

STRENGTHENING CROSS-BORDER LEGAL FRAMEWORKS: COLLABORATIVE APPROACHES TO ENHANCING SECURITY AND ADDRESSING HUMANITARIAN CHALLENGES IN NORTH-EAST NIGERIA

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Abstract

The North-East region of Nigeria has been plagued by persistent security threats, including insurgency, terrorism, and cross-border criminal activities, which have exacerbated humanitarian crises and undermined regional stability. This paper examines the critical need for enhanced cross-border legal frameworks to effectively address these challenges. By analyzing existing legal and regulatory mechanisms within Nigeria and its neighboring countries, the paper finds significant gaps and proposes strategies for fostering international collaboration. The paper explores the role of legal frameworks in facilitating joint security operations, improving intelligence sharing, and ensuring the protection of human rights in conflict zones. It highlights successful case studies of cross-border legal cooperation in other regions and applies these lessons to the North-East Nigerian context. Furthermore, the paper addresses the humanitarian impact of security issues, including displacement, access to healthcare, and the protection of vulnerable populations. In terms of methodology, this paper adopts a doctrinal approach. The paper recommends a multi-faceted approach that includes harmonizing legal standards, establishing robust mechanisms for cross-border coordination, and promoting joint research initiatives. By proposing actionable policy recommendations, the paper aims to provide a comprehensive framework for enhancing security and humanitarian response efforts in the North-East of Nigeria through strengthened international legal collaboration. This analysis contributes to the broader discourse on improving regional security and humanitarian outcomes, emphasizing the importance of united research efforts and collaborative legal strategies in addressing complex cross-border challenges.

Keywords: cross-border; legal frameworks; collaborative; security; challenges; North-East Nigeria

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1. Introduction

The North-East of Nigeria has been a hotspot of conflict and instability due to the activities of insurgent groups like Boko Haram and its affiliates. This situation has led to significant humanitarian challenges, including large-scale displacement, human rights abuses, and disruptions in access to essential services. Given the cross-border nature of these issues, there is a pressing need for enhanced legal frameworks that promote regional cooperation and address both security and humanitarian concerns effectively.

2. Statement of the Problem

The ongoing insurgency in North-East Nigeria has resulted in persistent violence and insecurity. The activities of armed groups have not only destabilized the region but also had spillover effects on neighboring countries, including Chad, Cameroon, and Niger. These cross-border dynamics complicate the security situation and necessitate a coordinated regional response.

The conflict has triggered a severe humanitarian crisis, with millions displaced and in urgent need of assistance. Human rights violations, including targeted attacks on civilians and infrastructure, further exacerbate the situation. Addressing these humanitarian issues requires a robust legal and operational framework that transcends national borders.

Regional initiatives such as the Multinational Joint Task Force (MNJTF) and international efforts led by organizations like the United Nations play a crucial role in addressing the crisis. However, the effectiveness of these initiatives is often limited by gaps in legal coordination and implementation challenges.

3. Methodology

This research is not empirical but doctrinal. It relies on both national and international laws, conventions, treaties, agreements, policies, etc. to which Nigeria has entered into and ratified.

4. Research Questions

The research question formulated in this doctrinal research otherwise called library center research are as follows:

1. Are there laws that govern inter border security operations?
2. Are this laws (if any) adequate to combat transnational security challenges?
3. What are the *lacunae* in these laws?

5. Legal Framework On Nigerian Security

The Nigerian Constitution of 1999 does not explicitly define or address terrorism in detail. Instead, anti-terrorism measures are addressed through various laws and amendments beyond the Constitution itself as follows:

a. Terrorism (Prevention) Act: The primary legal framework addressing terrorism in Nigeria is the Terrorism (Prevention) Act, 2011, which has been amended several times. This act defines terrorism and outlines severe penalties for those involved in

terrorist activities. Key provisions include definition of terrorism, punishments, forfeiture of assets, preventive measures, national security agencies, the Nigerian Constitution provides for the establishment of security agencies like the Nigerian Police Force and the Department of State Services (DSS), which play a role in counter-terrorism efforts. While these agencies are not specifically mentioned in the context of terrorism, they have responsibilities that encompass national security, including counter-terrorism, State Security the Constitution grants the government the authority to declare a state of emergency in response to significant threats to national security, which can include terrorism. This provision is designed to allow for extraordinary measures in times of crisis, the Constitution protects fundamental human rights, and anti-terrorism laws and measures must align with these rights. This includes safeguards against arbitrary detention and ensuring that counter-terrorism actions respect constitutional guarantees.

