



Omaji Leadership Solutions

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Policy Framework for Curbing Terrorism

Professor Paul Omojo Omaji

pauoma@gmail.com

+2348070620605

PRESENTED AT THE TRAINING WORKSHOP ON MODERN
SECURITY APPROACHES TOWARDS ARRESTING THE TIDE OF
TERRORISM IN NIGERIA. VENUE: COVENANT UNIVERSITY, OTA.

DATE: 25-26 JULY 2016



- **Protocols**
- **Acknowledgements**
- **Congratulations to Participants**



Our Calling

Fanning

the
Flame

of
Excellence

in Leadership



Our Leadership convictions

- Everything (including policy response to terrorism) rises, stands and falls on **leadership**
- Leaders create their world in **their own images**; so, the state of their world is the image of their leadership.
- Lack of **upright** leadership is the Achille's heel in effective counter terrorism
- We must cultivate **character-centred** leadership to make progress
- The most **difficult person** to lead is **yourself**



OLS Declaration

I am a LEADER -
actually or potentially.

Either way,

I have LEADERSHIP in me.

How I manifest, depends on me.

To be or not to be.

I will be

a Character-centred LEADER.

So Help me God.



Session Objectives

At the end of this session, participants will be able to:

- outline the essence of policy framework and terrorism;
- distinguish criminological categories of policy responses to terrorism; and
- discuss wicked policy frontiers of curbing terrorism.



Essence of policy framework



Policy framework

- A principled guide to action
- Intended to address issues efficiently and effectively
- Consistent with one's ideology:
 - philosophy
 - vision
 - mission
 - values





Framework...

- Usually embodied in laws, regulations, guidelines, etc.
- Must address the issues while:
 - serving justice,
 - supporting related institutions, and
 - encouraging active citizenship.



Essence of terrorism



Definition

- No one single definition - satisfactory in all contexts
- *UN Model Law Against Terrorism* provides **six alternative** definitions, drawn from:
 - *Article 2-1 (b), **International** Convention for the Suppression of the Financing of Terrorism*
 - ***UN Draft** Comprehensive Convention against International Terrorism*



Definition...

- *1999 Terrorist Financing Convention + Security Council Resolution 1566 + Reports by the Special Rapporteur on Human Rights and Counter-Terrorism*
- *EU Framework Decision of 13 June 2002 on Combating terrorism*
- *Article 1-3, Organization of African Unity Convention on the Prevention and Combating of Terrorism, 1999*
- *Treaty on Cooperation among the States Members of the Commonwealth of Independent States in Combating Terrorism*



Basic characteristics

- Schmid and Jongman (2005) analysed 109 academic and official definitions
- Found three **irreducible minima** of terrorism:
 1. use of violence;
 2. power objectives; and
 3. intention of sowing **morbid** fear in a target population.



Characteristics...

- Terrorism is a **belief or ideology** of ‘illegitimate’ use of violence or extreme fear as a tool for gaining power-related objectives.
 - “a violent action whose psychological effects are disproportionate to its purely physical results.” (Raymond Aron).
 - strategic principle: to crush the spirit and bend the adversary’s will while affecting their capacity for resistance.
- Terrorism’s strength lies in its **unpredictable** selection of victims and seeking to broadcast **fear-induced psychosis**.



Technically, terrorism

- Exists only in a cultural and historical context.
- Is driven by the engine of “the end justifies the means” - interested only in the cause (end state) rather than its mode of action.
- Is a mode of struggle rather than a social or political aberration.
- Is the exclusive weapon of the weak against the strong, targeting primarily the mind as the battleground for psychological warfare.



Moralistically, terrorism

- Remains a major threat to peace and security, globally.
- Destabilises governments.
- Undermines social and economic development.
- Distorts the core values of societies.
- Devastates humanity.



Types of terrorism

- **State terrorism** (totalitarian regimes);
- **ideological terrorism** (Marxist, Red Brigades in Italy, German Red Army Fraction, the Basque and Corsican movements, etc)
- **Politico-religious terrorism** (the first-century Jewish Zealots; the 10th century Islamic Assassins; the 11th century Crusaders; the 16th century Anabaptists, Maitatsine, Boko Haram)
- **Expressive terrorism** (Armenian attacks, NDA)
- **Publicity terrorism** (PLO hijacking flights)
- **Cyber-terrorism** (hacking, virus attacks)



Contemporary terrorism

For the Criminologist of contemporary terrorism, four years stand out as turning points:

- 1968: Latin American insurgency & Palestinian terrorist attacks.
- 1979 Iranian revolution (Shiite radical Islam) & Soviet intervention in Afghanistan.



