

Original Paper

Resolving the Definitional Quagmire of Terrorism and Providing Guidance to States

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Abstract

The study examined the definition of terrorism from the early years to the modern day. The study analyzed the attempts at definitions of terrorism at international law, other definitions in international relations and scholarly definitions. The study aimed at solving the problem of definition of terrorism, particularly the widely acclaimed notion that there is no precise definition of terrorism. The importance of having a definition is to know what exactly to fight, the appropriate penalties for such acts and to ensure that all violent acts are not subsumed under terrorism. The study revealed that international law had provided a guidance as to what the definition of terrorism should be. This guidance could be gleaned from the various instruments of the United Nations, other definitions in international relations and scholarly definitions. The study concluded that the common elements of terrorism from the attempts at definition at international law could form a consensual definition and serve as a foundation for States to build upon in defining acts of terrorism in domestic laws.

Keywords

definition, terrorism, international, United Nations, states

1. Introduction

Having a legal definition of Terrorism has been likened to the search for the Holy Grail. People set out, eagerly, full of purpose and energy, determined to succeed, where so many others have tried and failed (Young, 2006). It has been posited that terrorism has remained a threat to the institution of government, even before the popular 9/11 attack on the US and has remained so, after the catastrophic event (Baron, 2003; Garamone, 2002). Despite the upheaval and devastating consequence of acts of terrorism, it is widely acclaimed that there is no universally accepted definition of terrorism. Overtime, the difference in ideological legal doctrines have constantly led to the conclusion that there is no consensus on the definition of terrorism. It has been opined that there are several definitions with no common factor. Events in recent years have however, shown a different sensitivity among the international community, which deserves attention and a critical examination (Di Fillipo, 2014). A core legal definition of terrorism could be conceptualized, having recourse to criminal law and civil rights of persons in solving the issues of stereotyping the phenomenon to a political space.

Since the 1920s and 1930s, several states have recognized terrorism as a transnational problem requiring legal solution from an international perspective. It is not surprising that there is no official definition of Terrorism recognized by the United Nations. It is quite herculean to generalize in order to have an official definition. The need for a definition of terrorism is however, imperative. It molds the understanding and perspective of states and also delimits their responses to it. It also sharpens their horizon in distinguishing lawful from unlawful responses. It is believed in some quarters that the perceived absence of a widely accepted international law definition explains the deficiency of international law to combat terrorism. States do not have an exact definition of international terrorism or at least, do not have an agreement to enhance international cooperation in the fight against terrorism. Thus, the focus of the war is not specifically elaborated for the real meaning of war to be spelt out. It is apt to refer to *George Orwell's 1984* as foretelling the future (Orwell. 1984). The questions therefore arise—Are States in agreement of a definition of terrorism at international law? To say the least, do states have a consensus on the concept of terrorism to enhance international collaboration in attacking terrorism? Is the meaning of what to attack or fight well known? Is it so broad or vague to encapsulate other similar concepts and the whole essence of what exactly to attack is lost? An attempt at doing justice to these posers have been made in this research. It is a requirement at international law that states should take steps to repel terrorism. However, without a consensual definition of what to actually repel, states can trample against civil rights and gag political opponents under the guise of fighting terrorism.

2. A Historical Glance at Terrorism

Terrorism is derived from the Latin word “*terrere*” which means *having fear*. It however, took on the contemporary name of terrorism during the French revolution from 1793 to 1794. Maximilien Robespierre characterized terror as strict and severe in contrast to justice. He described terror as opposed to justice as rigid and severe (Centre for Defence Information, 2003).

2.1 Terrorism in the Pre-modern-Era

The earliest account of terror occurred in first century, Palestine. One of the first organizations to engage in systematic terror was evidenced by the acts of the Zealot sect (Josephus, 2006). The word “*sicarii*”, which means dagger-man, was used to describe the sect. The Zealots right from inception had two major goals: religious and political. Its religious goal was to compel people to be more rigid in practicing their religion and went to the extent of terrorizing the Jews, whom they regarded as non-devout. Their political goal was to wrestle political power from the Romans. The two goals were propagated side by side.

