



PLATEAU STATE UNIVERSITY

LAW JOURNAL

VOL. 2, 2025

A publication of Faculty of Law
Plateau State University, Bokok, Nigeria

TO BE CITED AS PLASULJ VOL. 2, 2025

A Publication of Faculty of Law, Plateau State University, Boko — Nigeria
Published 2025

© Copyright 2025 Faculty of Law, Plateau State University, Boko — Nigeria

All Rights reserved. No part of this journal may be reproduced, stored in a retrieval system, or transmitted in any form or by any means, electronic, mechanical, photocopying, recording or otherwise, without the prior permission of the editors or publishers.

EISSN : 1596-0625 (Online)

EDITORIAL BOARD

Dr. Mark Yilkaghan Danung

Editor-in-Chief,
Dean,
Faculty of Law,
Plateau State University, Bokok

Prof. A.Okoh. Alubo, SAN

Editor

Members

Nankwat Samuel Kwotbok----- Editorial Secretary
Joseph Renkat----- Marketing Manager
Paul Yohanna Izam ----- Member
Yoummi Emmanuella Mamgin-----Financial Secretary
Truth Biangten-----Treasurer

Editorial Advisory Board

Prof. Onje Gye-Wado
Prof. Nnamdi J. Aduba
Prof. Dakas C. J. Dakas, SAN
Prof. Yakubu Baba Hassan. ,
Prof. Peter Akper, SAN
Prof. Augustine Agom
Prof. Sylvester S. Shikyil, SAN
Prof. Francis M. Kwede
Prof. Anthony Ijohor, SAN
Prof. Alphonsus Okoh Alubo, SAN'

Prof. V. Vitalis Tarhaule

Prof. Timothy Fwa Yerima

Dr. David U. Ikoni

Dr. Mark Yilkaghan Danung

Dr. Ogbole Ogancha O.

FROM THE EDITOR-IN-CHIEF AND CHAIRMAN OF THE EDITORIAL BOARD

I am most delighted to introduce to you Volumes 2 and 3 of the Plateau State University Law Journal (PLASULJ). I am optimistic that these editions are a hub for educative, insightful and thought-provoking encounter with current and cutting-edge issues, bordering on different areas of law. Some of these issues border on terrorism, protection of marine environment from ship-source pollution in Nigeria, cultural diplomacy in the 21st Century, trade unions and collective agreements in Nigeria, punishment for rape under Nigeria law, climate finance in Nigeria and Rwanda, right to health and access to medicine, theories and causes of genocide and the quest for preventive measures, protection of child's data within the administration of justice system in Nigeria, the Nigerian judiciary and the challenges of justice delivery, militarization of Nigerian democracy and its impact on fundamental rights, amongst others.

These wide range of issues addressed by various authors in these Journals are of great value to private legal practitioners, academics, Judiciary and the society at large. It is believed that recommendations proffered will eventually become policy documents for government's action and implementation, which will in turn bring about growth and development in the legal and socio-political firmaments of Nigeria.

I am particularly grateful to the committed and dedicated staffers of the Faculty of Law, and our external reviewers, for their tireless and relentless sacrifices, towards ensuring the quality of the published articles. I equally appreciate the non-teaching staffers for their assistance in enhancing a conducive atmosphere for the work.

To the focused, supportive and visionary Vice-Chancellor of Plateau State University, Professor Shedrack Gaya Best, together with his management team, I am most grateful for support in all facets towards the promotion of academic scholarship, which has propelled us to publish Volumes 2 and 3 of the Faculty of Law Journal.

The members of the Faculty's Editorial Advisory Board, who are made up of iconic legal averters and colossus in various fields of law, deserve utmost appreciation, for their wise counsel and support. I equally express deep appreciation to Professor Alphonsus Okoh Alubo, SAN who is on ground in the Faculty, and from whom we have learnt, and are still learning, in the Faculty. To God Almighty, I ascribe all the glory and for His faithfulness.

Dr. Mark Y. Danung, PhD, BL, MCI Arb. (UK)

Editor-in-Chief

NOTES FROM THE EDITOR

I am excited again, with the Editor-in-Chief, to release the latest edition (Volumes 2 and 3) of the Plateau State University Law Journal, in the year 2025, to the legal community and the reading public. This followed the publication of the Maiden Edition in one Volume of No.1 and No.2, which were well received. Garlands were appropriate for all who worked on the Maiden Edition. This edition, in two volumes, builds up on the success and visibility of the first edition. Unlike the maiden edition, a deliberate decision was taken not to have the journal over-subscribed, but to limit the same to a number of manageable articles. Articles that we could not publish this time would be published in the next edition of the Journal in 2026.

With articles drawn from all over the country and people on cutting edge issues, the journal is poised to continue to do more academic exploits. The articles contained in these volumes have been punctiliously appraised. Some of these articles border on terrorism, protection of marine environment from ship-source pollution in Nigeria, cultural diplomacy in the 21st Century, trade unions and collective agreements in Nigeria, punishment for rape under Nigeria law, climate finance in Nigeria and Rwanda, right to health and access to medicine, theories and causes of genocide and the quest for preventive measures, protection of child's data within the administration of justice system in Nigeria, the Nigerian judiciary and the challenges of justice delivery, militarization of Nigerian democracy and its impact on fundamental rights, amongst others.

