Strategic Exclusion: The State and the Framing of a Service Delivery Role for Civil Society Organizations in the Context of Counterterrorism in Nigeria

Emeka Thaddues Njoku

Department of Political Science, University of Ibadan, Ibadan, Oyo State, Nigeria

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

The rationale behind the construction of service delivery roles for civil society organizations1 (CSOs) in the process of framing counterterrorism laws is one area that seems to elude scholarship on the intersection of counterterrorism measures (CTMs) and CSOs. This study examines the sociopolitical factors that influenced the framing of Nigeria’s Terrorism Prevention Act (TPA) of 2011 (as amended), the 2011 Money Laundering Prohibition Act (MLPA; as amended), and the 2014 Countering Violent Extremism (CVE) program. Specifically, it analyzes how and why the Nigerian government strategically excluded CSOs in the framing of the counterterrorism laws and policies in the country. The article also examines CSOs reactions to the counterterrorism strategy of the government.

There have been advances in the literature about the effects of CTMs on the operational capacities of CSOs in different political contexts. Specifically, as part of post–11 September 2001 (9/11) global counterterrorism policy, CSOs were securitized2 due to their perceived vulnerabilities as tools for terrorist financing. Thus, states deploy a
twofold strategy, where some CSOs considered as “good CSOs” were co-opted as service providers in states’ counterterrorism programs and then others termed as “bad CSOs” were primarily regulated or repressed. Scholars also narrowed their lens to the diverse reactions of CSOs concerning supporting or rejecting states’ CTMs. Moreover, scholarship on the securitization of CSOs is often traced to global CTMs led by the Financial Action Task Force (FATF), United Nations (UN) and other world bodies. However, Howell and Lind argued that how the global counterpolicies unfolded in diverse polities is premised on the nature of the political system, the character of extant CSOs and their relationship with the state. Hence, it is important to understand the sociopolitical dynamics that influenced the framing of state-level counterterrorism laws and policies, concerning how it affected CSOs. Specifically, how and why states construct a service delivery role for CSOs in the context of counterterrorism. How have extant state–civil society relations influenced the framing of CTMs that re-construct the roles of CSOs in various states? This study investigates the Nigerian state’s formulation and implementation of CTMs, to understand how the government has influenced the redefinition of CSOs and these organisations’ role in the state.

This study is based on field and desk research carried out between 2015 and 2018. The study relied on a descriptive research design that involves a mixed-method approach. The population for this study comprised 445 CSOs’ program officers of non-governmental organizations (NGOs) and community-based organizations, such as faith-based, human rights, women’s, youth, and children’s and development-oriented organizations, involved in capacity-building and technical assistance in counterterrorism operations in Nigeria. The population also consisted of Nigerian government officials including security personnel involved in the formulation of counterterrorism laws and policies. Moreover, 211 out of the 445 CSO program officers were selected using the proportionate sampling technique. However, 205 copies of the questionnaire were returned and used. The purposive sampling was used to select government officials and leaders of civil society for interviews. These include seven government officials and fourteen operators of the CSOs as mentioned above. While the descriptive statistics of frequency counts and percentages in the Statistical Package for the Social Sciences were used to analyze quantitative data, secondary sources and interviews were content analyzed.

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

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

This study advances fresh perspectives on the diverse manifestation of post-9/11 global CTMs, specifically their impact on CSOs. It provides an empirical understanding of the logic behind states' construction of mainly service delivery roles for CSOs in the formulation and implementation of CTMs. It further advances the debates on the “dual-prong approach of co-option and repression” of CSOs in the context of CTMs as theorized by Jude Howell and Jeremy Lind, Alan Fowler and Kasturi Sen, or what François Daucé termed the “duality of coercion.” The study contends that the success of this approach in Nigeria was premised on the strategic exclusion of CSOs in the framing of CTMs.