Contemporary terrorism

- 1983: suicide bombings in Beirut
 - two of which killed 241 American Marines and 53 French paratroopers.
- 2001: the September 11 attack on the US
 - turned an icon of modernity (aircrafts) into weapons of mass destruction: about 3000 people, killed
 - led to the policy of overthrowing terrorist havens (e.g. Afghanistan, Iraq, Syria)
 - birthed the most significant counterterrorism operation ever undertaken.



Factors fuelling terrorism

UN perspective:

- International community's inability to resolve protracted conflicts or prevent new ones;
- Military interventions;
- Disregard for international law, including human rights and international humanitarian law;
- Insufficient implementation of Security Council and General Assembly resolutions;



Factors...

- Rise of prejudice against particular religions, ethnicities and cultures;
- Failure to meet governance obligations;
- Slow socio-economic development;
- Entrenchment of marginalization and exclusion of some social groups; and
- Rising inequality between and within States. (Sec- Gen UN Report 2016).



Factors...

Injustice

Anger

Vengeance



Criminology of Policy Responses



Policy response levels

Global

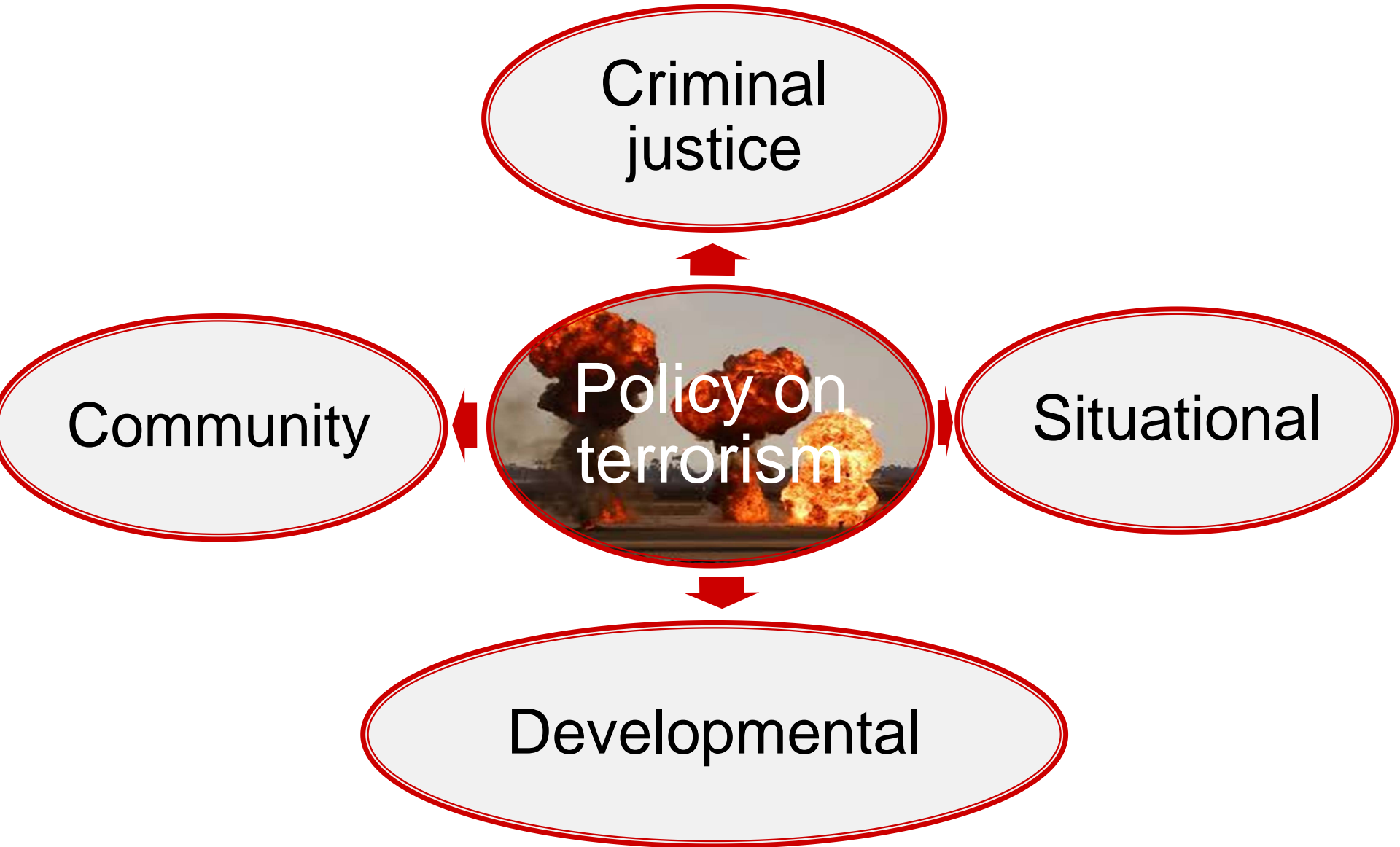
Regional

Sub-regional

National



Criminological categories





Categories...