Contributors were urged to purge their articles of plagiarism contents and we verily believe they have done so. The individual authors take the responsibility for contents that obstinately remain. The Editor and the Editorial Board commit themselves to upholding the highest standard in journal publications and they deeply appreciate the feedbacks that have come in from legal practitioners, judges and others. Wishing us an interesting read and a great time!

Professor Alphonsus Okoh Alubo, SAN

Editor

Note to Contributors

Manuscripts could include articles, case comments/reviews and book reviews. Manuscripts should not normally exceed **6000 words**.

Author's Guidelines

1. Language:

The language of the manuscript must be English (British 'standard).

2. Originality:

Manuscripts submitted for consideration must not have been accepted for publication or published elsewhere.

3. Title page:

The title page should be separate and should include: (i) The name(s) of the author(s), (ii) A concise and informative title, (iii) The affiliation(s) and address(es) of the author(s), (iv) The email address, and telephone numbers of the corresponding author.

4. Abstract:

Please provide an abstract of 150 to 200 words, which must include the objectives of the study, methodology, findings, and summary of recommendations.

5. Keywords:

Please provide 3 to 6 keywords which can be used for indexing purposes.

6. Sub-divisions of articles:

Divide your article into clearly defined and numbered sections (1, 2, 3, etc). Subsections should be numbered 1.1, 1.1, 1, 1.2, etc, Note that abstract should not be included in section numbering.

7. References and citation:

Author(s) should adhere to the Nigerian Association of Law Teachers Uniform Citation and Documentation Standards accessible at www.naltnq.org

8. All authors are responsible for checking the accuracy of all references.

9. All manuscripts should be typed on A4 paper size, using Times New Roman with character size font 12 and 1.5 line spacing.

10. All manuscripts should be copied to the Editor in Chief: danungmark@plasu.edu.ng

Publication Policy

Opinions expressed in the Journal are those of the authors and do not reflect the views of the publisher essentially.

Please accept our warmest regards.

APPRAISAL OF THE IMPACT OF TERRORISM ON HUMAN RIGHTS UNDER INTERNATIONAL LAW

By

Mark Y. Danung* and Izam P. Y.**

Abstract

This paper is an examination of the effects of terrorism on human rights under international law. The paper notes that human rights are sacrosanct and have been provided for in several international instruments such as the Universal Declaration of Human Rights¹, the International Covenant on Civil and Political Rights², the International Covenant on Economic, Social and Cultural Rights³, the African Charter on Human and people's Rights⁴, among several other international and regional instruments. The rights provided for in these instruments have been aptly reproduced in the national constitutions of various states across the globe and every state is obligated to respect them. In the main, the work examines terrorism, human rights in international law, impact of terrorism on human rights, impact of terrorism on the economy of states, enforcement of human rights and challenges to the enforcement of human rights in international law. The paper goes ahead to proffer solutions that would help curb terrorism and enhance the enjoyment of human rights. Consistent with legal research, the work employs the doctrinal research methodology.

Key Words: Terrorism, Human Rights, Terrorism, Impact

INTRODUCTION

There is no gainsaying the fact that terrorism is so pervasive that no nation can claim that it is immune to it.⁵ It is a cankerworm that has affected, and is still affecting many states of the world, including the Nigerian state.⁶ No wonder, efforts aimed at eliminating terrorism

* Mark Y. Danung, Ph.D., BL, MCI Arb. (UK), Notary Public is a legal practitioner, seasoned academic and the Dean of Law, Faculty of Law, Plateau State University, Boko. His research interests are in Terrorism, Human Rights and National Security. He can be reached via phone on +2347036153578 or through email: danungmark@yahoo.com.

#Izam, P. Y., LL.M., B.L., Ph.D. in view is a lecturer in the Faculty of Law, Plateau State University, Boko, Plateau State. He can be reached via phone on +23462340608 or through email at: izampaul@plasu.edu.ng.

¹ 1948.

² 1966.

³ 1966.

⁴ 1981.

⁵ Aloba E J, *Terrorism, Kidnapping and Cyber-Crime in Nigeria* (Diamondred Consult 2013) 57.

⁶ Alao D O, Aterem C O, and Aloa A, 'Boko Haram Insurgency in Nigeria: Challenges and Lessons' *Singaporean Journal of Business Economics and Management Studies* (1) 1-15.

preceded the establishment of the United Nations. As far back as 1937, the League of Nations prepared a draft convention for the punishment of the phenomenon of terrorism. The draft convention views terrorism as ‘all criminal acts directed against a state and intended or calculated to create a state of terror in the minds of a particular person or group of persons or the public are acts of terrorism’.⁷ It is noteworthy to state that the draft convention did not see the light of the day, but it became a veritable template used and adopted for later discussions on terrorism when the United Nations was established.

Generally, where terrorism thrives, human rights are violated. This is so because human rights and terrorism are two parallel lines that can never meet. The two concepts are directly antithetical to each other and one must give way to another. Therefore, because of this sharp and obvious parallelism between the two concepts, there is a need to explore them at this initial stage of the paper with a view to setting a stage for proper and appropriate discourse.

i. Terrorism

Terrorism is a term that eludes precise definition. It is a concept that is fluid. In fact, one man’s terrorist is another man’s freedom fighter. Therefore, terrorism has been defined in a myriad of ways by different scholars based on their various experiences. According to Ahmed,⁸ ‘I have examined at least twenty official documents on terrorism. Not one defines the word. All of them explain it, express it emotively, polemically, to arouse our emotions rather than exercise our intelligence’. Similarly, the former U.N. Secretary – General Kofi Annan, states that the protracted debate about what terrorism is, has always been on whether states can be guilty of it as well as non-states groups and whether it includes acts of resistance against

⁷ 19 League of Nations O.J (1938). The Draft Convention never entered into force.

