation in hostilities and controversies of a political, racial, religious or ideological nature in order to

41 Chinedu Asadu, The Cable. DSS confirms raid on Igboho's house, declares him wanted. 1 July, 2021.

42 [www.thecable.ng/breaking-dss-launches-manhunt-for-sunday-igboho-after-recovering-arms-ammunition-from-his-house/amp](http://www.thecable.ng/breaking-dss-launches-manhunt-for-sunday-igboho-after-recovering-arms-ammunition-from-his-house/amp)  
Oluwakemi Adelagun, Premium Times (online). Police disperse Yoruba nation agitators. 3 July, 2021  
[www.premiumtimesng.com/regional/ssouth-west/471408-police-disperse-yoruba-nation-agitators.html](http://www.premiumtimesng.com/regional/ssouth-west/471408-police-disperse-yoruba-nation-agitators.html), accessed 27 July, 2021.

43 Dapo Akinrefo, Vanguard newspaper. Igboho: FG, Beninese lawyers battle over extradition in court. 27 July, 2021.  
[www.vanguardngr.com/2021/07/igboho-fg-beninese-lawyers-battle-over-extradition-in-court/amp](http://www.vanguardngr.com/2021/07/igboho-fg-beninese-lawyers-battle-over-extradition-in-court/amp), accessed 29 July, 2021.

continue to enjoy the confidence of all. By adopting a neutral and impartial stance, humanitarian assistance may reach both populations in distress as well as insurgent groups operating in areas of conflict, which is often perceived by the government as clandestine support for terrorist groups. For instance, the Nigerian Army ordered a forced closure of Action against Hunger (AAH), based on claims alleging that the group has been supplying the Boko Haram insurgent group with food and drugs. AAH has strongly denied these allegations.<sup>44</sup>

**25. Groups Most-impacted by Security Restrictions:** The minority groups most impacted by security-induced restrictions on civil society, undermining the efficacy of their civic activism are the youths, displaced persons, women, people living with disabilities, LGBTQ persons, pensioners etc. The findings of an 8-man Judicial Panel of Inquiry and Restitution (#EndSARS Panel) found evidence of egregious human rights violations by security agencies, with the youth bearing the highest share of the police abuses.<sup>45</sup> Tired of being stigmatized and profiled as criminals, the youth-led #EndSARS campaigns moved from the web to the streets, demanding an end to the brutalization of young persons on account of their looks. Similarly, displaced persons bear the brunt of the persistent tensions between state authorities in the North-east and humanitarian aid workers. In December 2021, the Governor of Borno State banned humanitarian and development partners from distributing food and relief materials to tens of thousands of people displaced by conflict.<sup>46</sup> It is also commonplace to use legislative measures to impose regulatory controls that sometimes limit civil society activities, preventing help from reaching those in critical need.<sup>47</sup>

**26. The Role of International CT Norms:** Governmental restrictions on the activities of humanitarian organizations in the northeast derive legal impetus from international financial regulations like the Financial Action Task Force (FATF) Standards. Before it was revised in 2016, the original text of FATF's Recommendation 8 stated that "NPOs possess characteristics that make them particularly attractive to terrorists or vulnerable to misuse for terrorist financing." Although FATF has revised Recommendation 8 in favour of a risk-based approach, the sentiment that NPOs are security concerns have festered.

**27. Opportunities for Pushback:** Civil society organisations can seek categorical declarations from the courts to define the limits of the state's ability to invoke Section 45 of the 1999 Constitution. In this regard, public interest litigation lawsuits initiated by civil society actors can invite the courts to clarify the exceptional circumstances when derogations from constitutional guarantees can be lawfully invoked by the government or its agencies. Civic society organisations can also explore partnerships with progressive

<sup>44</sup> [https://mail.google.com/mail/u/2/#m\\_-9143399546360664504\\_\\_ftn1](https://mail.google.com/mail/u/2/#m_-9143399546360664504__ftn1)

Report of Lekki incident investigation on 20th of October 2020: <https://closingspaces.org/lagos->