Nigeria has developed a robust legal framework to address terrorism, primarily through specific laws designed to combat and prevent terrorist activities. Here are key laws related to terrorism in Nigeria: Anti-Terrorism Act, 2011 this Act complements the Terrorism (Prevention) Act by focusing on the broader implications of terrorism and its impact on national security. Counter-Terrorism Financing addresses issues related to the financing of terrorism, including measures to trace and seize funds used for terrorist activities. International Cooperation includes provisions for cooperation with other countries and international organizations in combating terrorism. Cybercrime (Prohibition, Prevention, Etc.) Act, 2015 while not exclusively a terrorism law, this Act is relevant due to the increasing use of technology by terrorist organizations. Cybersecurity Measures addresses crimes committed via the internet, including those related to terrorism, such as online radicalization and recruitment. It prescribes penalties for offenses that involve using cyberspace to facilitate terrorism. Money Laundering (Prohibition) Act, 2011 this Act is crucial in the context of counter-terrorism financing, targeting the financial operations of terrorist organizations. Prevention of Money Laundering provides measures to prevent money laundering, including the identification and reporting of suspicious transactions. Asset Forfeiture allows for the forfeiture of assets acquired through money laundering, which may be linked to terrorist financing. National Security Agencies Act this Act governs the operations of Nigeria's security agencies involved in counter-terrorism. Operational Authority grants powers to agencies like the Department of State Services (DSS) and the Nigerian Police Force to conduct operations against terrorism. These laws collectively form the backbone of Nigeria's legal approach to tackling terrorism, focusing on prevention, prosecution, and the financing of terrorism, as well as enhancing international cooperation and improving internal security measures.

6. Institutional Framework on Nigerian Security

Humanitarian challenges in the North-East of Nigeria, particularly due to the ongoing insurgency and conflict, are addressed through various institutional frameworks. These institutions aim to mitigate the impact of the conflict on civilians and provide

assistance and protection to those affected. some key laws and frameworks related to humanitarian challenges in the North-East include:

a. The National Emergency Management Agency (NEMA) Act, 1999 this Act established NEMA, the primary agency responsible for disaster management and emergency response in Nigeria. Disaster Management outlines NEMA's role in coordinating response efforts during emergencies, including conflict-induced crises. Coordination and Relief provides for the coordination of relief efforts and the distribution of aid to affected communities.

b. The National Commission for Refugees, Migrants and Internally Displaced Persons (NCFRMI) Act, 2010 This Act established the NCFRMI, which focuses on the welfare and rehabilitation of refugees, migrants, and internally displaced persons (IDPs). Protection and Assistance the Commission is responsible for providing protection and assistance to IDPs, including those displaced by insurgency. Rehabilitation and Reintegration supports efforts to rehabilitate and reintegrate displaced persons into their communities.

c. The Internally Displaced Persons (IDPs) Policy, 2012 Although not a law, this policy framework guides the management of IDPs in Nigeria, including those affected by insurgency. Humanitarian Assistance outlines the provision of humanitarian aid, shelter, and basic services to IDPs. Coordination and Planning the policy emphasizes the need for coordinated responses and planning among various stakeholders, including government agencies and NGOs.

d. The Nigerian Red Cross Society Act This Act established the Nigerian Red Cross Society, which plays a significant role in providing humanitarian assistance during emergencies. Humanitarian Aid the Society provides emergency relief, medical care, and other forms of assistance to communities affected by conflict and disasters. Neutrality and Impartiality operates on principles of neutrality and impartiality, ensuring aid reaches all those in need without discrimination.