**Two-pronged strategy of co-option and control: Counterterrorism measures and civil society organizations**

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

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

Consequently, Meissler asserts that, in response to the FATF directives, many countries have established relevant legislation or amending existing laws aimed at complying with Recommendation 8 of FATF. These legal frameworks affected the operations of CSOs in different parts of the world. Specifically, Meissler stated that these legislations have made “civic engagement almost impossible. CSOs may have their registrations withdrawn, or bank accounts frozen. Bans on foreign financing are becoming increasingly common. Some countries have introduced complicated as well as time and resource consuming administrative processes. These legal frameworks thwart the work
Emmerson reiterated the above argument by asserting that the directives by FATF on both state and private institutions to implement its due diligent requirements on its transactions with CSOs led to rising administrative burdens, such as increase in the cost of humanitarian actions. It also affected the effectiveness and timeliness of aid projects globally. Fowler and Sen argued that while CSOs have diverse experiences regarding the influence of CTMs in the United States, they have been evenly affected by the ambiguities and challenges that these laws have created in the country. Hence, the counterterrorism legal frameworks introduced by FATF and domesticated by states have a negative impact on the operations of CSOs globally.

Furthermore, scholars also argued that having recognized the importance of CSOs to soft CTMs, various states strategically co-opted some CSOs they consider cooperative to carry out various service delivery programs in the context of counterterrorism; and mostly repressed others that are termed unfriendly, uncooperative, and antagonistic. Explicitly, Howell stated that CSOs were constructed as “both handmaidens of security and development, and as an associated security issue meriting surveillance and containment.” Reiterating this further, Howell and Lind stated that states, in collaboration with donor agencies, established a twofold strategy of “co-option and control” of CSOs in the context of counterterrorism. In other words, CSOs that were constructed by the state as decent are engaged, while they stifle those believed to be decadent. Fowler and Sen further argued that this twofold strategy influenced CSOs’ access to aid. According to them, CSOs were categorized into “donor darlings” and “donor orphans.” As the name suggests, donor darlings are endorsed and engaged by the state and donor agencies. Moreover, they are given unhindered access to donor funds while the state marginalized donor orphans and denied them access to donor funds. The state also represses donor orphans. The twofold strategy of co-option and control has reverberated in some states. For instance, in Russia, as part of the implementation of the Foreign Agent Act, foreign-funded CSOs were repressed and delegitimized by the state while they consider pro-government CSOs “socially useful.” Similarly, in Australia, Ethiopia, Egypt, Turkey, and Hungary, there is a bifurcated nature of government relations with CSOs in the context of CTMs. The governments of these countries strategically engaged CSOs they believed were cooperative to their counterterrorism programs and contained CSOs that engaged in political advocacy.

Furthermore, while many CSOs have been affected by CTMs, scholars further argued that Muslim and human rights organizations were constructed as “bad” CSOs, targeted and largely repressed by states. According to Howell, “Securitising speech acts constructing NGOs as associated security threats cannot alone explain their potentially persuasive power, nor why despite the use of generic terms such as NGOs and charities, it is predominantly Islamic charities that have borne the brunt of negative security measures.” In the United States, United Kingdom, Kenya, and India, Muslim groups and charities decry that they have been treated as suspect communities and primarily repressed by state-level counterterrorism measures. The twofold strategy of co-option and control can be constructed as a complete subjugation of the civic space and associational life by the state. Similarly, the engagement of CSOs as principally service providers is governments’ scheme aimed at redefining or re-constructing the meaning of CSOs and their role in the state.
Scholars have equally concerned themselves with how CSOs made sense of and responded to state-level CTMs. Howell classified the responses of CSOs to CTMs from “quiescence and active compliance, vocal opposition, noncompliance and litigation, to internal adaptation and creative resistance.” She further argued that the responses of CSOs are partly tied to the level of effects of CTMs on the operations of CSOs and government’s engagement with CSOs. Hence, this influenced the divided responses of CSOs to State CTMs. Explicitly, Sidel and Howell assert that conventional CSOs in the United Kingdom, United States, and Kenya were initially tongue-tied because they did not experience the effects of CTMs. However, they soon voiced out when these policies began to affect their operations.