⁸ Quoted in George Pumphesy, ‘Types of Terrorism and 9/11’, available at <www.globalresearch.ca/articles/pum306A.html UN DOC.4/sub.2/2001/31> accessed on the 16th August, 2025.

foreign occupation.⁹ He defines terrorism as ‘action intended to cause death or serious bodily harm to civilians or non-combatants, with the purpose of intimidating a population or compelling a government or institutional organization to do something or not to do something.’¹⁰

From the above definitions, it is crystal clear that terrorism has to do with any act that is calculated at unlawful use of violence and intimidation, especially against civilians, in the pursuit of political, economic, ideological and or religious gains. Often times, it involves acts of violence that spread fear beyond the immediate victims to influence a larger audience, and the acts are often considered unjustifiable regardless of the motives behind them.

ii. Human Rights

To Cranston,¹¹ human rights are collectively viewed as “something of which no one may be deprived without a great affront to justice.” He adds that “There are certain deeds which should never be done, certain freedoms which should never be invaded, some things which are suppressively sacred.”¹²

From the above definition, it is obvious that there are a plethora rights known as human rights. However, these rights will only crystalise into being fundamental rights if they are recognised by, and enshrined in the Constitution. The Constitution of the Federal Republic of Nigeria, 1999, as amended from section 33 to 44 makes provision for fundamental rights.

IMPACT OF TERRORIS ON HUMAN RIGHTS IN INTERNATIONAL LAW

⁹ Kofi A, ‘Global Strategy for Fighting Terrorism’ the Guardian (Lagos) 14 March, 2005, cited in Thomas I, ‘Challenges in Categorizing Domestic Terrorism’ in Wafula & Anneli Botha, *Domestic Terrorism in Africa: Defining, Addressing and Understanding its Impact on Human Security* (Institute for Security Studies, 2007) 14-19.

¹⁰Ibid. See also Section 3 of the Terrorism (Prevention and Prohibition) Act, 2022.

¹¹ The above views of Cranston were cited in Gasiokwu, MUO., *Human Rights: History, Ideology and Law* (Mono Expressions Ltd 2001) 1.

¹² Ibid.

Terrorism impacts on human rights and functioning of the society so are measures adopted by states to counter it. Similarly, because terrorism has serious impact on the avalanche of human rights, states all over the world have not only a right but also a duty to take effective counter-terrorism measures. In the aftermath of 11 September, 2001, the Security Council of the United Nations acted swiftly to strengthen the legal framework for international co-operation among member states, particularly in areas such as: preventing its financing, reducing the risk that terrorists might acquire weapons of mass destruction and improving cross-border information sharing by law enforcement authorities, as well as establishing a monitoring body, the Counter Terrorism Committee to supervise the implementation of these measures.

It is clear that both terrorism and counter-terrorism measures affect the enjoyment of human rights. The rights are rights that have been enunciated in the various international, regional and national instruments of states, as have already been examined in the preceding chapter of this work. It is proposed hereto to pick up some of these rights for consideration and demonstration of how both terrorism and counter-terrorism affect their enjoyment.

i. The right to life

This right has been provided for in international, regional and national laws of states¹³. These instruments recognize the rights and duty of states to protect those individual rights subject to their jurisdiction. In practice, however, some of the measures states have adopted to protect individuals from acts of terrorism have themselves posed grave challenges to the right to life. It is worthy to note that the fact that “a person killed by security forces suspected of terrorism does not necessarily mean that the use of lethal force against him was justified”.¹⁴

¹³Ladan, T M, *Introduction to International Human Rights and Humanitarian Law* (Ahmadu Bello University Press, 1999) 206.

¹⁴*McCann v. UK* (1995) 21 ECHR 97.

Therefore, in every case of use of lethal force, it should be established that the use was absolutely necessary.¹⁵

In some other cases, the military may employ the use of force aimed at targeting and eliminating specific individuals as an alternative to arresting them and bringing them to justice. In other cases, states have adopted “short-to-kill” law enforcement policies in response to perceived terrorist threats.¹⁶ In the context of counter-terrorism, the High Commissioner for Human Rights has emphasized the importance of ensuring that the entire law enforcement machinery, from police officers to prosecutors and officers operating detention and prison facilities, operate within the law. She has cautioned that, in the fight against terrorism, extreme vigilance should be applied by those in positions of authority against all forms of abuse of power, and that they should instill a culture of respect for the law above all by those entrusted with its application.¹⁷ As noted by the Special Rapporteur on Extrajudicial, Summary or Arbitrary Executions, the rhetoric of shot-to-kill and its equivalent poses a deep and enduring threat to human rights based on law enforcement approaches. Under international covenants, the protection against arbitrary deprivation of life is non-derogable even in a state of emergency threatening the life of a nation.¹⁸

On the whole, before execution of any person suspected of involvement in terrorism is carried, such a person must have been tried and found guilty of having committed such an offence. In this connection, the European Convention on Human Rights, 1950 makes provision for the “the right to an effective investigation of every death, which is capable of leading to the trial of those responsible.”¹⁹

¹⁵ It must always comply with the principle of necessity and must only be used in a situation in which it is necessary for self-defence or the defence of someone’s life.