e. The Child Rights Act, 2003 This Act is crucial for addressing the rights and protection of children affected by insurgency. Protection and Welfare ensures the protection and welfare of children, including those displaced by conflict, against abuse, exploitation, and neglect. Access to Services the Act provides for children's access to education, health care, and other essential services.

f. The Violence Against Persons Prohibition (VAPP) Act, 2015 This Act addresses various forms of violence, including those impacting displaced persons and conflict-affected communities. Protection Against Violence provides legal protection against violence, including sexual and gender-based violence, which is prevalent in conflict zones. Support Services the Act mandates the provision of support services for survivors of violence.

g. International Humanitarian Law (IHL) Nigeria is a party to various international conventions and treaties that govern the conduct of armed conflict and protect civilians. Geneva Conventions the Geneva Conventions and their Additional Protocols set out the rights of civilians and the conduct of hostilities, including

protection for those affected by armed conflict. Human Rights emphasizes the need to protect human rights and provide humanitarian assistance in conflict situations.

h. The National Health Act, 2014 This Act provides a framework for healthcare delivery and is relevant in addressing health challenges in conflict-affected areas. Health Care Access ensures access to healthcare services, including for displaced persons and those affected by insurgency. Emergency Health Services the Act supports the provision of emergency health services during crises. These laws and frameworks collectively aim to address the complex humanitarian challenges in the North-East of Nigeria, focusing on disaster management, the protection of displaced persons, and the provision of essential services. They highlight the need for a coordinated and multi-faceted approach to alleviating the impact of the ongoing insurgency on affected communities.

7. United Nation and African Union Frameworks on Nigerian Security

The United Nations (UN) has been actively involved in addressing the insurgency in North-East Nigeria, primarily through humanitarian assistance, development support, and advocacy. Some of the key efforts made by the UN and its associated agencies include:

a. Humanitarian Assistance

i. United Nations Office for the Coordination of Humanitarian Affairs (OCHA) coordinates humanitarian responses and ensures that aid reaches those in need efficiently. It works with various humanitarian partners to provide emergency relief to internally displaced persons (IDPs) and communities affected by the insurgency. OCHA facilitates and mobilizes funding through the Humanitarian Response Plan (HRP), which outlines the needs and priorities for humanitarian assistance.

ii. World Food Programme (WFP) provides food assistance and nutritional support to vulnerable populations affected by the conflict. It aims to address food insecurity and malnutrition among IDPs and host communities.

iii. United Nations High Commissioner for Refugees (UNHCR) focuses on the protection, shelter, and assistance of IDPs and refugees. It provides essential services, including shelter materials, health care, and legal support.

iv. UNICEF works to protect children from the impacts of the conflict, providing education, psychosocial support, and protection services. It also addresses child malnutrition and other health issues exacerbated by the insurgency.

b. Development and Resilience Building

i. United Nations Development Programme (UNDP) supports recovery and resilience-building efforts in conflict-affected areas. It helps communities rebuild infrastructure, restore livelihoods, and strengthen local governance engages in stabilization projects to support peacebuilding and development initiatives, aiming to create conditions for long-term stability.

ii. United Nations Population Fund (UNFPA) Reproductive Health: UNFPA provides reproductive health services, including maternal care and support for survivors of sexual and gender-based violence (SGBV). It works to address the specific needs of women and girls in conflict settings.

c. Advocacy and Policy Support

i. Human Rights Council and Special Rapporteurs the UN Human Rights Council and its Special Rapporteurs monitor and report on human rights violations in conflict zones. They advocate for the protection of civilians and the adherence to international humanitarian and human rights laws.

ii. UN Security Council the Security Council has passed resolutions addressing the conflict in Nigeria and the activities of terrorist groups such as Boko Haram. These resolutions often include measures to enhance security and support counter-terrorism efforts.