- Criminal justice: **reactive and punitive** – based on classical/rational choice and deterrence theories
- Situational: **repressive and pre-emptive** – based on ecological and routine activity theories (target-hardening, increasing effort and risk, reducing reward)
- Developmental: **redemptive and proactive** – based on positivistic, containment theories (treatment-oriented, and focus on ‘at-risk’ situations)
- Community: **radical and progressive** – based on critical political economy theories (organic).



Global level –criminal justice



- The first international policy/legislative response to terrorism adopted the criminal justice paradigm.



- The League of Nations adopted the *Convention on the Prevention and Punishment of Terrorism* (1937).
 - Following the assassination by Croatian and Macedonian separatists of King Alexander I of Yugoslavia in Marseilles in 1934
 - Never came into effect, in part because disputes among the member states over the articles on extradition prevented ratification.



- The *Convention* provided that terrorism:
 - be treated as “criminal acts directed against a State and intended or calculated to create a state of terror in the minds of particular persons, or a group of persons or the general public.”
 - be prosecuted according to the State Party’s criminal justice system



Under UN...

A more elaborate criminalising policy framework against terrorism over the last five decades.





- 1963-2014: 17 General Assembly Legal Instruments criminalising acts:
 - directed against aircrafts and civil aviation generally.
 - directed against ‘Internationally Protected Persons’
 - of taking hostages
 - of unlawful possession, use, transfer or theft of nuclear materials



- directed against the safety of international maritime navigation and of using a ship as a device or human transportation vessel to further an act of terrorism
- direct against fixed platforms on the continental shelf
- of manufacture, movement and use of unmarked and undetectable plastic explosives
- of terrorist bombing, financing terrorism and nuclear terrorism.



- 2001: UN Security Council adopted a landmark in the international fight against terrorism, **Resolution 1373**:
 - first time ever the UNSC declared an abstract phenomenon, international terrorism, to be *per se* a threat to international peace and security
 - made the fight against terrorism a mandatory obligation of the international community
 - required **all States to criminalize** the wilful provision or collection of funds by their nationals or in their territories in order to carry out terrorist acts.



- mandated all States to “ensure that any person [involved in] terrorist acts is **brought to justice** and ensure that, in addition to any other measures against them, such terrorist acts are **established as serious criminal offences** in domestic laws and regulations and that the **punishment** duly reflects the seriousness of such terrorist acts”



- 2006: Another global landmark (common strategic policy framework) to fight the scourge of terrorism was adopted:
 - the *UN Global Counter-Terrorism Strategy*
- Has four pillars which provide for criminalisation and other categories of preventive (curbing) strategies:



The Pillars



Pillar I

Addressing the
Conditions
Conducive to the
Spread of
Terrorism

Pillar II

Preventing and
Combatting
Terrorism

Pillar III

Building States'
capacity and
strengthening
the role of the
United Nations

Pillar IV

Ensuring Human
rights and the
rule of law



Pillars...



1. Addressing conditions conducive to the spread of terrorism (8 Measures);
2. Preventing and combatting terrorism (18 Measures);
3. Building Member States' capacity to prevent and combat terrorism and to strengthen the role of the United Nations system in this regard (13 Measures);
4. Ensuring the respect for human rights for all and the rule of law as the fundamental basis for countering terrorism (8 Measures).



- The *Strategy*

- pulls together existing UN norms and activities into a single document
- serves as a comprehensive guide in an effort to increase the legitimacy and add coherence to the UN's counter terrorism efforts.
- in essence, it presents a roadmap for global counter-terrorism work.