After the era of the Zealots’ terrorism, The Ismaili movement of Islam founded the Assassins, who were based in two countries: Iran and Syria. They unleashed brutal terror without minding if they lose their lives believing that they had a secured place with God. One of their major targets was the Crusader, a Christian sect. Like her predecessor - the Zealots, the use of daggers was predominant in carrying out their activities in clustered places like mosques or markets. In modern day, the use of projectiles would have had a far-reaching devastating effect in such crowded places. The Assassins disguised as *Sufis* and attacked the leader during prayers at the mosque. The activities of the Assassins usually led to the death of scores of people until 1271, when they ceased to exist.

2.2 Terrorism in the Modern Times

The French Revolution of 1793-1794 marked the beginning of an era of systematic terror or what is now known as State Terrorism. The revolution was characterized by extreme brutality and the use of State as a vehicle to foment terror in the guise of defending humanity.

However, State terrorism took a long vacation after the period, disappearing for most of the nineteenth century before making a big comeback in 1917. Instead, during the pause, a fresh form of political terrorism emerged and has persisted ever since. As evidenced by the Zealots and the Assassins, terrorism committed against the state is not a recent occurrence.

The assassination of Archduke Franz Ferdinand of Austria and his wife on June 28, 1914, in Sarajevo triggered one of history’s greatest conflicts, which came to be known as the Great War. A period that was characterized by terrorism, especially against political leaders and royals ended with the murder of Arch Duke Ferdinand. Terrorists thrived during that period exhibiting the brutality of the past (Ladenburg. 1974). It started full-scale in 1881, when Alexander II of Russia was murdered (Geno, 2019). Later that year, James Garfield, former American president was also murdered. (Although his

death was not related to terrorism, Andrews, 2016). Italian anarchists conducted a number of assaults in a number of European nations. Italian anarchist Sante Jeronimo Caserio fatally stabbed French President Marie-Fran çois-Sadi Carnot in 1894, another Italian, assassinated the Spanish Prime Minister Antonio Cánovas del Castillo in 1897. Elisabeth (Sisi), the queen consort of Hungary and the empress consort of Austria, were murdered the following year by anarchist Luigi Lucheni (Chailand and Blin, 2007). Also, another King from Italy, Gaetano Bresci was killed in 1900. In 1901, a follower of anarchism killed US President, William McKinley. King Carlos of Portugal was also murdered in 1908, Pyotr Stolypin, the Russian prime minister, was assassinated by the revolutionary Dmitry Bogrov at the Kiev Opera House three years later. During that period, bomb blasts replaced bladed weaponry as the dominant force. In the past, chemical weapons have only been briefly employed during World War I and the March 20, 1995 attack on the Tokyo subway (History, 2009). In the late 1960s, the airplane became a technology for terrorists' attacks. Earlier, Vevno Azev of Russia had already envisaged that the airplane could be a potential vector for terrorists' attacks and purchased one from an anarchist Engineer. However, his objective of using it for terrorism was never actualized. In the present twenty-first century, terrorism in all its forms, including motivations, objectives, tactics, techniques, abductions, suicide bombings, and the use of Improvised Explosive Devices (IEDs), have become prominent, with an incursion into cyberspace (Falode, 2018). The attacks are more ferocious and carried out with such bravado, with the goals of instilling fear, raising awareness for a specific cause, forcing governments to change specific policies, as well as taking political control of territories. These new faces of terrorism have had a significant impact on states in the international political system. The ease with which terrorists in the twenty-first century combine terrorism with other forms of asymmetric attacks has made it difficult for states to effectively address this hydra-headed problem. According to Ishengoma, terrorist groups in Africa use cyberspace to further their cause. An example is Al Shaabab's use of the social media such as Twitter in its September 2013 attack on the Kenyan Westgate shopping mall (Ishengoma, 2013).

3. International Law and other Definitions in International Relations

Despite not having an exact definition, international law provides a definition which serves as a guide to states desirous of having their own laws on terrorism. However, for that to be achieved, states must rely on international law to providing guidance. States should view the international law definitional provision as skeletal, which should be improved upon. The international law definitional guidance is sprouting and states need to tailor their laws to address certain domestic yearnings. The effortlessness of terrorists crossing from one country to the other implies that states need more than domestic laws in combating terrorism. States must enact laws, which go beyond simply catering for the domestic yearnings. The watch word in enacting laws proscribing terrorism by states should be consistency in

line with international standards in order to facilitate international cooperation (Young, 2006). Terrorists must not have a place of comfort.