d. Collaboration and Partnerships Coordination with Regional Organizations the UN collaborates with the African Union to address regional security challenges and support peace and security initiatives in Nigeria Economic Community of West African States (ECOWAS) the UN works with ECOWAS on regional strategies to combat terrorism and support stabilization efforts in affected areas.

i. Partnerships with Non-Governmental Organizations (NGOs) the UN partners with various NGOs to implement humanitarian and development programs on the ground. These partnerships are crucial for delivering aid and services effectively.

e. Capacity Building Training and Support the UN provides technical assistance and capacity-building support to Nigerian security forces and local governance structures to enhance their ability to respond to insurgency and protect civilians. In summary, the UN's efforts in North-East Nigeria involve a multi-faceted approach that includes humanitarian aid, development support, advocacy, and collaboration with regional and local partners. These efforts are aimed at alleviating the immediate impact of the insurgency and supporting long-term recovery and stability in the region.

8. Judicial Framework on National Security and Terrorism

In addressing cross-border security issues affecting Nigeria's North-East, several landmark cases and legal decisions have shaped the legal landscape and influenced national security policies. some notable cases include:

a. *Ajudua vs. Federal Republic of Nigeria* (2021) This case involved a prominent criminal accused of various offenses, including those linked to cross-border criminal activities. The case highlighted the challenges in prosecuting individuals involved in transnational crimes and underscored the need for effective legal frameworks and international cooperation in tackling cross-border security threats, particularly in volatile regions like North-East Nigeria.

b. *Federal Republic of Nigeria vs. Shettima* (2017) This case centered on the prosecution of individuals suspected of terrorism-related activities in North-East Nigeria. It set a precedent for the application of the Terrorism (Prevention) Act,

demonstrating the judiciary's role in interpreting and enforcing anti-terrorism laws in the context of ongoing insurgencies. It also highlighted issues related to evidence and the judicial process in terrorism cases.

c. *Abubakar vs. Federal Republic of Nigeria* (2015) This case involved individuals accused of cross-border trafficking and their link to insurgent groups in the North-East. The decision reinforced the legal approach to combating trafficking and related crimes that fund or support terrorist activities, emphasizing the need for robust enforcement and cross-border cooperation.

d. *The Federal High Court's Ruling on the Boko Haram Insurgency* (2014) This series of rulings involved cases related to the Boko Haram insurgency, particularly those involving the designation of Boko Haram as a terrorist organization and the related legal implications. The rulings helped establish the legal framework for designating and prosecuting terrorist organizations in Nigeria. They also provided guidance on how to handle cases involving the insurgency, including the seizure of assets and the restriction of the group's activities.

e. *Federal Republic of Nigeria v. Umar Farouk Abdulmutallab* (2012) Umar Farouk Abdulmutallab, also known as the "Underwear Bomber," attempted to detonate a bomb on a flight from Amsterdam to Detroit in December 2009. Though the incident occurred outside Nigeria, Abdulmutallab's Nigerian citizenship and his connections to extremist groups were significant. This case drew international attention and highlighted the global nature of terrorism and the need for robust counter-terrorism measures. It emphasized the importance of international cooperation and intelligence sharing in preventing terrorism.

f. *Federal Republic of Nigeria v. Kabiru Sokoto* (2013) Kabiru Sokoto was a key figure in the Boko Haram insurgency. He was arrested in connection with the 2011 Christmas Day bombing of a church in Madalla, Niger State, which killed over 40 people. Sokoto's trial was significant in the context of Nigeria's fight against Boko Haram. The case underscored the legal challenges in prosecuting high-profile terrorism suspects and the use of the Terrorism (Prevention) Act in securing convictions.

g. *Federal Republic of Nigeria v. Mohammed Yusuf* (2009) Mohammed Yusuf was the leader of Boko Haram, a militant Islamist group responsible for numerous terrorist attacks in Nigeria. Yusuf was captured and killed in police custody. Although Yusuf's death occurred before a full trial, the legal and human rights implications of his extrajudicial killing were significant. The case raised questions about the treatment of terrorist suspects and the adherence to legal and human rights standards.