¹⁶ Philip A., “Extra-judicial, Summary or Arbitrary Executions”, *Special Rapporteur’s Report* (E/CN.4/2006) 53 paras. 44-54.

¹⁷ Human Rights Committee’s View on Communication No. 146/1983 in *Baboeram v Suriname*, 4 April, 1985.

¹⁸ See *Prosecutor v. Frurundzija A*, 158/40 (vol.1).

¹⁹ See *McKerr v. UK* (2002) 34 EHHR 520 and *Jordan v UK* (2003) 11 BHRC.

ii. Right not to be tortured or subjected to inhuman or degrading treatment

The prohibition of torture and other cruel, inhuman and degrading treatment or punishment is absolute in international law. It is a peremptory norm-or a norm of *jus cogens*-and is non-derogable even in states of emergency threatening the life of the nation under international and regional human rights treaties. The prohibition of torture and other cruel, inhuman or degrading treatment does not yield to the threat posed by terrorism or to the alleged danger posed by individuals to the security of a state.²⁰ In practice, however, states have always adopted policies and methods to confront terrorism that, in effect, circumvent or undermine this absolute prohibition.²¹

For instance, the use of torture and other cruel, inhuman and degrading treatment to elicit information from terrorists, the use in legal proceedings of evidence obtained by torture, whether at home or abroad and of “secret remittance” put forward by prosecuting and other authorities in judicial proceedings in violation of the principle of non-admissibility of evidence extracted by torture, amongst others, are prohibited under the Convention against Torture.²²

With respect to conditions of detention, practices such as the use of secret and incommunicado detention, as well as prolonged solitary confinement and similar measures aimed at causing stress, may amount to torture, cruel, inhuman or degrading treatment.²³

iii. The right to liberty and security of the person

All persons are supposed, under the international conventions, to be protected against unlawful or arbitrary interference with their liberty. But unfortunately, most of the anti-terrorism laws created by states “involve some form of extended detention for such suspects

²⁰ See Articles 7 and 4(2) of the International Covenant on Civil and Political Rights 1966.

²¹ See, for example, the Report of Committee against Torture (A/59/44 paras. 67, 126 and 144).

²²Ibid. See Article 15 of the Convention against Torture.

²³ Ibid.

when compared to those arrested for other offences.”²⁴ At the moment, the United Kingdom has derogation in force in relation to several international covenants²⁵ for terrorist suspects. In particular, the law requires that persons (without exception) arrested be brought “promptly” before a judge or equivalent to determine whether detention is justified or whether bail should be granted.²⁶

It is rather unfortunate that domestic courts in the United Kingdom have upheld both the derogation and the detention powers as lawful.²⁷ It is highly objectionable in the context of human rights protection. A state may lawfully detain persons suspected of terrorist activity, as with any other crime. However, if the measures involved deprives an individual’s liberty, strict compliance with international and regional human rights law related to liberty and security of persons, the right to recognition before the law and the right of due process are essential. Any such measures must, at the very least, provide for judicial scrutiny and the ability of detained persons to have their detention determined by a judicial authority.²⁸

iv. Transfer of individuals suspected of terrorist activity

States have an obligation to conduct any transfer of detainees in a manner in which it is transparent and consistent with human rights and the rule of law, including the right to respect for a person’s inherent dignity, the right of every one to recognition before the law and the right of due process.

It is apposite to state that the international legal framework requires any deprivation of liberty to be based on grounds and procedures duly established by law.²⁹ They should be given

²⁴ The UK in May 2003 extended detention powers for terrorist suspects by two weeks without charge.

²⁵ See Article 5 of ECHR.

²⁶ Ibid.

²⁷ See *Brogan v. UK* (1988) 11 EHHR 117; *A v SSHD* (2001).

²⁸ See Human Rights Committee of the ICCPR, General Comment, No. 13 (1984).

²⁹ This requirement is very important. All detainees should be informed of the reasons for their detention and promptly notified of the charges against them and they should be provided access to legal counsel. In addition, prompt and effective oversight of detention by a judicial officer must be ensured to verify legal detention and to protect other fundamental rights of detainees.

access to legal counsel. Even in a state of emergency, access to legal counsel within reasonable limits of time is mandatory. Moreover, national authorities are under obligation to prevent human rights abuses and to actively investigate and prosecute any allegation of practices which may involve the transfer or detention of individuals in a manner consistent with their obligations under international law.

It is necessary to state that since September, 11 attacks on the U.S., some states have reportedly extradited, expelled, deported or otherwise transferred foreign nationals, some of them asylum-seekers, suspected of terrorism in their countries where they allegedly face a risk of torture or ill-treatment in violation of the long established international law principle of *non-refoulment*.³⁰

The transfer of individuals which takes place outside the rule of law and without due process may lead to a number of human rights violations, notably, infringement of the right to liberty and security of the person, the prohibition of torture and other cruel, inhuman or degrading treatments and punishment, the right to recognition everywhere as an individual before the law, the right to fair trial, the right to private and family life, and the right to effective remedy.