Terrorism was perhaps, used for the first time as a terminology in international legalese in 1931. An act, which amounts to terrorism, was cursorily defined as the use of means by anyone, targeted against the crimes against life, well-being and property of private individuals or public utility. A further definition was proffered in 1935 as acts directed against Government leaders, royals, diplomats and top judicial officers. Certain other acts, for example, instigating a calamity, were considered under Article 2 of the Sixth Conference in Copenhagen to create a common danger or to provoke state of terror. As it is today, in the 1930s too, there were concerns about the efficacy of international cooperation in combating terrorism. In 1972, the US Department of Defense also defined terrorism as the deliberate use of illegal force or the threat of force to sow terror in governments or societies in order to coerce or frighten them into pursuing goals that are typically political, religious or ideological.

However, the definition by the Department of Defense could be faulted as it covers all other categories of violence. There have also been other definitions by others within the USA government (Manik, 2011).

The European Union (EU) defines terrorism as acts that seriously intimidate the population or unduly compel a government or an international organization to perform or abstain from performing any act. It also includes any act that gravely destabilizes or destroys a country or an organization. As a result, the EU goes on to describe terrorism as a strategy or method for attaining a variety of objectives rather than a specific ideology or organization.

Aside from these definitions, instigating terror, even when someone had not actively participated in the acts of terror, was considered terrorism. There was a lot of skepticism at the time even as it abounds today regarding the sincerity of individual nations and international organizations in having a concerted effort in the fight against terrorism.

International efforts to curb terrorist acts first found expression in 1937, the League of Nations' Convention for the Prevention and Punishment of Terrorism (Terrorism Convention). Efforts also continued in developing legislation proscribing and criminalizing terrorism related acts. The Elimination Declaration of the United Nation's General Assembly, states that: the goals and principles of the United Nations are gravely violated by acts, techniques, and practices of terrorism, which could endanger international peace and security, jeopardize friendly relations between States, obstruct international cooperation, and aim to destroy human rights, fundamental freedoms, and the democratic foundations of society, whatever the justifications that may be used, whether they be political, philosophical, ideological, racial, ethnic, religious, or of any other nature, criminal acts that are intended or calculated to incite a state of terror in the general public, a group of people, or specific individuals for political purposes, are in no case justifiable.

Before September 11, 2001, the sixth legal committee had been delegated by the General Assembly to take up issues on terrorism. The Committee (as well as international organizations such as the International Civil Aviation Organization) effectively enacted laws that encouraged states to criminalize terror acts, (such as airplane hijackings) and also provide for their prosecution or extradition. Some conventions also address the issues of terrorism such as financing of terrorism, which provides a general definition. Laws that prohibit the proliferation of weapons of mass devastation have also become more practical due to technology. The financing of terrorism convention only covers acts bothering on individual lives and properties. Whereas other regional conventions have a wider scope, covering areas such as private properties, computer facilities, environment etc. Perusing the Financing Convention shows that political motive is not a prerequisite to constitute terrorism.

For instance, the Convention applies to violent acts, with the aim of intimidating the public or compelling a government or international body to perform or abstain from performing certain activities. Thus, an act may constitute terrorism, if it aims solely at terrorizing the citizens without having any political undertone. The UN Draft Comprehensive Convention and some regional instruments also follow suit by identifying different acts constituting terrorism. They further provide possible definitions rather than a specific definition. There are other international conventions that have made an effort to define terrorism. Despite the fact that these treaties may not expressly address terrorism, they do however, cover the scope in general.

As a result of frequent hijackings of aircraft in the 20th Century, the Convention on Offences and Certain Other Acts Committed on Board Aircraft, 1963, the Convention for the Suppression of the Unlawful Seizure of Aircraft, 1970, and the Convention for the Suppression of Unlawful Acts Against the Safety of Civil Aviation, 1971 were adopted. The Tokyo Convention did not define particular offenses but The Hague Convention provides that unlawful seizure of aircrafts by force or threat or by any form of intimidation are offenses. The Montreal Convention further expatiated the scope of offences against persons, or the aircraft, putting substances that are likely to endanger the safety of aircraft on board. The Convention enjoins States to criminalize the offenses and prescribe punishments for its violations. The International Convention Against the Taking of Hostages (Hostages Convention 1979) also enjoins States to criminalize the offenses of seizure, detention, threat to kill or injury to a person in order to compel or an organization to act or refrain from certain acts.