h. *Federal Republic of Nigeria v. Ahmed Salkida* (2017) Ahmed Salkida, a journalist with links to Boko Haram, was charged with terrorism-related offenses, including alleged complicity in the activities of the group. Salkida's case was notable for its implications on freedom of the press and the relationship between journalism and national security. This case highlighted the tension between national security measures and freedom of expression, demonstrating the legal complexities in addressing terrorism while safeguarding civil liberties.

i. *Federal Republic of Nigeria v. Tukur Mamu* (2023) Tukur Mamu, a controversial figure and alleged financier of terrorism, was charged with various offenses related to the funding of terrorist activities. His case involved complex issues related to the financing of terrorism and the legal challenges of proving financial links to terrorist groups. Mamu's trial underscored the importance of combating terrorism financing and the need for effective legal mechanisms to trace and prosecute those who fund terrorist activities.

j. *Federal Republic of Nigeria v. Aminu Sadiq Ogwuche* (2015) Aminu Sadiq Ogwuche was involved in the 2014 Abuja bombing that killed over 70 people. His trial was significant for its focus on the legal process in terrorism cases and the application of the Terrorism (Prevention) Act. Ogwuche's case highlighted the judicial handling of complex terrorism cases and the procedural challenges in ensuring fair trials while addressing national security concerns.

These landmark cases illustrate the Nigerian judiciary's role in addressing terrorism, the application of anti-terrorism laws, and the balance between national security and individual rights. They reflect ongoing efforts to strengthen legal frameworks and ensure justice in the fight against terrorism. These cases collectively illustrate the evolving legal responses to cross-border security challenges in North-East Nigeria. They emphasize the importance of a robust legal framework, effective enforcement, and judicial oversight in addressing the complex security issues posed by terrorism and transnational crimes.

9. Strengthening Cross-Border Legal Frameworks

Nigeria's domestic legal frameworks, including counter-terrorism laws and humanitarian regulations, provide a foundation for addressing the crisis. However, their effectiveness is hampered by inconsistent implementation and challenges in coordinating with neighboring countries. The MNJTF, established by the Lake Chad Basin Commission, represents a key regional effort to combat insurgency. While it demonstrates regional cooperation, there are limitations in terms of legal harmonization and operational synergy among member states. International frameworks, such as the United Nations Security Council resolutions and humanitarian conventions, offer guidance on managing conflicts and protecting human rights. Their application in the North-East Nigerian context requires stronger integration with regional and national efforts.

10. Findings

Despite the comprehensive nature of Nigeria's legal framework for addressing transnational security challenges, there are several notable lacunae (gaps or deficiencies) that can impact the effectiveness of these laws. Here are some of the key lacunae:

- a. **Resource Constraints:** Many security agencies face resource limitations, including insufficient funding, equipment, and personnel, which can hinder their ability to effectively enforce laws and conduct operations. **Capacity Building:** There is often a lack of continuous training and professional