In the context of terrorism, some states have made use of diplomatic assurances, memorandums of understanding and other forms of diplomatic agreement to justify the return to or irregular transfer of individuals suspected of terrorist activity to countries where they may face a real risk of torture or other serious human rights abuses. This practice is highly objectionable and raises serious human rights concern.

v. Due process and the right to a fair trial

³⁰ This principle, set out in Article 33 (1) of the Convention Relating to the Status of Refugees, 1951, is also recognized in other international instruments, most notable in Article 3 of the Convention against Torture and in Article 6 of the International Convention for the Protection of all persons from Enforced Disappearance. See also Article 7 of the ICCPR, 1966.

Everyone has the right to a fair trial, whatever their offence.³¹ This right is provided in several covenants, international and regional instruments, as well as the constitutions of states. For example, the International Covenant on Civil and Political Rights, 1966³² provides that:

All persons shall be equal before the courts and tribunals. In determination of any criminal charge against him, or of his rights and obligations in a suit at law, everyone shall be entitled to a fair and public hearing by a competent, independent and impartial tribunal established by law.... Everyone charged with a criminal offence shall have the right to be presumed innocent until proved guilty according to law. In the determination of any criminal charge against him, everyone shall be entitled to the following minimum guarantees, in full equality.

It further guarantees the right to be informed of charges brought against him, in a language that he can understand, the right to consult with the attorney of his own choice, the right to be present during the trial and the right to cross-examine witnesses. On the contrary, terrorist suspects are not guaranteed these rights. States have, over the years, vary these provisions in relation to terrorism case by shifting the burden of proof to terrorist suspects,³³ to prohibit any advocacy of national, racial, or religious hatred that constitutes incitement to discrimination, hostility or violence.³⁴

Although none of the international instruments on terrorism explicitly requires the prohibition of incitement to terrorism, the Council of Europe's Convention on the Preservation of Terrorism requires states parties to criminalize the unlawful and intentional public provocation to commit a terrorist offence.³⁵ The United Nations Special Rapporteur on the

³¹ See *Incal v Turkey* (1998) 4 BHRC 476.

³² See Article 14 of the ICCPR, 1966.

³³ See *R. v. DPP, EX p. Kebilene* (1999) 3 W.L.R. 972.

³⁴ See Article 20 (3) of the ICCPR.

³⁵ Article 5(1) of the Convention defines it as "the distribution, or otherwise making available, of a message to the public, with the intent to incite the commission of a terrorist offence, where such conduct, whether or not directly advocating terrorism offences, causes a danger that one or more such offences may be committed.

Promotion and Protection of Human Rights and Fundamental Freedoms, while Countering Terrorism has expressed the view that this provision represents the best practice in defining the prescription of incitement of terrorism.³⁶

vi. Freedom of association

The right to freedom of association, like the right to freedom of expression, is a platform for the exercise and defence of other rights, such as political participation rights and cultural rights.³⁷ In fact, it is worthy to note that human rights defenders always rely on this right as the basis for their action. It is, however, fundamental to state that the right is limited by states in situations of real or perceived terrorist threat.³⁸

vii. Economic, Social and Cultural Rights

It is axiomatic that efforts to address human rights implications of terrorism and counter terrorism measures seemed to have focused on the protection of civil and political rights, with little or no attention to their impact on the enjoyment of economic, social and cultural rights. Yet it is clear that terrorism and measures adopted by states to combat it are both influenced by and have an impact on the enjoyment of the economic, social and cultural rights.

The adoption of specific counter terrorism measures may also have a direct impact on the enjoyment of economic, social and cultural rights. For example, targeted sanctions against individuals suspected of involvement in terrorist activity such as freezing their financial assets or imposing travel restrictions on them, may be an effective means for tackling and even preventing terrorist activity.

³⁶ See Security Council Resolution 1624 (2005), para. 1.

³⁷ A/HRC/26/Add.3

³⁸ See, for example, African Commission on Human and Peoples' Rights, Communications No. 48/90 paras. 78-80.

THE IMPACT OF TERRORISM ON THE ECONOMY OF STATES

Terrorism, it is said, poisons everything. The greatest damage, of course, results from the lives that are lost and the people who are injured. Nonetheless, it is natural to wonder whether an event such as the bombing at the Boston Marathon is likely to have a long-term impact on the economy and the stock market.³⁹ The Boston bombing that claimed so many lives and destroyed several properties, occasioning great losses to the economy. This incident, no doubt, underscores the impact of terrorism on the economy of nations of the world. It is true that lives are lost, people are injured, properties are destroyed, businesses are ground to a halt and the economy is grossly affected. It is in this very light that the discourse on the impact of terrorism on the economy of states becomes imperative. In particular, reference will be made to the economy of the United Kingdom, Nigeria and the financial votes of the European Union for the purpose of countering terrorism.

i. Disruptive Activities of Terrorists on the Economy of Nations

Terrorism has a disruptive effect on the economy of nations. It is sad that while true cost of terrorism with its appalling loss of life may be incalculable, a growing body of research since the 9/11 attacks on the United States has tried accounting for the direct and indirect economic consequences of terrorism.⁴⁰ The cost of 9/11 attacks, for example, has been estimated at \$28 billion in the loss of pure physical assets plus the initial cleanup and rescue efforts.⁴¹ But that was not only the beginning, according to a 2002 assessment by the Paris based organization for Economic Development.⁴²

³⁹Sivy M, "What the Boston Bombing Means for the Economy and the Stock Market", available at <<http://www.business.time.com/2013/04/16/what-the-boston-bombing-means-for-teh-economy-and-teh-stock-market/accessed>> 9th September, 2025.