Furthermore, Muslim organizations and human rights groups that were mainly affected by CTMs from the very beginning vocally opposed or resisted CTMs. Some CSOs devised new means of resisting state CTMs such as monitoring the political, legal, and cultural consequences of the enforcement of CTMs. They resisted narratives and images that portray Muslim CSOs in a bad light, thereby legitimizing their securitization. Nevertheless, there is yet a collective resistance of CSOs to repressive CTMs in diverse political contexts. Governments’ dual-pronged strategy of co-option and control has effectively pitched CSOs against each other. In the case of Kenya and Nigeria, the majority of the CSOs have become pro-government and have primarily supported repressive CTMs. In some cases, they criticized the reports of human rights groups on states’ violations of human rights and civil liberties in the enforcement of CTMs.

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

The question of how and why service delivery role was constructed for CSOs by states has received limited attention in the literature. The proposed argument is that the Nigerian government strategically excluded CSOs in the formulation of state-level CTMs. The reason is that engaging CSOs in the framing of CTMs is considered inimical to the effective enforcement of extraordinary security measures related to counterterrorism laws and policies. This conclusion is reached based on the Nigerian government’s view that the repressive nature of security laws and policies will aid in combating counterterrorism effectively. So, engaging CSOs in the process of constructing counterterrorism laws in Nigeria possibly will lead to retrogression of its counterterrorism efforts. The government believed that CSOs in Nigeria will always advocate for the civil rights of people trapped in the web of counterterrorism actions. Thus, accentuating human rights while creating and executing counterterrorism laws will
bring about problems. Hence, the state strategically excluded CSOs from participating in the process of framing CTMs in Nigeria. However, excluding CSOs rendered them without agency in the framing of CTMs; hence the government constructed a service delivery role for CSOs and then deconstructed the political advocacy in the context of counterterrorism. This proposed argument was advanced using mixed-method research on the interface between counterterrorism and CSOs in the Nigerian political context.

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

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

**The Counterterrorism measures of the Nigerian government**

Since 2003, the *Jama’atul Alhul Sunnah Lidda’watiwal Jihad*, also known as Boko Haram, has been carrying out terrorist attacks against the Nigerian state. In response, the Nigerian government established a series of countermeasures to weaken the group’s capacity to wreak havoc in the state. These include both hard and soft counterterrorism measures aimed at curbing the activities of Boko Haram both in the long and short term. However, these measures were enforced in a legal vacuum, hence posing challenges in effective enforcement of these measures. Consequently, between 2005 and 2008 counterterrorism bills were presented to the Nigerian legislature.

Nevertheless, the bill generated controversy among the legislature. Some members of the legislature fear that the counterterrorism bills, if passed, could be exploited by political leaders against oppositions groups. However, the government passed the bills into law following the Boko Haram attacks, and the 2009 attempted suicide attacks of a U.S.-bound airplane by the Nigerian terrorist Abdul Farouk Mutalab. Also, the government passed the laws following intense pressure by the United States and the FATF. These laws include the TPA, 2011 (amended in 2013) and the MLPA of 2011 (amended in 2012).

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

These responses of the Nigerian government are no doubt laudable and showed sincerity in tackling Boko Haram’s terrorist acts. However, there have been claims by scholars and observers that the Nigerian counterterrorism laws and policies are alienating human rights and civil liberties, and that these practices may feed and sustain terrorism in Northeastern Nigeria. Specifically, there were claims of incarceration of terrorist suspects in secret detention facilities, lack of medical treatment or legal representatives, and torture and summary executions of these suspects. Furthermore, while there has been an emphasis on the effects of CTMs on human rights, there is a growing concern on how CTMs is affecting CSOs in Nigeria. According to Njoku, the enforcement of CTMs is impinging on the operational capacity of CSOs. Explicitly, the government restricted CSOs from having access to information, victims of terrorist attacks, and counterterrorism operations. The programs of CSOs are amended or shut down by the government under the guise of national security. The government engaged some CSOs as service providers to serve their interest in its counterterrorism measures. Therefore, Njoku asserts that CTMs have intersected with and shaped the spaces and actors of CSOs; this situation has negative implications on the sociopolitical development of the country. However, the above raises some fundamental questions. How and why did the Nigerian government establish a service delivery role for CSOs in the context of counterterrorism? How did CSOs make sense of and respond to the strategy of the Nigerian government? While these questions will be addressed in subsequent sections, first an understanding of the methods that informed this study is necessary.