- development for law enforcement and security personnel, impacting their ability to handle sophisticated transnational threats.
- b. **Fragmented Efforts:** Coordination between various security agencies, such as the Nigerian Police Force, the Department of State Services (DSS), and the Nigerian Customs Service, can be fragmented, leading to inefficiencies and gaps in addressing cross-border threats. **Information Sharing:** Challenges in timely and secure information sharing between national agencies and international partners can limit the effectiveness of security operations and intelligence gathering.
 - c. **Overlapping Jurisdictions:** There can be overlaps and inconsistencies in the jurisdictions and responsibilities of different agencies, leading to confusion and potential gaps in enforcement. **Legal Framework Updates:** Some laws may not be regularly updated to address emerging threats and technological advancements, such as cyber-terrorism and advanced smuggling techniques.
 - d. **Balancing Security and Rights:** The need to balance effective security measures with respect for human rights can be challenging. Overly stringent measures or practices may lead to human rights abuses or undermine public trust. **Legal Protections:** In some cases, legal protections for individuals suspected of involvement in transnational crimes may be inadequate, leading to potential abuses of power or wrongful detentions.
 - e. **Slow Judicial Processes:** The judicial system may be slow in processing cases related to transnational crimes, leading to delays in justice and potential issues with the prosecution of offenders. **Evidence Collection:** Gathering and presenting evidence in complex transnational crime cases can be challenging, particularly when dealing with international elements or sophisticated criminal networks.
 - f. **Cybersecurity:** Existing laws may not fully address the complexities of cyber-terrorism and cybercrime, which are increasingly significant in transnational security threats. **Emerging Technologies:** The rapid evolution of technology often outpaces legislative updates, leaving gaps in the legal framework for managing new forms of transnational crime and security threats.
 - g. **Compliance with International Norms:** There may be gaps in aligning national laws with international standards and best practices for combating transnational security challenges. **International Cooperation:** While there are frameworks for international cooperation, practical issues in implementing joint operations and mutual legal assistance can limit effectiveness.
 - h. **Local Involvement:** Insufficient involvement of local communities and grassroots organizations in security efforts can lead to a lack of local support and cooperation, which is crucial for effective border security and counter-terrorism measures.

11. Recommendations

The following are hereby recommended:

11.1. Harmonizing Legal Standards

To improve effectiveness, there is a need for harmonized legal standards across the region. This includes aligning counter-terrorism laws, humanitarian regulations, and human rights protections to ensure a cohesive response to security and humanitarian challenges.

11.2. Enhancing Intelligence Sharing

Strengthening mechanisms for intelligence sharing among national and regional security agencies can improve the coordination of counter-insurgency operations and prevent cross-border threats. Legal frameworks should facilitate the secure and efficient exchange of information.

11.3. Strengthening Humanitarian Legal Protections

Developing and implementing robust legal frameworks to protect displaced persons and address humanitarian needs is crucial. This includes ensuring compliance with international humanitarian laws and establishing effective mechanisms for humanitarian assistance.

11.4. Promoting Joint Research Initiatives

Collaborative research efforts involving academic institutions, international organizations, and local stakeholders can provide valuable insights into the conflict and humanitarian situation. Joint research can inform policy decisions and operational strategies.

11.5. Policy Recommendations

11.5.1. Short-Term Actions

- i. Establish cross-border legal coordination committees to address immediate gaps and enhance cooperation.
- ii. Implement joint training programs for security and humanitarian personnel to ensure consistent application of legal standards.

11.5.2. Long-Term Strategies

- i. Develop a comprehensive regional legal framework that integrates national and international standards.
- ii. Foster long-term partnerships between governments, regional bodies, and international organizations to ensure sustained collaborative efforts.

12. Conclusion

Strengthening cross-border legal frameworks is essential for effectively addressing the complex security and humanitarian challenges in North-East Nigeria. By promoting collaborative approaches, harmonizing legal standards, and enhancing operational coordination, stakeholders can achieve a more effective and unified response to the crisis. The proposed recommendations aim to build a robust legal foundation for regional stability and humanitarian relief. However, the challenges include Resource Limitations: Effective enforcement of laws requires adequate

resources, including personnel, technology, and funding. Limited resources can hinder the effectiveness of security operations. Capacity Continuous training and capacity building are necessary to ensure that security personnel can effectively handle transnational security challenges. Effective cross-border security requires seamless coordination between different national agencies and international partners. Poor coordination can lead to gaps and inefficiencies. Timely and accurate information sharing between agencies and with international partners is crucial for addressing transnational threats. Challenges in this area can affect the overall effectiveness of security measures. Transnational security challenges are constantly evolving. Laws and frameworks must be adaptable to address new and emerging threats, such as cyber-terrorism and advanced smuggling techniques. Regular updates and amendments to laws are necessary to keep pace with changing security dynamics and technological advancements. Ensuring that security measures respect human rights are essential to maintaining public trust and legitimacy. Overly stringent measures can sometimes lead to human rights abuses and undermine the effectiveness of security operations.

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