⁴⁰Wolk M, "Economic Impact of Terror may be Lasting", available at <http://www.nbcnews.com/id/85142/ns/business-eye_on_economy/t/economic-mpact-terror-may-be-lasting/...VBa-V2YoxA> accessed 15th September, 2025.

⁴¹Ibid.

⁴²Ibid.

The attack was (considered to be) the greatest insurance disaster in history, with insured losses of about \$32 billion for business interruption, workers compensation, loss of life and other liability workers compensation, loss of life and other liabilities. Other effects are hard to quantify, but many researchers say terrorism has a long-term negative effect on economic growth, similar to other types of instability.

Roubini⁴³ remarked “I think the evidence is that in countries where there is ongoing terrorism, there is a meaningful impact on the economy and financial markets”.⁴⁴ He points out to the case of Israel, where the so-called second intifada beginning in 2000 caused tourism to collapse, triggered a long stock market slump and contributed to a painful economic recession from which the country is still emerging.

In the Basque region of Spain, a decade campaign of political terror beginning in the 1970s reduced per capita economic output by 10 percent and continues to have an effect. A renowned economist remarked with respect to the disruptive consequence of terrorism thus: “...even without a steady campaign of attacks, even a perceived risk of terrorism can have a substantial effect of reducing Foreign Direct Investment (FDI)”. According to this scholar, in a global economy that is more open than ever, some investors will choose to redeploy their funds into countries where they believe the risk of terrorism is slower. Even if the terrorism attack is not realized, the perception that one may occur may be having an anticipated impact on the economy.

Another report says that following September 11, 2001 attacks on U.S. and on London in July 2005, the impact of terrorism increased greatly. Indeed, over 14, 500 New York businesses were destroyed or seriously disrupted as a result of the attack.⁴⁵ In addition to the

⁴³Alberto Abadie is a Harvard economist who has vast knowledge on terrorism and its effects on the economy.

⁴⁴NorielRoubini is an associate Professor at the New York University’s Stern School of Business.

⁴⁵ This report is contained in a Manual produced by London Chamber of Commerce and Industry, Press and Public Affairs, published in August, 2005.

immediate economic impact of the attacks on the New York economy, it is estimated that the losses suffered reached as much as \$83 billion.⁴⁶ Businesses and consumer confidence were both severely affected. With confidence already low by early September, 2001, it plummeted to the levels seen following the Iraqi invasion of Kuwait in 1990 and beyond those seen after terrorist attacks in the 1990s.⁴⁷ Forecasts for economic growth were downgraded as results were reduced drastically.

In Nigeria, recently the country was ranked 14th in the list of the most failed states in the world out of the 177 countries considered in the ranking by Fund for Peace, an American Independent non-profit research and educational organization that works to prevent violent conflicts and promote sustainable security in the world. In the wake of the crisis in the country, many international agencies and countries began to issue travel warnings to their citizens about the dangers involved in travelling and doing business in some parts of the country. Precisely, the United States warned American citizens of the risk of coming to Nigeria, with particular emphasis to AkwaIbom, Baylesa, Delta, Rivers, Abia, Edo, Imo, Plateau, Bauchi, Gombe, Yobe and Borno States; and the Gulf of Guinea, and this has grave consequences for the development of the country.⁴⁸

Apart from the above, terrorism also causes social and psychological costs. Terrorism destroys the reservoir of social capital that is so vital to building harmonious societies and pooling together community energies for national development.⁴⁹ The attendant proliferation of small arms and the militarization of society results in a vicious cycle of violence which hampers national cohesion and stability. The long time effect of such violence on cities and

⁴⁶ There are significant longer term economic repercussion in terms of business relocation, loss of tax revenue, fall in property values, a drop in tourism and its impact on the retail and hotel leisure. See the Century Foundation, Economic Impact of Terrorist Attack, May 13, 2002.

⁴⁷ Economic Consequences of Terrorism, OECD Economic Outlook 71, 2002.

⁴⁸ Adebayo, A. A, "Implication of "Boko Haram" Terrorism on National Development in Nigeria", available at <www.mcser.org/journal/index.php/mjss/article/download/3330/3284>, accessed 15th September, 2025.

⁴⁹ Ibid.

regions is best exemplified by the impoverishment that has affected Kaduna and Jos. Kaduna used to be one of the most prosperous cities in Nigeria. It was in many ways the industrial hub of the North, a cosmopolitan city with over a dozen textile firms and prosperous trading companies. Today as a result of terrorism and other factors, Kaduna is tragically a divided city in which Muslims live predominantly in the North and the Christians predominantly in the South. All the textile companies have shut down and most investors have packed up their businesses. The Jos Plateau is following a similar trend, as it has lost its cosmopolitanism and local economies are destroyed. The tragedy is that the collapse of local economies and the erosion of social capital re-enforced downward spiral of further impoverishment evident of the disastrous consequences of terrorism.⁵⁰

Similarly, the Boko Haram insurgency and terrorism is a bad signal to foreign investors. Economic experts hold the belief that there are no criteria to quantify the loss to the economy. Many children have died, and many have become orphans due to Boko Haram onslaught that killed their parents and guardians, which such children continue to suffer deprivation. Many families have been scattered and their ambitions cut short. In terms of property, the scenes of each bomb blast present a scenario of massive waste and destruction.⁵¹

In Maiduguri, the capital of Borno State and in Adamawa State, the situation is critical. According to some writers, terrorism has caused us injury and pain. It has brought us hunger. It has spelt and unleashed untold hardship on the people. The economy is bleeding. It has brought division amongst us, fueling animosities amongst adherents of Islamic and Christian religions. So sad. So unfortunate. It is our common enemy.⁵² The above clearly indicates how

⁵⁰ Ibid.