**Methods**

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

The study population comprised 445 CSOs program officers, fifteen executives of CSOs, and eleven government officials selected in Abuja, Adamawa, Borno, Gombe, Plateau, Lagos, Ogun, and Oyo States. These areas were chosen based on the fact that the headquarters of the CSOs mentioned above have their offices and areas of operation in these locations and Abuja, which is the headquarters of top governmental functionaries involved in counterterrorism policy formulation.

Furthermore, from the population of 445 CSOs program officers—such as women’s, youth/children’s, human rights, and faith-based CSOs focused on humanitarianism, peace-building, human rights advocacy, and development—a stratified random sampling of 211
program officers was selected as a representative population. Also, the proportionate sampling technique was utilized to determine the precise number of CSOs program officers in order to administer the copies of the questionnaire, which was commensurate with their population. However, out of the 211 distributed copies of the questionnaire, 205 were retrieved. Additionally, fourteen executive directors of the CSOs mentioned above, and seven government officials including security agents were purposively selected. Moreover, the program officers and executive directors of selected CSOs provided valuable data about their level of engagement with government in the context of counterterrorism, while government officials provided vital information on the framing of counterterrorism measures. The in-depth interview and questionnaire formed the survey instruments. These instruments contained questions on relevant issues in the literature on the effects of counter-terrorism policies on civil society organizations, and established research methods. First, respondents were asked to rank their involvement in the framing of CTMs in Nigeria on a nominal scale of Yes =1 and No =2 for the question, “ Were you involved or consulted in the formulation of CTMs?” Moreover, respondents were asked the manner of government engagement within the context of CTMs on a scale of none, direct, indirect; “Your organization has given expert advice to the government on their counter-terrorism legislation, policies and practices.” Importantly, respondents were asked to rank their responses on government’s perception that they should play primarily the role of service providers within the context of CTMs on a nominal scale of True =1 and False =2.

Second, the respondents were asked to rank their responses on the clarity of CTMs. What was their level of awareness of the CTMs of the Nigerian government: CVE programs, TPA, 2011 (amended), MLPA, 2011 (amended), and military campaigns? Furthermore, respondents were asked to rank their responses on government’s efforts to create awareness or understanding of CTMs on a nominal scale of Yes =1 and No =2: “Were there orientations/supports given to aid the understanding of CTMs?” “Are the guidelines given on the implementation of CTMs clear and consistent?” “Were there measures put in place to guarantee that those carrying out CTMs abide by the guidelines?”

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

Findings

Table 1 shows the most frequent responses from respondents when asked if the government consulted their organizations in the process of formulating counterterrorism laws and policies. The results show that 81 percent indicated that the government did not consult them. Furthermore, the majority of the executives of CSOs interviewed stated that their knowledge of drivers of violent extremism and terrorism in local communities
puts them in the right position for providing the government with vital information that would aid the curbing of the proliferation of terrorism in Nigeria. Specifically, executives of these organizations stated that they had close connections with local communities in these areas and that their interactions with these communities predisposed them to the knowledge of issues that fueled violent extremism and terrorism. According to the interviewed CSOs, these issues include rights violations in government operations, lack of protection of the rights of victims of terrorism, and counterterrorism operations and failure of the government in addressing grievances of local communities toward them. Also, other issues identified include socioeconomic inequality due to government neglect of critical infrastructures needed for self-sufficiency in food production and entrepreneurial skills for personal and collective developments. However, when asked if they had given expert assistance to the government in its CTMs, about 87.8 percent of respondents reported that they had not. In the same vein, an executive from a human rights CSO stated that the rationale behind government’s aversion to the involvement of CSOs in the framing of CTMs is due to the belief that CSOs would seek CTMs that respect the rights of individuals and groups. However, the government believes that emphasizing human rights will be counterproductive to the success of CTMs. Explicitly, he stated that, “One thing that is very clear is that the legislation did not benefit from the input of civil society. … It was made from the viewpoint that we have to discard human rights if we must achieve success in fighting terrorism. But, I don’t think that is true, and it [sic; CTMs] has no human rights content and so didn’t benefit from civil society input.”