<sup>45</sup> [state-judicial-panel-of-inquiry-on-restitution-for-victims-of-sars-related-abuses-and-other-matters/](https://closingspaces.org/lagos-state-judicial-panel-of-inquiry-on-restitution-for-victims-of-sars-related-abuses-and-other-matters/)

— [Nigerian state restricts food aid despite crisis | The Guardian Nigeria News - Nigeria and](https://www.theguardian.com/world/2021/nov/11/nigerian-state-restricts-food-aid-despite-crisis)

<sup>46</sup> [World News News The Guardian Nigeria News Nigeria and World News](https://www.theguardian.com/world/2021/nov/11/nigerian-state-restricts-food-aid-despite-crisis)

<sup>47</sup> Action Group on Free Civic Space, Harms from Abroad: Impact of Global Security Measures on Civic

Space in Nigeria (2021) <https://closingspaces.org/harms-from-abroad-impact-of-global-security-measures-on-civic-space-in-nigeria/>

lawmakers in the state and federal legislatures to canvass political support against repressive laws and legislative proposals. Leveraging such partnerships, CSOs may also propose bills that counter negative rhetoric and improve the legal environment for civil society. Building credible data detailing the positive contributions of the civil society to the economy is another way of reversing false narratives about CSOs as well as the adversarial engagements between CSOs and government actors.

**28. Context-specific Rules on Neutrality:** While neutrality, humanity and impartiality are core imperatives of humanitarian assistance, it is important to ensure that the application of these principles do not favour any side in an armed conflict or other dispute. Official suspicion of affiliation between humanitarian organizations and terrorist groups is premised on fears that charitable support may reach hostile groups, absent adequate control measures. The creation of safe spaces and mechanisms for inclusive deliberations is necessary to enable the Nigerian government and humanitarian groups mutually develop context-specific guidelines that ensure that the modalities for the delivery of life-saving assistance to those in need do not clash with counterterrorism measures. This will allow for the development of context-specific rules on aid delivery that support national counterterrorism objectives and also satisfy the requirements of international human rights and humanitarian law.

**29. How Vigilant Advocacy and Networks Can Help:** Vigilant monitoring of policy and legislative spaces have helped CSOs detect the inclusion of restrictive and disturbing clauses in draft statutes. Early detection gives CSOs ample time to launch appropriate campaigns to challenge the initiatives. It was the vigilance of civil actors that identified the various restricting bills—like the Social Media Bill—pending at the National Assembly which culminated in the successful dismantling of those bills. The best time to challenge wrong policies is before they become operational. Similarly, forming coalitions offers three major advantages, especially in settings where civic spaces are closing. First, the traditional “strength in number” objective makes the voice louder, making it difficult for the government to single out individual organisations or persons for victimization. This is a strategy the Action Group on Free Civic Space (AGFCS) has consistently used to engage the government on issues touching on national security without attracting any negative repercussions or reprisals. The Action Group on Free Civic Space (Action Group) is a coalition formed by Nigerian NGOs to frontally challenge and address the constantly-shrinking Nigerian civic space.<sup>48</sup> Secondly, forming coalitions improve efficiency as scarce resources are pooled together and maximized and the relative strengths of each constituent organisation can be leveraged. Thirdly, forming coalitions create a single point of entry for engagement between civil society and the government and international actors.

<sup>48</sup> [Spaces for Change: From informal networks and collaboration to the Action Group for Free Civic Space in Nigeria - Closing Spaces](#)

# ACTION GROUP ON FREE CIVIC SPACE



## ACTION GROUP ON FREE CIVIC SPACE SECRETARIAT:

SPACES FOR CHANGE | S4C  
35B AJAKAIYE STREET, ONIPETESI ESTATE, MANGORO, IKEJA, LAGOS, NIGERIA  
Email: [info@closingspaces.org](mailto:info@closingspaces.org)  
Telephone: +234 703 620 2074 | +234 909 453 9638  
Website: <https://closingspaces.org/group-activities/>