



**NIGERIAN INSTITUTE OF ADVANCED LEGAL STUDIES  
LAGOS, NIGERIA**



**ROUNDTABLE ON KIDNAPPING AND ABDUCTION:  
CHALLENGES FOR NATIONAL SECURITY**

2nd March, 2010

**COMMUNIQUE**

Introduction

In Nigeria, between 1991 and 2009 there were about 34 reported cases of kidnapping and abduction. Thus Nigeria ranked ninth behind other nations including Columbia, that had reported cases of 5,181. Kidnapping and abduction was effectively introduced into Nigeria as a form of organized protest in the Niger Delta region by the various groups agitating for infrastructural development of the region. It was considered a viable option for drawing the attention of government and other international organizations in the long drawn struggle for resource control and better living conditions in the region.

As the agitations continued, politicians saw some of these groups as instruments for intimidation of opponents and manipulation of electoral processes. Similarly criminally minded elements in the region saw these organizations as the best cover organizations required to perpetuate criminal activities. The phenomenon spread to other parts of the country where those hitherto involved in robbery activities saw kidnapping and abduction as less risky but yet more profitable. Thus kidnapping and abduction became weapons for pursuing pecuniary gains as huge sums of money in form of ransoms were collected from victim's family members or from their employers. This phenomenon poses a threat to national security.

It is in realization of the effect of this phenomenon on the economic, political and social life of Nigerians that the Nigerian Institute of Advanced Legal Studies (NIALS) hosted a One-day Roundtable titled 'Kidnapping and Abduction: Challenges for National Security' on the 2<sup>nd</sup> of March 2010, under the auspices of the Sarki Mukhtar Centre for Law and National Security one of the Centres recently established by NIALS.

The Perspectives for the Roundtable included the phenomenon of kidnapping; the ubiquitous nature and commercialization of kidnapping; the dangerous dimensions economic loss and impact on foreign direct investment; the effect on a country's image and development trajectory; current statistics; the role of the police, law enforcement agencies and security agents; and the way forward. Various speakers made presentations at the Roundtable.

The participants included representatives from the Office of the National Security Adviser, Russian Attaché, the Nigerian Army and Navy, Ministries of Justice from across the Federation, Ministry of Defence, Judiciary, Media Houses and Legal Practitioners, the judiciary. The Roundtable was moderated by Professor C. O. Okonkwo, SAN, former Dean of Law University of Nigeria, a distinguished academic, and currently a Commissioner at the Nigerian Law Reform Commission.

Observations

At the end of the deliberations the following observations were made:

1. The Roundtable is the fourth in the series of Roundtables hosted by NIALS so far starting from FEBRUARY 2010.
2. Apart from using the Roundtables as one of the vehicles for fulfilling the mandate of NIALS, they are meant to raise awareness of issues on national development, spearhead discourse of such issues, and assist policy makers in the development of frameworks for addressing the issues.
3. The phenomenon of kidnapping and abduction raises grave implications for the economy as most transnational corporations have fled the shores of Nigeria and re-located to countries within the sub-region.
4. Kidnapping and abduction started in the Niger Delta region, and the targets were foreigners working in international oil companies. However, the phenomenon was used as a means to protest the political imbalance in the country and also hijacked by criminals as a money-making venture, since it is less risky and more profitable.
5. The phenomenon took most Nigerians unaware in terms of the frequency, severity, sophistication and impact on the social-economic life of Nigeria. Thus various forms of kidnapping including criminal kidnapping, political kidnapping, and emotional or pathological kidnapping are now perpetuated. The consequence is that in states where kidnapping is rife, people from the states are discouraged from going home with grave implications for social and economic activities even though the perpetrators of this phenomenon are usually members of the immediate community.
6. There is a paradigm shift the criminality that informed the drafting of the provisions of the Criminal Code and Penal Code is not enough response to the current criminality. Thus provisions in the Criminal Code and Penal Code dealing with kidnapping and abduction are inadequate for the phenomenon. However, the provisions can be used to prosecute offenders until a new legal regime is created to adequately deal with the phenomenon. The challenge posed to law enforcement agencies is that of detection and investigation of such criminal activities.
7. Some states have passed laws on kidnapping and abduction and the punishment includes death penalty. However, there is no evidence of any successful prosecution and conviction so as to serve as deterrent to others. Besides, there is no evidence that any Governor in Nigeria, has signed death penalty warrant lately.
8. There is no comprehensive database for Nigerians in form of reliable national identity card and home addresses.
9. The advent of GSM phones has facilitated the commission of these crimes. However, the same phones can be used for the monitoring and detection of the criminals if the mobile phone operators have registers of owners and users as envisaged in the draft amendment to the Nigerian Communications Commission Act, now before the National Assembly. While it is important to register SIM cards the critical issue is the creation of a credible database in Nigeria so that we can decipher that correct information is given at the point of registration.