The late 20th century witnessed a spate of bombings, which resulted in the UN General Assembly to adopt a convention, which expressly addresses bombings. The International Convention for the Suppression of Terrorist Bombings (Bombing Convention). The Bombing Convention expressly prohibits the use of lethal weapons and States are to apply such in domestic laws and also criminalize it. A similar convention to the Bombing convention is the Suppression of Acts of Nuclear terrorism Convention (Nuclear Terrorism Convention), which provides that the unlawful and intentional possession

of radioactive material, with the intent to cause death or serious bodily injury is an offence and enjoins States to criminalize it. There are other conventions, which attempt to define terrorism. The Convention on the Marking of Plastic Explosives for the Purpose of Detection (1991) was the first convention to mention terrorism and it requires States to prohibit the manufacture of unmarked explosives in order to prevent the proliferation of weapons to terrorists. The Financing convention also prohibits funding of terrorism or terrorist related activities. Finance plays an integral role in making terrorism thrive. In an attempt to define terrorism, it criminalizes the provision and collection of funds, with the intent that it will be used to carry out an act, which is intended to cause death or serious bodily injury, to intimidate the general public or to compel a government from acting or refraining to act.

The criminal conventions usually specify the following offenses and forbid acts of terrorism: violent assaults on individuals who are under international protection and the property they (and their government) own; the taking of hostages to force opponents to comply with their request; the use of explosive in order to kill or maim; the illegal use of radioactive substance in order to take life, cause bodily injury or force someone to do or to refrain from doing something endangering the safety of a plane, its passengers, or its property; hijack of aircraft or taking actions to cause grievous harm to an aircraft; violent acts that result in severe injuries, fatalities, or threats to airport security; the illegal use of nuclear weapons or threatening to use them in a way that could result in major harm, death, or property destruction; by using force, threats, or intimidation to hijack a ship, as well as risking their ability to navigate safely.

Although, there may not be an express mention of terrorism in some sections of the Conventions, it is apposite to say that they address the concerns of terrorism.

4. United Nations

The United Nations' (UN) Charter empowers the UN to legislate on terrorism. Thus, aside from enacting treaties and conventions, the Security Council adopt resolutions to bind member states. After the cold war, sanctions were put in place against Libya, Sudan, and the Afghan Taliban government. The US was frequently the main target of terrorist attacks. As a result of providing Osama Bin Laden and his accomplices with a haven, the Taliban government in Afghanistan was subject to mandatory financial and aviation penalties under UNCR 1267. Additionally, a Security Council committee was created to monitor state attempts to put, these measures into effect. Subsequently, the scope of the sanctions was expanded to include travel, financial, and weaponry embargoes against the Taliban, Bin Laden, Al Qaeda, and everyone associated with that group, wherever they might be (Rossand, 2004). Targeting the affiliates of Al-Qaeda, Taliban, or their associates has been one of the 1267 Committee's main duties.

UNCR 1368 was adopted to condemn terrorist attacks and UNCR 1373 was adopted for member states to be more pro-active in combating terrorism by increased collaborative efforts and operation of anti-terrorism legislation (Foot, 2007). UNCR 1373 encourages national governments to counter terrorism by enacting domestic laws. States are enjoined to cooperate with one another and control their borders, mutually assist one another in criminal investigations or proceedings, and the denial of safe haven for terrorists. Paragraph 2, further enjoins States not to provide any form of support, actively or remotely to any persons involved in terrorist activities, including discouraging recruitment terrorists and supply of weapons to terrorists. States must also ensure the criminalization of the financing of terrorism in domestic laws. UNCR 1373 also established the Counter-Terrorism Committee (CTC) to monitor the implementation of the obligations imposed under UNCR 1373 and to assist States as required. It is however, apposite to note that UNCR 1373 did not expressly define terrorism neither did it give a guidance as to what constitute acts of terrorism. However, the absence of a definition or definitional guidance was solved in UNCR 1566. It condemns terrorism in entirety irrespective of the justification, whether political, philosophical, ideological racial or ethnic. Paragraph 3 precisely condemns acts which are intended to cause death, serious bodily injuries, taking of hostages, targeted at the civilian population, the Government or an international organization. One might perhaps be content that UNCR 1566 has attempted to provide a definition. However, the Security Council in its press release states that the UNCR was not an attempt at a definition. Despite not been seen as an attempt at a definition by the Security Council, it is a significant improvement on UNCR 1373.

