

Law and Security in Nigeria

Edited by

Professor E. Azinge, SAN
*(Director-General,
Nigerian Institute of Advanced Legal Studies)*

and

Fatima Bello
*(Research Fellow,
Nigerian Institute of Advanced Legal Studies)*



2011
Nigerian Institute of Advanced Legal Studies
Lagos

© Nigerian Institute of Advanced Legal Studies

All rights reserved. No part of this publication may be reproduced or transmitted in any form or by any means, electronic or mechanical, including photocopying, recording or otherwise or stored in any retrieval system of any nature, without the written permission of the copyright holder.

Published 2011
Nigerian Institute of Advanced Legal Studies,
P.M.B. 12820

Lagos, Nigeria.

ISBN: 978-978-8407-20-1

Printed by NIALS Press, Abuja

Contents

	Pages
<i>Preface</i> - - - - -	-
- vi-vii	
<i>Table of Cases-</i> - - - - -	-
viii-xii	
<i>Table of Statues</i> - - - - -	-xiii-xvii
 Chapter 1	
1. Terrorism in the Aviation Sector: The Human Rights Dimension of the use of Body Scanners	
- <i>Dakas C.J. Dakas, Ph.D</i> - - - - -	1-23
 Chapter 2	
2. Political Thuggery and Elections in Nigeria and the Law	
- <i>Shankyula Tersoo Samuel</i> - - - - -	24-54
 Chapter 3	
3. Public Policy Implication on National Security	
- <i>Fatima Bell</i> - - - - -	55-69
 Chapter 4	
4. Law and Security in Nigeria: The Role of the Military	
- <i>Brigadier General Ogah</i> - - - - -	70-91
 Chapter 5	
5. Armed Robbery and National Security	
- <i>Ani Comfort Chinyere (Mrs.)</i> - - - - -	-92-126
 Chapter 6	
6. Core National Values as Determinant of National Security and Panacea for the Crime of Kidnapping and Abduction in Nigeria	
- <i>John Adebisi Arewa</i> - - - - -	127-196
 Chapter 7	
7. Cyber Crime and National Security: The Role of the Penal and Procedural Law	
- <i>Laura Ani</i> - - - - -	197-

Chapter 8

8. Ethno-Religious Crisis: Legal Perspective
- **J. Nnamdi Aduba** - - - - 235-254

Chapter 9

9. Proliferation of small arms and Light
Weapons in Nigeria: Legal implications
- **Helen Chuma-Okoro** - - - - 255-317

Chapter 10

10. Security Implications of Land and
Chieftaincy Disputes
- **Dr (Mrs.) Francisca E. Nlerum** - - 318-357

Chapter 11

11. Environmental Degradation and Nigeria's
National Security: Making Connections
- **Prof. Olanrewaju Fagbohun** - - 358-385

Chapter 12

12. Economic Crimes and National Security:
Nigerian Perspective
- **Okay Benedict Agu** - - - - 386-429

- General Index** - - - - - 430-
438

Preface

The world over, matters of National Security have always taken the centre stage because of its strategic importance to the overall corporate existence and progress of any nation. No nation can afford to treat with levity the security of its territorial integrity and of its people. Indeed, every aspect of human endeavour, be it health, environmental, food, economy, political, social and physiological etc stands to be greatly affected by the state of security or insecurity of that nation.

It is no longer news that in recent time, the nation has been seriously bugged down with challenging security issues. There is the Boko Haram disturbances in some states of the North, incessant crises in Jos, Plateau State Capital, which claimed several lives, high profile militancy in the Niger Delta State leading to the amnesty programme of the late Yar'Adua administration, acts of political thuggery immanent in the country as exemplified in cases of bombings or attempted bombing at political rallies, armed robberies, the crash of the capital market and a host of others. These in no small measures affect the development of the nation politically, economically, educationally and socially.

The necessary question one would then ask is what role the law plays regarding security. No doubt the role of law in achieving security is indispensable. It is indeed the primary function of law to ensure security in the society in every aspect of human endeavour. Without law, there will be no peace and order. Security of lives and property will be in jeopardy. The society will simply be ungovernable.

It is given this intrinsic relevance of law in relation to security that prompted this research as captured in different chapters in this book under the theme "Law and Security." The book *Law and Security* intends to look at the issue of national security from a very wide perspective which is beyond physical threat of military action. The book looks at a number of security threats and their implication on national security from both legal and non legal perspective. The conspicuous effort demonstrated throughout the book is to examine various aspects of human life and how they affect national security within the operation of the eye of the law.

Accordingly, sub-thematic areas covered by the book include: political thuggery and election, cyber crimes, militancy and national security, economic crimes and national security, environmental degradation and national security, security implications of land and chieftaincy disputes, armed robbery and national security,

kidnapping and abduction as well as public policy and national security just to mention a few.

It is expected that the robust scholarly discussions assembled in this book will go a long way to enrich and broaden the reader's horizon and perspective on the issues of national security.

Professor Epiphany Azinge
Director-General