10. Any nation like Nigeria with a large population of youth, especially unemployed with no social safety net is underdeveloped and sitting on a time bomb and is a fertile ground for criminal activity including kidnapping. In such nations where security is low and there is the presence of affluent members in the midst of hunger, deprivation and poverty, crime is rife.
11. The growing trend of kidnapping and abduction in Nigeria which portrayed the country as insecure has led to the migration of expatriate workers from the country, thereby denying the nation, the much needed foreign investment. The implication of this is that the nation's developmental plans could be hampered, as no country can survive in isolation.
12. Security is one of the components of the Seven-Point Agenda. The target of this initiative is to provide the enabling environment as well as resources for the development of the country. The menace of kidnapping is a criminal act that requires strategic initiative to contain the threat otherwise this component of the Seven-Point Agenda will be threatened. This is so because there can be no development without security. Similarly the attainment of the objectives of Vision 20:20:20 is threatened by this phenomenon
13. National security involves freedom from fear and the presence of development. Section 14(2)(b) of the 1999 Constitution provides that the security and welfare of the people shall be the primary purpose of government. In other jurisdictions like Latin American countries, failure to fulfill such obligations, statecraft and leadership; decaying and lack of infrastructure and absence of good governance have led to the status of a failed or failing state. Nigeria is too critical to the African region and to the world at large to manifest symptoms of a failed or failing state.
14. Most kidnapers have peculiar operational style that distinguishes one group from the other. While some are contented with the immediate monetary returns from the families/relatives of the victims, others are capable of prolonged negotiations for a bigger ransom. However, most cases of kidnapping particularly those undertaken by criminal groups, reveal the following stages: spotting (planning a kidnap operation and drawing up a list of potential targets), surveillance, disguising, risk analysis, collaboration, seizing of victim, negotiation and collection of ransom. There is the need to break this chain.
15. Incidence of kidnapping represents a source of economic sabotage and terrorism given the impact of the phenomenon on oil exploration by transnational corporations whose expatriate and local staff have been tagged as targets of attack by kidnapers. As an instrument of terrorism, it pressurizes government towards acceding to the demands of such groups. The consequence is the proliferation of insurgent groups that could weaken central government and its security forces, reminiscent of the situation in Somalia where anarchy has set in due to activities of such militia groups. In Nigeria, the incidence has manifested in various forms and the current trend shows that you do not have to be wealthy or famous to be a victim. The phenomenon therefore poses a threat to all
16. Kidnappings thrive because victims are paying or playing along. The incidence will reduce if there is resistance and refusal to pay the ransom.
17. Corruption is ubiquitous and has its tentacles directly and indirectly on kidnapping and most criminal activities.
18. Without discounting the gravity of the offences committed by the militants in the Niger Delta region, the complexity of the Niger Delta question transcends the realm of law and criminality and hence most previous government measures which border simply on law and order question have been catastrophic.
19. The general amnesty granted to the militants from the Niger Delta region in the peculiar and extraordinary circumstances of the Niger Delta question, is an act of statesmanship which should be commended, reciprocated and implemented by all the parties in good faith as it is a strategic imperative. However, the post-implementation programme including the monthly payment to the militants should be revisited because of its long term and financial implications. For instance, how long will the payment be made, will it be indexed against inflation, is a national social safety net of a lesser sum for all unemployed Nigerians not a better alternative?
20. The law enforcement and security agents are faced with numerous challenges in their attempt to curb the phenomenon. Such challenges include absence of state of the art equipment, lack of specialized skills for combating the menace, inadequate funding of the security sector arising from the global economic meltdown, inadequate legislation for the prosecution and punishment of accused and reluctance of the GSM operators to partner with security agencies in combating the menace in view of absence of legislation to compel their cooperation.
21. Sovereignty, as section 14(2)(a) of the Constitution acknowledges, belongs to the people of Nigeria from whom government through the Constitution derives all its powers and authority. Although the first stanza of the National Anthem speaks of 'one nation', the second stanza acknowledges that Nigeria remains a project and charges us to strive to build a nation where peace and justice shall reign.