In order to consolidate her efforts in combating terrorism, The UN founded its Office of Counter-Terrorism (OCT) in 2017 and has offices throughout the major UN member states in addition to its headquarters in New York, USA. As a result of agitations from States, there was a call to develop a mechanism on the most effective manner to tackle terrorism. The Member States agreed that there was proliferation of bodies on counter-terrorism in the UN. They reached a consensus that the Counter Terrorism Implementation Task Force (CTITF) and the Anti-Terrorism Center of the UN (UNCCT) would no longer be administered by the Department of Political Affairs (DPA) but would be administered by the OCT.

In order to achieve its goal, it was apposite to consolidate counter-terrorism bodies into few, with the OCT as the coordinating body under the headship of the Secretary- General. However, the OCT has been criticized as merely cosmetic as the CTITF and UNCCT still remain as the engine room for carrying out anti- terrorism tasks.

5. Scholarly Definitions

Aside from the definitions provided by the UN and other bodies, scholars have also attempted to define terrorism. Kaur posited that terrorism is pre-planned and well thought out. It deploys violence to

frighten the people, government and the society in general. The aim is to achieve political, religious or ideological goals (Kaur, 2007).

For Turk, Terrorism is the intentional attack of random individuals who fall victims to these dastard acts. Their death or injuries is calculated to suppress them in engaging in conflict whether political religious or otherwise with the opponents (Turk, 2004). Like Turk, Bassiouni defines terrorism in relation to political or ideological goals (Bassiouni (Ed.), 2001). The notion of terrorism is associated with a political or ideological pursuit as compared with other criminals, whose intent is material gain. Terrorism is defined as the orchestrated use of violence against innocent citizens with the aim of achieving a political goal. While Some scholars do not consider the political goal as an element of terrorism, some generally defines terrorism in relation to acts endangering human life or health of human beings (Guillaume, 2004). Others opine that for an act to constitute terrorism it must endanger the life of a human being or the economy of a State.

Some legal scholars have fathomed a common denominator of terrorism in comparison with the Law of Armed Conflict (Murphy. 1990). The principles of the Law of Armed Conflict forbid indiscriminate attack on civilians. Military objects must be distinguished from civilian objects or those who are *hors de combat* at all times. This line of thought was strengthened by the research findings of the US and the former Soviet Union, where some acts, which included indiscriminate attack on citizens was forbidden and termed as acts of terrorism (Beliaev & Marks (Eds), 1991). These diverse opinions on terrorism account for the general notion of not having an exact definition of terrorism. Nonetheless, terrorism could be said to be an unconventional method of militancy. It is a phenomenon whose means, more often than not contradicts and therefore negates its end. It is employed by dissatisfied set of people or a group as a means of furthering criminal agenda. Terrorism is aimed at causing anxiety in people by repeated occurrence of violence. This tactic is employed by certain individuals, group or state actors, for ideological, criminal or political reasons. These objectives can be achieved through sinister activities. personal attack to life, disconnecting people from access to basic amenities, threats, violence, kidnappings and other forms of criminalities.

Sometimes, there exists a thin line between terrorists and freedom fighters. The inability to have a clear distinction between those who are actually terrorists and those who are freedom fighters is highlighted by the similarity in the use of terror by both factions which ought not to be, as terror for the terrorist is a dominant technique while it is not the main method for the freedom fighter. Overall, one could argue that one encounters just as many issues with the definition of terrorism as a method of instilling fear by multiple participants as they do with any other definition. Actually, it might be accurate from the standpoint of the police or even a political scientist. But, from the standpoint of determining whether terrorism can be used to further one's objectives and bring attention to one's problems, such a description suffices. It is sufficient for examining the past and assessing the likelihood of terrorism, in

other words.