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

The above findings find relevance to scholars’ theorization of state–civil society relations within the context of counterterrorism. Njoku postulated that there is a precarious convivial relationship between the government and civil society organizations in Nigeria. It is a situation where the state engages some CSOs as service providers in its counterterrorism operations. Therefore, the study provides an empirical backing to the above claim, as the surveyed CSOs and government officials, including security agents, reported that CSOs are perceived and engaged solely as social service providers in the context of counterterrorism in Nigeria. The government engagement of CSOs solely as service providers is in contrast to the political advocacy roles that define the historical trajectory of state–civil society organizations in the country. The study argues that the government’s cognizance of CSOs’ history of activism influenced the service delivery nature of government’s engagement with them in the context of counterterrorism in Nigeria. Thus, this also influenced the strategic exclusion of CSOs in the framing of CTMs. It induced the redefinition of roles of CSOs not only in the context of CTMs but also in other sociopolitical issues in contemporary Nigeria.

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

Furthermore, according to Guinane (2007) and Sidel (2008), in the United States and Canada, directors of CSOs that advocated the rights of individuals were worried about government reprisals, which took the form of freezing of assets among other regulatory practices. Explicitly, “NGOs became especially concerned about political targeting after the ACLU (American Civil Liberties Union) accused the FBI of spying on advocacy groups engaged in legal protest activities.” Similarly, in Russia, the
government’s 2003, 2006 NGO Law and 2012 NGO and Foreign Agent Laws criminalized and targeted those organizations that engaged in various advocacy efforts in the context of CTMs. According to Howell and Lind, in Afghanistan, the burgeoning and influence of CSOs following the fall of the Taliban in 2001 sparked resentments among political leaders. Consequently, a political debate about the roles of CSOs in the context of CTMs ensued. Subsequently, the political leaders established an NGO Act of 2005, which prescribed the roles of CSOs as essentially service delivery.

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

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

In contrast, 0.5 percent and 0.1 percent of CSOs reported that they did not fully comprehend the critical features of the TPA, 2011 (as amended) and the MLPA, 2011 (as amended), which are the primary fulcrum of the Nigerian government’s counterterrorism efforts. Furthermore, irrespective of CSOs having more awareness of CVE, 89.8 percent of respondents also indicated that the government had not made concerted efforts to intimate them on the CTMs in general. Similarly, when asked if the guidelines or rule of engagement in the enforcement of CTMs are clear and consistent, 89.8 percent of respondents reported that the guidelines were shrouded with ambiguities. Also, 67.8 percent stated that, in addition to the lack of clarity and inconsistency in the guiding rules of engagement, the government did not abide by these rules of engagement in the enforcement of CTMs in the country. Also, questions concerning the assessment of the efficiency of the counterterrorism laws and policies were requested. The findings show that 53.2 percent of respondents believed that counterterrorism laws and policies were necessary while 47.3 percent disagreed. When asked if the laws and policies were a reasonable response to the level of threat, 52.7 percent stated yes while 47.3 percent differed. Respondents were also asked if the laws and policies have been discriminatory: 78 percent disagreed while 22 percent stated yes in their responses to the question. Moreover, the majority of the interviewed CSO executives scored the government a low mark regarding the enforcement of CTMs.
An interview with an executive of a CSO that focused on humanitarian services validates the results from the survey questionnaire. He reported that the government tactically avoided CSOs in the process of passing counterterrorism bills into law. According to the CSO executive, legislative committees on security are required to advertise for a public hearing of a bill during the committee stage. However, the committees did not advertise public hearings on counterterrorism bills; hence CSOs were unaware of most of these hearings. Moreover, the committees did not give CSOs adequate time to make a meaningful input at times when they were informed about a public hearing on counterterrorism bills. The following are his exact words: “imagine a situation whereby on Friday you see an advert in the newspaper that there will be a public hearing on Monday. So it does not make room for inclusiveness in the sense that most people do not attend and even when they do the quality of what they present, because it has not been researched upon, is always very shallow.”