Exercise

Distinguish the Measures in
the Un *Strategy* using
criminological categories



Measures	Criminal justice (reactive & punitive)	Situational (repressive & pre-emptive)	Devel'tal (redemptive & proactive)	Community (radical & progressive)
Pillar 1: 1. xxx 2. xxx				
Pillar 2: 1. xxx 2. xxx				
Pillar 3: 1. xxx 2. xxx				
Pillar 4: 1. xxx 2. xxx				



CRIMINOLOGICAL CATEGORIES OF MEASURES	NUMBER	PERCENTAGE
Criminal justice (reactive and punitive)	4	8.5
Situational (repressive and pre-emptive)	13	27.6
Developmental (redemptive and proactive)	10	21.3
Community (radical and progress)	10	21.3
Others (procedural)	10	21.3
TOTAL	47	100.00



4 measures in Pillars 2 & 4 promote criminal justice approach:

- Find, deny safe haven and bring to justice by extradition or prosecution), any person involved in terrorist acts.
- Ensure the apprehension and prosecution or extradition of perpetrators of terrorist acts, in accordance with the relevant provisions of national and international law, aided by mutual judicial assistance and extradition agreements, and cooperation between law enforcement agencies.



- Combat crimes that might be connected with terrorism, e.g. drug trafficking, illicit arms trade, money laundering and smuggling of potentially deadly materials.
- Develop and maintain an effective and rule of law-based national criminal justice system that can ensure that any person involved in terrorist acts is brought to justice, respecting human rights and fundamental freedoms



Global level - Situational

- About **13** of the 18 measures in Pillar 2 promote the situational approach
 - Fortify territories against terrorist installations or training camps, exchange of timely and accurate information, clearance for asylum seekers before granting refugee status, close of avenues for terrorist financing, block use of Internet as a tool for spread terrorism, improve border and customs controls, in order to prevent and detect the movement of terrorists and to prevent and detect the illicit traffic, impose travel ban against suspected groups and individuals



- improve security on manufacturing and issuing of identity and travel documents and to prevent and detect their alteration or fraudulent use, and encouraging the International Criminal Police Organization to enhance its database on stolen and lost travel documents, improve the security and protection of particularly vulnerable targets such as infrastructure and public places



Global level - Developmental

- 3 of the 8 measures in Pillar 1 and 7 of the 13 measures in Pillar 3, promote capacity-building and strengthening of resilience against the risk of terrorism:
 - strengthen capacities in areas such as conflict resolution, rule of law, peacekeeping and peacebuilding,
 - prohibit incitement to commit a terrorist acts,
 - promote the needs of victims of terrorism and their families and facilitate the normalization of their lives,



- fund counter-terrorism cooperation and technical assistance projects,
- develop States' capacities to implement relevant United Nations resolutions through regular informal meetings and frequent exchanges of information,
- institutionalise Counter-Terrorism Implementation Task Force to ensure overall co-ordination and coherence in the United Nations system's counter-terrorism efforts,
- improve the coherence and efficiency of technical assistance delivery in the field of counter-terrorism by CTC, CTCED and ODC,



Global level - Community

- 7 of the 8 measures in Pillar 1 and 3 of the 8 measures in Pillar 4 promote the ‘root-issues’:
 - promote dialogue, tolerance and understanding among civilizations, cultures, peoples and religions,
 - promote mutual respect for and prevent the defamation of religions, religious values, beliefs and cultures;



Global level - Community

- establish and encourage education and public awareness programmes for all sectors of society;
- ensure the timely and full realization of the development goals and objectives agreed at the major United Nations conferences and summits, including the Millenium Development Goals.

“We reaffirm our commitment to eradicate poverty and promote sustained economic growth, sustainable development and global prosperity for all”



- pursue and reinforce development and social inclusion agendas at every level as goals in themselves:

“Recognizing that success in this area, especially on youth unemployment, could reduce marginalization and the subsequent sense of victimization that propels extremism and the recruitment of terrorists”



- scale up the cooperation and assistance in the fields of rule of law, human rights and good governance, to support sustained economic and social development;
- promote and protect human rights for all, including raising awareness among national law-enforcement agencies.



National level – Criminal justice

- Nigeria's *Terrorism (Prevention) Act, 2011* and *Terrorism Prevention Amendment Act 2013* promote only the criminal justice approach to dealing with persons who knowingly get involved in acts of terrorism
 - Penalties on conviction range from 5 years imprisonment/N1,000,000.00 fine to Life imprisonment/N150,000,000.00 fine.



National level – Criminal justice

- 2015: UN Counter-Terrorism Implementation Task Force launched **three** Projects for Nigeria; **two** of them focused strengthening the capacity of Nigeria's **criminal justice system** to respond more robustly to terrorism
 - CTED-INTERPOL project focused on inter-agency coordination and information sharing among the Nigerian law enforcement agencies.
 - CTITF-UNODC project focused on capacity-building for implementing the international legal framework against terrorism effectively.