In the absence of a universal definition of terrorism, it can nonetheless be assumed that terrorism could be stated in terms of its elements or components as follows:

- i. Terrorism includes acts of violence against innocent people or the threat of such acts. Terrorism also includes attacks on people and their possessions.
- ii. Terrorist actions do not differentiate between actors and bystanders and it is achieved by carrying out random attacks.
- iii. Terrorism is aimed at achieving goals, which could be religious, political or ideological, which allegedly could not be achieved by following due process;
- iv. Terrorist' acts are mostly carried out by organized groups.
- v. Terrorist' acts are often carried out indiscriminately and the sufferers are persons who have no direct relationship with the reason those acts are being carried out.
- vi. Terrorism is intended to frighten the people in order to propagate the terrorists' cause.
- vii. Terrorism is aimed at dehumanizing others.

Acts of terrorism are regarded as crimes against humanity by the vast majority of people. However, some individuals may attempt a justification of such nefarious acts as allegedly fighting for a cause which, in their view, is more important than the sanctity of the society and sacredness of life of people. Terrorism is not a legal terminology. It is all about violence, propaganda and other method in order to achieve a goal. Therefore, terrorism is criminal behavior. Combating terrorism involves measures deployed in counter-terrorism, which may differ according to the focus of individual states or organization. It may involve steps taken by the United Nations to ensure prosecution of terrorists at the local or national level (Gasser, 2002).

6. Guidance to States

States have endeavored to draw guidance from international definitions in the enactment of State laws. The United Kingdom (UK) and the US were one of the foremost States to enact laws on terrorism and provided an idea of what acts to fight as constituting terrorism. Within the African continents, some states have also followed suit. Nigeria, which has over the years become a theatre of the menace of terrorism has also towed the line of the western states and gleaned from the definitional guidance provided under the African Union Convention on the Prevention and Combating of Terrorism. According to the Convention terrorist acts contravenes the extant criminal laws of a State and its resulting consequences is destruction of lives and property of persons. These also include acts that may endanger cultural heritage and natural resources, which may be committed by persons or their sponsors. Terrorist acts also include any incitement, conspiracy or threat to commit such acts.

6.1 United Kingdom

The UK ranks as one of the first States to criminalize Terrorism having witnessed a spate of terrorists acts from the 1960s to the 1990s (Walker, 1992). The killings in the Northern Ireland occasioned the Prevention of Violence (Temporary Provisions) Act, 1939, which was followed by the Prevention of Terrorism (Temporary Provisions) Act 1974. Although, the Act by nomenclature was temporary but it remained operational until 2000. The 1974 Act was fashioned after the 1939 Act and was survived by the Terrorism Act 2000 (Williams 2003). After 9/11, the Anti-Terrorism Crime and Security Act 2001 was also passed. The Terrorism Act 2006 followed, the Act defines terrorism in relation to acts of violence, which are targeted against the Country or the public with the intention of causing death or harm, having a political, religious and ideological motive. Other Acts on terrorism also exist like the Counter Terrorism and Security Act 2015, which principally deals with foreign terrorist fighters.

6.2 United States

The United States earliest criminalization of terrorism was in 1984 with the enactment of the Act to Combat International Terrorism. This Act established a reward system for information in relation to the whereabouts of an alleged terrorist. Other terrorism Acts like the Anti-terrorism Act of 1990 defines terrorism and provides for civil liberty. Following the bombings in Oklahoma of 1995, the Anti-Terrorism and Effective Death Penalty Act of 1996 was passed into law. However, 9/11 marked a turning point in the history of terrorism legislation in the United States and in most States. There arose a need for the United States to be protected against foreign terrorists. The Patriot Act was passed just over a month of the dastard occurrence (Doyles, 2002). It provides for intelligence sharing among States, tightening of immigration control, prevention of money laundering and terrorism financing among others. In the Act, Internationalterrorism was defined as violent acts that intimidate or coerce a population or the Government, acts that affect the conduct of Government by mass destruction, assassination or kidnapping, whether they occur within the United States or outside her jurisdiction.