Other executives of CSOs also stated that they had been

| Table 2. Civil Society Organizations’ Levels of Awareness and Clarity of Government’s CTMs. |
|---------------------------------|-----------------|---------|
| Clarity of CTMs                 | Counts | Percentage |
| CVE programs                   | 153    | 74.6     |
| Terrorism Prevention Act 2011 (amended) | 1      | 0.5      |
| Money Laundering Prohibition Act 2011 (amended) | 2      | 10.0     |
| Military campaigns             | 49     | 23.9     |
| Total                          | 205    | 100.0    |

Government made efforts to create awareness or understanding of CTMs
| Yes   | 21 | 10.2 |
| No    | 184 | 89.8 |
| Total | 205 | 100.0 |

Guidelines or rules of engagement in the implementation of CTMs clear and consistent
| Yes   | 21 | 10.2 |
| No    | 184 | 89.8 |
| Total | 205 | 100.0 |

Were there measures put in place to guarantee that those carrying out CTMs abide by the guidelines
| Yes   | 66 | 32.2 |
| No    | 139 | 67.8 |
| Total | 205 | 100.0 |

Are the legislation, policy, and practice being necessary?
| Yes   | 109 | 53.2 |
| No    | 96  | 46.8 |
| Total | 205 | 100.0 |

Do you feel the CTMs are a reasonable response to the level of threat?
| Yes   | 108 | 52.7 |
| No    | 97  | 47.3 |
| Total | 205 | 100.0 |

Do you feel that any of the legislation/policy/practice has been discriminatory?
| Yes   | 45  | 22.0 |
| No    | 160 | 78.0 |
| Total | 205 | 100.0 |
kept in the dark by the government in the process of formulating counterterrorism measures.57 The above further explains that the government snubbed the CSOs in the areas of information sharing on counterterrorism or it denied CSOs access to information that is vital for their operations in the context of counterterrorism.58 Therefore, this study argues that the non-inclusion of CSOs in the Nigerian government’s counterterrorism approach influenced the uncertainties experienced in CTMs in the country.

Importantly, the findings of this study contribute to the on-going discussions on the ambiguities inherent in the counterterrorism laws and policies, and its misinterpretation by the state to serve their interest. Bloodgood and Tremblay-Boire59 stated that in the United States, nonprofit organizations are often confronted with the uncertainty that is characteristic in the government’s counterterrorism laws. Specifically, scholars argue that U.S. counterterrorism laws and policies such as the USA PATRIOT Act, Executive Order 13224, and the Anti-Terrorist Financing Guidelines: Voluntary Best Practices for U.S Based Charities created confusion among CSOs in the country. First, Executive Order 13224 presented an ambiguous definition on terrorism, where acts of protests and government dissent were classified as acts of terrorism by the U.S. government.60 Similarly, the USA PATRIOT Act stretched the meaning of material support. The “material support” narrative inherent in the law has been contentious and attracted much litigation by CSOs. According to Howell and Lind (2010: 286), “Muslim charities have taken the lead in challenging the meaning and constitutionality of material support provisions and have launched appeals in court with variable outcomes. In one successful instance, a judge in Oregon ruled that the Treasury Department’s proscription of the Al Haramain Foundation in 2004 had violated due process and that the term ‘material support’ was too vague to be applied.”