National level - Situational

Several elements of Nigeria's counter terrorism against Boko Haram promote situational approach:

- overhauled our entire national security architecture,
- improved intelligence gathering, training, funding, logistical support to our armed forces and security
- declaration of state of emergency and imposition of curfews
- Establishment of JTFs (local and international)
- Road blocks
- collaboration with friendly countries.



National

Analysis of the
*Soft Approach to Countering
Terrorism (NACTEST) -
2014*



- Four Streams:

1. De-radicalisation of convicted terrorists, suspects awaiting trials, and those who might be released through court orders or such order government arising from the ongoing engagement and dialogue with repentant terrorists.
2. Community engagement (move from government to society approach on counter terrorism thinking).
3. Building capacity through strategic communication for the military and law enforcement agencies
4. Counter radicalisation: economic revitalization programme targeted at states that are most impacted by terrorism (community resilience through development).



Streams	Criminal justice (reactive & punitive)	Situational (repressive & pre-emptive)	Devel'tal (redemptive & proactive)	Community (radical & progressive)
1				
2				
3				
4				



National level - situational

- Soft Approach to Countering Terrorism (NACTEST) - 2014
 - The third stream: building capacity through strategic communication for the military and law enforcement agencies.



National level - Developmental

- Amnesty Programme
- 2014: NACTEST - some elements promoted the developmental approach:
 - **“The first stream is the, de-radicalisation of convicted terrorists, suspects awaiting trials, and those who might be released through court orders or such order government arising from the ongoing engagement and dialogue with repentant terrorists”.**



Developmental...

- The second stream Community engagement (move from government to society approach on counter terrorism thinking).

“Through families, communities and faith-based organisations, resilience to violent extremism would be built”.



National level - Community

- Poverty alleviation programmes, economic development, education and social reforms:
 - the provision of modern basic education schools for the Almajiri; establishment of nine new federal universities in several Northern states.
 - aggressively addressing the challenges of poverty through its youth empowerment programme like YouWin, and
 - investing massively in infrastructure to promote economic development.

2014: the fourth stream of NACTEST

Counter radicalisation: economic revitalization programme targeted at states that are most impacted by terrorism (community resilience through development)



“Recourse to bearing arms in the form of... terrorism is... a result of the deepening economic, political and social malaise in a given society, more especially when states are ‘incapable of projecting power and asserting authority within their own borders, leaving their territories – governmentally empty’”



- 2016: UN CTITF-UNESCO third Nigerian project focused on promoting peace-education, community engagement and local conflict resolution.



Wicked Policy Frontiers

The problematics of counter terrorism



- **Criminal justice policy responses:**
 - The traditional law enforcement mindset is to wait for an incident to occur in order to begin an investigation.
 - How law enforcement authorities can invest more of their assets in collecting intelligence to detect and disrupt terrorist attacks.



“when due process is applied and the rights of defendants to fair trials are visibly upheld...it dispels perceptions of discrimination against particular groups.”



- Situational policy responses
 - the **vastness and porosity of the country's borders**- is a serious threat to security and the counter terrorism operations (conservative estimate of over 250 illegal routes – mostly footpaths from Damaturu/ Maiduguri axis alone, linking to Benin, Cameroon, Chad, Cotonou, Ghana, Niger, Sudan and /or Mali).



- Developmental policy responses
 - De-radicalisation: complex and delicate
 - Ability to resolve protracted conflicts and prevent new ones



- Community policy responses
 - Narrative about peace in religions;
 - governance challenges and hegemony-induced terrorism
 - Counter-radicalization (addressing the broader conditions conducive to the spread of terrorism) is expensive
 - Ensuring the welfare and security of the citizens according to the 1999 constitution of the federal republic of Nigeria (**Make Chapter 2 justiciable?**)



- Bureaucracy factor
- Rising inequality between and within States
- How to avoid fueling it while claiming to fight it.
- Balancing deterrence with pre-emption a blend of realism and idealism.



Concluding remarks



So far, we have:

- Outlined the essence of policy framework and terrorism
- distinguished criminological categories of policy responses to terrorism
 - ✓ global & national frameworks; and
- discussed some wicked policy frontiers.



- To end terrorism, it is essential institute a multipronged and a multidimensional policy framework
 - both to dissuade serving terrorists and prevent the production of new terrorists
 - extremely critical to address the root causes and enact prophylactic measures to redress INJUSTICE.
- Governments must graduate from cooperation to coordination and collaboration where joint and combined action is taken to erode terrorist capabilities.



Coordination

SYNERGY

GOAL

Counter terrorism





*THANK YOU
AND
GOD BLESS*