⁵¹ Ibid.

⁵² Gabriel C, Maram N, et al “Boko Haram: How Insurgency Wrecked the North” Vanguard, Thursday, Sept 11, 2014, available at < <http://www.vanguardngr.com/2014/04/boko-haram-insurgency-wrecked-north/accessed>> 11th September, 2025.

terrorism has drastically affected the economy in the following states. The writers also lament the previous attacks at the force headquarters, army barracks, United Nations building, *This Day*, St. Theresa's Catholic Church in Madallah, Niger State, and then a plethora of others in Yobe, Adamawa and Borno states, which have continued unabated.⁵³ The situation has so escalated to the extent that the Boko Haram has broken into some towns, killed people, looted their properties and taken over some towns.⁵⁴ The Federal Government has, recently, bought fighter jets to flush out the insurgents.

ii. Excessive Government Allocation to the Security Sector

The scourge of terrorism has become a great issue of concern to many nations of the world. In fact where terrorism exists, there is always insecurity. Thus, there is always the need to fund the security sector for the purpose of ensuring the security of the lives and property of people. In this connection, a study of the rough estimates of security votes of some countries and that of the European Union will be considered in this research.

First, Nigeria is inarguably one of the world's nations that are currently being ravaged by terrorism. The terrorist sect, Boko Haram, has exterminated the lives of so many people, destroyed properties worth billions of naira and caused insecurity in the country, particular in the North-Eastern part. This incident has inevitably made the Federal Government expend a lot of money on security, for the purpose of protecting the lives and properties of its citizens.

It is worthy to note that "allocation to the key government ministries and agencies under security and defence got the lion's share of the 2012 budget when compared to 2011 and 2010 shows that from 2010 through 2012, Nigeria would just spent around \$84 billion",⁵⁵ of

⁵³ Ibid.

⁵⁴ Some of these towns that were captured include Gwoza, Bama and, most recently, Galak in Michika Local Government of Adamawa State.

⁵⁵ Okechukwu E and Nkechi A, "Security Challenges and Security Votes in Nigeria" available at <<http://www.arabianjbm.com/pdfs/kd.-vol-2-8/2.pdf>>, accessed 11th September, 2025.

which \$16 billion would be for security. Thus, below is the terse summary of the country's security votes from 2008 to 2013. In 2008, the country voted ~~N~~444.6 billion; in 2009 it was ~~N~~233 billion; in 2010 ~~N~~264 billion;⁵⁶ in 2011 it was ~~N~~348 billion; in 2012 ~~N~~921.91 billion; and in 2013 it was ~~N~~1.055 trillion.⁵⁷ A careful study of the above security votes in Nigeria clearly shows how terrorism and insecurity have impacted negatively on the nation's economy. It thus appears that almost all the funds generated by the Federal Government are voted for security. This is absolutely why other sectors of the economy have continued to suffer.

It is also extremely sad and heartbreaking that the president of the country had to seek foreign loan of \$1 billion (about 165 million) to help procure more military equipment to further the fight against insurgency of Boko Haram.⁵⁸

It is reported that the Federal Government of the U.S. cannot give an account of dollars that were devoted to combating terrorism after September 11 attacks. Between 2001 and 2009, Ottawa awarded \$12.9 billion to 35 departments and agencies charged with ensuring the safety of Canadians to use of public security and fighting terrorism. The money allocated through the Public Security and Anti-Terrorism initiative was intended to pay for measures designed to keep terrorists out of Canada, to prosecute those found in the country, to support international initiatives, and to protect infrastructure.⁵⁹

In the aftermath of September 11 attacks 2001 in the U.S., the Department of Homeland Security was introduced, principally to ensure the security of lives and property of the citizens of the United States in 2013. As part of the Department's efforts to support states, the sum of

⁵⁶ These security votes from 2008 to 2010 were under President Umaru Yar'adua, whom Jonathan Goodluck succeeded.

⁵⁷ These security votes from 2011 to 2013 are under Jonathan Regime.

⁵⁸ See Ezigbo O and Bello M, "Boko Haram: \$1bn Loan Request Suffers Setback", *ThisDay*, Thursday 11, September, 2014.

⁵⁹ Galloway G and Leblanc D, "Ottawa Loses Track of \$3.1 Billion Meant to Fight Terror" available at <<http://www.theglobeandmail.com/news/politics/ottawa-loses-track-of-31-billion-meant-to-fight-terror/article11629983/>> accessed 10th September, 2025.

was given as grants \$1.5 billion to assist states, urban areas, tribal and territorial governments, non-profit agencies and private sector.⁶⁰ Together with previous grants funding awarded since 2002, DHS has awarded over \$38 billion to these partners. These grants strengthen the U.S. nation's ability to prevent, protect against, mitigate, respond to, and recover from, terrorist attacks, major disasters, and other emergencies in support of national preparedness goal and the national preparedness system.⁶¹ In 2014, the allocations to the partners increased to \$1.6 billion. These grants have become very important as they "have demonstrated time and again that funding for preparedness capabilities ensure our nation is better equipped to respond to a range of threat disasters and incidents."⁶² On the contrary, the said grants are excessive. They affect the economy of the U.S. as they would have been channeled to other developmental projects but for terrorism and insecurity. This is just but a terse example of how necessity can compel a government to excessively allocate funds to security to further the fight against terrorism.