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

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

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

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

Interestingly, the senior military officers interviewed further stated that the exclusion of CSOs was not entirely the making of the government. They claimed that some CSOs
believe that working with the government in any form was inimical to their principles. This practice, they claimed, has been recurrent because some of these CSOs seek to protect their narrow interest as against that of the state. While this may seem a logical explanation for the strategic exclusion of CSOs, as discussed in previous sections, it is also evident that government agencies in charge of counterterrorism policy formulation have a predetermined position in the framing of CTMs, as it concern CSOs and the construction of service delivery roles for these organizations. The above situation necessitated CSOs to become circumspect in working with the government in the framing of CTMs in the country. Moreover, limited information and limited time are given by the legislative committees to the CSOs regarding the discussion of counterterrorism security bills during public hearings is an indication that government had preconceived ideas of CSOs’ roles. This further advances the argument that there exists a mutual suspicion in state–civil society relations within the context of CTMs in Nigeria, the state marginalized CSOs in CTM operations, and some CSOs consider the state as a threat to their organizations.\footnote{66}

**Conclusion**

This article proposed a reflection on how and why service delivery roles were constructed for CSOs in the framing of counterterrorism laws and policies in Nigeria. It also examines responses of CSOs to the government’s counterterrorism strategy. The literature on the securitizations of CSOs often points to the post-9/11 global counterterrorism policies enforced by the FATF of the UN. However, given the context-specific nature of the manifestation of CTMs,\footnote{67} this article advances how sociopolitical dynamics in Nigeria influence the framing of CTMs. The study draws from secondary and primary data generated through relevant and gray literature, and a survey of CSOs’ program officers, CSOs’ executives, and government security personnel between 2015 and 2018 in Nigeria. The study argues that the construction of service delivery roles and de-legitimization of political advocacy for CSOs in the context of counterterrorism was premised on CSOs’ strategic exclusion in the framing of CTMs by the Nigerian government. First, the analysis finds that the government did not consult the majority of CSOs in the framing of CTM in Nigeria irrespective of their expert knowledge and capacity to address factors that drive violent extremism and terrorism in northeastern Nigeria.

Moreover, the study argues that the Nigerian government’s lack of inclusiveness of CSOs in the framing of CTMs is traced to the trajectory of political activism that characterized extant CSOs’ relations with the state. Thus, the government believes that this would influence their disposition toward the incorporation of human rights components in the CTMs. However, the government believes that over-emphasizing human rights in the fight against terrorism undermines its efforts. Furthermore, the data also show that in the framing of CTMs, the government considered CSOs importance only in the areas of social service provision for victims of terrorism and counterterrorism operations. Therefore, this article argues that in the framing of CTMs, the government had a preconceived idea of the nature of CSOs’ contributions.

Consequently, this influenced the government’s strategic exclusion of CSOs in the framing of CTMs. However, the exclusion of CSOs gave the state the leverage to formulate a service delivery role for CSOs and to de-legitimize political advocacy for the rights
of the vulnerable or disadvantaged or those caught in the crossfire of government counterterrorism operations in northeastern Nigeria. Furthermore, the exclusion of CSOs facilitated government’s creation of a twofold strategy of co-option of “good” CSOs in the government CVE program and the repression of other CSOs considered as threats to the success of the government CTMs. The above deduction advances extant arguments on the logic behind some states’ reductionist approach in their engagement of CSOs in the context of counterterrorism. Explicitly, in the context of counterterrorism, states adopted a two-pronged approach, whereby some CSOs were co-opted as service providers and they repressed others.\

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

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

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**ORCID**

Emeka Thaddues Njoku [http://orcid.org/0000-0002-1473-1571](http://orcid.org/0000-0002-1473-1571)