### Recommendation

Arising from the above observations, the following recommendations are made:

1. Pursuing socio-economic development to reduce the incidence of unemployment, poverty, and massive deprivation that exist in our society. In other words the overall development of society especially the development of human capital is the first step to dealing with the phenomenon of kidnapping in our society.
2. A conscious effort should be made to engage the large number of Nigerian youth in productive activities by creation of employment opportunities and creating a conducive environment for financially empowering Nigerians.
3. There should be social safety net by way of social welfare package in Nigeria. This will entail a welfarist approach to governance. In this regard, the implementation of the post-amnesty programme should be reviewed to ensure that it is sustainable, affordable and equitable. This will also bolster and sustain the amnesty programme and further entrench the post-amnesty agenda in Nigeria's national development and strategic plan of action. This is the path to enduring and sustainable peace, security, justice and democratic consolidation in Nigeria.
4. The National Assembly should pass the amendment to the Nigerian Communications Commission Act seeking to compel GSM telecoms operators to keep a register of owners and users. This will facilitate combating the menace of kidnapping and abduction. Similarly, the National Identity card project should be pursued vigorously so that there will be a comprehensive data base. Such data base will assist the GSM operators in keeping records of applicants, owners and users of GSM phones and also in national development..
5. Bearing in mind that Nigeria is a federation and the legislative competence to pass legislation on kidnapping and abduction rests with the States, a uniform law is needed in the country on kidnapping and abduction. The Nigerian Law Reform Commission should draft such a model law that can be adopted by all states.
6. As was the case with money laundering, economic and financial crimes and advance fee fraud, a special unit is needed in the Police to deal with kidnap issues.
7. The security system in the country should be reappraised to incorporate instantaneous receipt of information on crime commission such as the amber alert system in the US. Such information should be shared by law enforcement agencies.
8. The vigilante system has been effective in some communities. There is, therefore a need for community policing to detect and report on movement of people, especially suspicious movements and characters in each locality.

9. The Government should make it difficult for moneys realized through kidnappings to be channeled into the normal stream of the financial system so that perpetrators cannot reap from their evil actions. The financial thresholds provided in the Money Laundering Act should be reviewed and strictly enforced by the banks and law enforcement agencies.
10. As has been done for drug trafficking; we must partner and collaborate with other countries to ensure that moneys obtained from this means is not laundered abroad or used to purchase arms and ammunitions.
11. There is the need to evolve a response strategy in the form of a national policy articulating what to do, where to go and specified persons and institutions to deal with when the phenomenon occurs. We must develop the competencies of personnel to man such institutions and invest in appropriate technologies and facilities to further the cause
12. While the amnesty granted to Niger Delta and other militants is a welcome development to move the country forward, there is need to review the whole exercise especially with regards to financial payments being made to the militants..
13. In view of the ubiquitous nature of corruption, stringent steps should be taken to tackle corruption effectively, especially forfeiture of assets acquired through corrupt means and blacklisting corrupt persons from holding public offices and chairing social events; closely akin to this is the need for a total re-orientation of Nigerians in terms of attitudes and aspirations. The Ministries of Justice should examine the legislation on corruption with a view to initiating appropriate legislation in this regard while the National Orientation Agency should embark on massive education and enlightenment of Nigerians in this regard.
14. In view of the pervasive mass impoverishment in the nation, there is a need to diversify the economy, with a view to promoting the generation of wealth for all citizens and eradicating poverty.
15. Management of information during the investigation and monitoring of kidnap incidents is critical. It is imperative, therefore that partnerships with relevant stakeholders including the media is established. In this regard, information and intelligence sharing mechanisms should be established to bridge the gaps that could weaken the country's capacity to contain the trend.
16. The law enforcement agencies should be adequately equipped with modern technology to enable the agencies to stay ahead of the kidnappers. Training and re-training of such agencies is imperative.
17. The preamble to the 1999 Constitution expresses the firm and solemn resolve of Nigerians to engender, inter alia, good government and welfare of all persons on the principles of freedom, equality and justice. The Constitution further proclaims that the Nigerian state is based on the principles of democracy and social and that security and welfare shall be the primary purpose of government. For these objectives to be attained, the Nigerian state must come to terms with the fact that democracy is more than sparkling array of political institutions. Rather it is a system that is nurtured and sustained by democratic ethos, security of life and property and strengthened by good governance. Absent all these, there will be manifestations of a failed or failing state.
18. Nigerian leaders must not take the loyalty of Nigerians for granted. Instead of decreeing loyalty, every effort should be made to earn it. This, in turn, underscores the imperative of good governance in the Nigerian polity. Good governance demands a leadership that is committed to building sustainable institutions with a credible framework of checks and balances. Nigeria and her leaders are capable of building such institutions.

*Signed:*

**Professor Epiphany Azinge, SAN**  
*Director General*