In order "to promote the implementation of the internal security strategy, law enforcement cooperation and the management of the union's external borders, the Internal Security Fund (ISF) has been set up and its total budget amounts to approximately Eur. 3.8 billion."⁶³ This is aimed at providing the EU States with financial support to ensure progress towards the policy objectives and to address important challenges in the area of internal security. Activities which will be implemented through the ISF-Borders instruments include:

⁶⁰ Department of Homeland Security Announces Grant Allocation for Fiscal Year (F.Y), 2013 preparedness Grants, available at <<http://www.dhs.gov/news/2013/08/23/dhs-announces-grant-allocation-fiscal-year-fy-2013-preparedness-grants>>, accessed 10th September, 2025.

⁶¹ Ibid.

⁶² Department of Homeland Security Announces Grant Allocation for Fiscal Year (F.Y), 2014 Preparedness Grants, available at <<http://www.dhs.gov/news/2014/08/23/dhs-announces-grant-allocation-fiscal-year-fy-2014-preparedness-grants>>, accessed 10th September, 2025.

⁶³ The ISF is composed of two instruments: Borders and Visa (ISF-Borders) and Police Cooperation and Crime Prevention.

prevention of fight against crime and prevention, preparedness and consequences management of terrorism and other security-related risks

ENFORCEMENT OF HUMAN RIGHTS AMID TERRORISM IN INTERNATIONAL LAW

Suffice to say that the rights of victims of terrorism are protected under international law. Generally, states have a duty to protect human rights. This means that they are obligated to put in place a proper legal framework for criminalizing certain activity that violates human rights and for dealing with victims of terrorism.⁶⁴ This duty extends to victims of all crimes whose rights have been violated. There is a positive obligation on the state to protect identifiable potential victims who are at a real and immediate risk of serious crime or terrorist acts, which the law enforcement agencies know about or ought to have known about. In *Osman v UK*⁶⁵, the Court notes that the first sentence of Article 2(1) enjoins the State not only to refrain from intentional and unlawful taking of life, but also to take appropriate steps to safeguard the lives of those within its jurisdiction....It is common ground that the State's obligation in this respect extends beyond its primary duty to secure the right to life by putting in place effective criminal law provisions to deter the commission of offences against the person backed up by law enforcement machinery for the prevention, suppression and sanction of breaches of such provisions. It is thus accepted by those appearing before the Court that Article 2 of the Convention may also imply in certain well-defined circumstances a positive obligation on the authorities to take preventive operational measures to protect an individual whose life is at risk from the criminal acts of another individual.

Where rights of individuals are violated, victims and their families are entitled compensation in international law. In this connection, the Council of Europe Guidelines on

⁶⁴ ECtHR, *X. and Y. v The Netherlands*, Application no.8978/80, 26 March 1985, paras. 24-30.

⁶⁵ CCtHR, Case No: 87/1997/871/1083, 28) October, 1998, para. 115.

Human Rights and the fight against Terrorism acknowledges that when compensation is not fully available from other sources, in particular through the confiscation of the property of the perpetrators, organizers and sponsors of terrorist acts, the State must contribute to compensate the victims of attacks that took place on its territory, as far as their person or their health is concerned.⁶⁶

CHALLENGES OF ENFORCEMENT OF HUMAN RIGHTS IN INTERNATIONAL LAW

There are challenges to the enforcement of human rights in international law. These challenges affect victims of terrorism in their quest to enforce their rights when such rights are violated by criminals or terrorists. These challenges are summarised below:

- i. The issue of state sovereignty, where individual states hold power and international bodies rely on their consent and cooperation, affects enforcement of human rights in international law.
- ii. Contrary to domestic climes where decisions of courts are binding, there is no universally binding mechanism in international law. For example, the International Court of Justice is limited to cases between states and requires state consent to adjudicate.
- iii. The International Courts are limited in the exercise of their power in the sense that the United Nation's Security Council can veto power to prevent action on human rights issues, and other international courts have limited jurisdiction or are subject to the political will of member states.
- iv. Many states may ratify international human rights treaties but without ratifying the same in their domestic legislation, which invariably leads to a gap between their commitment and their actions.

CONCLUSION

⁶⁶ Guideline XVII (Compensation for Victims of Terrorist Acts), *Guidelines on Human Rights and the Fight against Terrorism* (UK: Council of Europe Publishing, Strasbourg, June 2004).

In conclusion, this Paper has been able to consider the meaning of terrorism, human rights, impact of terrorism on human rights, impact of terrorism on the economy of all nations, enforcement of human rights amid terrorism, challenges to the enforcement of human rights, amongst others. Having analysed these aforesaid issues, it is apposite to recommend as follows:

- i. States have the sole obligations to guarantee human rights within their borders and are obligated to take positive steps to ensure that the rights are not only observed, but enjoyed.
- ii. States are also under obligation to ensure that, after signing treaties, they go ahead to ensure that they are ratified, implemented and effectively enforced within their municipalities.
- iii. There should be a deliberate arrangement by States to have an international Court, whose decisions should be binding and enforcement without very legalistic upheavals currently being experienced.
- iv. The power of the UN Security Council which is made up of strong nations should be whittled down, especially with respect to vetoing human rights and human rights related issues.