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Notes
1. For the purpose of this study, civil society is characterized as a platform where individuals organize around common, collective purposes [and] it entails associational forms such as social developments/ movement groups, human rights organizations, trade unions, faith-based organizations, networks, coalitions, peace groups, campaigns Jude Howell and Jeremy Lind, Civil Society Under Strain: Counter-Terrorism Policy, Civil Society and Aid Post 9/11 (Bloomfield, CT: Kumarian Press, 2010), 3; Jude Howell and Jeremy Lind, “Securing the World and Challenging Civil Society: Before and After the “War on Terror’,” Development and Change 41, no. 2 (2010): 279–291.

2. Securitization is “an articulated assemblage of practices where heuristic artefacts (metaphors, policy tools, image repertoires, analogies, stereotypes, and emotions) are contextually mobilized by a securitizing actors, who works to prompt an audience to build a coherent network of implications (feelings, sensations, thoughts, and intuition) about the critical vulnerability of a referent object, that concurs with the securitizing actor’s reason for choices and act by investing the referent subject with such an aura of unprecedented threatening complexion that a customized policy must be undertaken immediately to block its development.” Thierry Balzacq, “A Theory of Securitization: Origins, Core Assumptions and Variants,” in Securitization Theory: How Security Problems Emerge and Dissolve, ed. Thierry Balzacq (New York: Routledge, 2011), 3.

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5. Howell and Lind, Civil Society Under Strain, 4.

6. Ibid., 10; Fowler and Sen, “Embedding the War on Terror,” 16.

7. Daucé, “The Duality of Coercion in Russia,” 59.
8. “Ratify and implement all UN measures relevant to terrorist financing by enacting measures to freeze and confiscate terrorist assets, set-up reporting mechanisms for suspicious financial transactions related to terrorism, establish disclosure regimes around alternative remittance and ‘wire transfer’ systems. … Non-profit organisations were singled-out by the FATF as ‘particularly vulnerable’ to exploitation by terrorist organisations. The FATF rules set out a wide range of legal measures and due diligence obligations to be implemented by states and private actors in order to prevent terrorist groups and their supporters utilising the banking system. Compliance with FATF rules is extremely onerous and non-compliance is not an option, with banks facing a range of sanctions including large fines, possible withdrawal of their banking licenses and criminal prosecutions. This has spawned a global compliance industry, already worth billions of euros annually” [Ben Hayes, “The Impact of International Counterterrorism on Civil Society Organisations: Understanding the Role of the Financial Action Task Force (Berlin: Bread for the World—Protestant Development Service Protestant Agency for Diakonie and Development, 2017), 14, 15].

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10. Bloodgood and Tremblay-Boire, “International NGOs and National Regulation in an Age of Terrorism,” 146.

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18. Fowler and Sen, “Embedding the War on Terror,” 16.

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25. Ibid., 171.
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on women rights and development (Lagos; 20 February 2015), interview with an executive of a peace and development CSOs (Lagos; 23 February 2015).

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46. Ibid.

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63. Daucé, “The Duality of Coercion in Russia,” 59.

64. Author’s interview with the senior military officer in charge of defense planning in the Nigerian Army (Abuja; 9 March 2015); author’s interview with the senior military officer in charge of defense planning in the Nigerian Navy (Abuja; 9 March 2015); author’s interview with a senior military officer of the Nigerian Army (Oyo; 21 July 2015).

65. Author’s interview with the senior military officer charge of defense planning in the Nigerian Army (Abuja; 9 March 2015); author’s interview with the senior military officer in charge of defense planning in the Nigerian Navy (Abuja; 9 March 2015); author’s interview with the senior military officer in charge of defense planning in the Nigerian Army; author’s interview with the senior military officer in charge of defense planning in the Nigerian Army (Abuja; 9 March 2015); author’s interview with a senior military officer of the Nigerian Army (Oyo; 21 July 2015); author’s interview with military officer of the Nigeria Army (Oyo 21 July 2015).

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