6.3 Nigeria

Nigeria had been deemed vulnerable to terrorism since 2007 as a result of arrest of suspects, who were affiliated to Al Qaeda. There were also concerns over the activities of militants, who may be otherwise considered freedom fighters in the South/South region of Nigeria (Abonyi, 2007). However, these concerns came into limelight in 2009 as a result of the attempted suicide bombing by a Nigerian citizen, Abdulmutallab, a Yemeni trainee, who was on board a plane within the US (Junio, 2010). This singular act put Nigeria in a bad light and it was classified a Country of Interest under watch. In response to the castigation, the Nigerian Government was eager to criminalize terrorism and eventually passed into law the Terrorism Act 2011 (Abuloye, 2023). The Act defined terrorism as an act, which is intended to compel a government or an international organization to act or refrain from doing certain acts and it is

intended to destabilize the structure of government or an international organization. The Act further categorized some acts as acts of terrorism, including violence to life, which causes death or serious bodily injury, kidnapping of persons and destruction of properties, among others. The 2011 Act was amended with the Terrorism (Prevention) (Amendment) Act 2013. The 2013 Amendment Act was enacted principally in respect of terrorism financing and it prohibits terrorism financing in all its forms. It is a known fact that finance enhances the thriving of terrorism. Terrorists require funds to recruit and train new members, to travel from one country to the other and to network (Attah, 2019). Section 13 of the Act is in tandem with the provisions of the United Nations Convention for the Suppression of the Financing of Terrorism, 1999. The Convention enjoins state parties to criminalize the financing of terrorism and also provide for the forfeiture of funds. The forfeiture of such illegally sourced funds will serve as a deterrent to perpetrators and others considering such acts.

Due to the recurrence of terrorist activities in Nigeria and the lethal weapons being used in carrying out these acts, there arose a need to enact a new terrorism law, with broader definitional scope and stiffer penalties. Thus, the Terrorism (Prevention and Prohibition Act) 2022 was enacted. It offers a thorough and consistent institutional, legal, and regulatory framework on terrorism, which was deficient in the 2011 Act and the 2013 amendment.

In the 2022 Act, an act of terrorism is one, which is willfully committed with the purpose of fostering a political, religious, racial or ethnic ideology. These acts are done with the intention to cause grave danger to a country or international organization; coerce a government to take an action or desist from taking an action. It may also be targeted at intimidating the public; destabilize the political or social structure of a country or an international organization and also violates the provisions of any international law, which Nigeria has assented to, subject to the provisions of the Constitution. According to this definition, an attack on someone's life that could result in serious physical harm or death qualifies as an act of terrorism. Other elements of terrorism include abduction; destruction of public property or transportation facility; or an individual property in a manner that occasions threat to life or result in loss.

7. Conclusion

The major elements, which constitute the definition of Terrorism require the intention and the actual doing of an act. The “*actus reus*” and the “*mens rea*”. States have gleaned from the international definitional guidance to arrive at definitions, using the various definitions provided at international law and international relations as the foundation. This has given a clearer picture to States of what exactly to categorize as acts of terrorism and appropriate penalties. Despite not having an exact definition, the definitions have evolved over the years to capture forms of unconventional, illegitimate and unacceptable violence targeted at the state, a community, or any part of the population thereof, by a

group or section of people. It is against this background that it has been canvassed that the definition of terrorism should be broadened to include other forms of violence such as banditry, kidnapping and human trafficking. These acts all involve threats or the use of force in perpetrating criminal acts just like terrorism (Ojewale, 2021; Welch, 2017).

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References

- Abonyi, I. (2007). Nigeria: SSS Aborts Al-Qaeda Attacks. Retrieved from <https://allafrica.com/stories/200711120005.html>
- Abuloye, A. (2023). *Legal and Institutional Frameworks for Combating Terrorism in Nigeria*. A Ph.D. Thesis submitted to the Faculty of Law Obafemi Awolowo University, Ile Ife, Nigeria.
- Andrews, E. (2016). *Assassination of President James A. Garfield*. Retrieved from <https://www.history.com>
- Attah, C. (2019). Financing Terrorism in Nigeria: Cutting off the Oxygen. 44 Africa Development Special Issue on Money, Security and Democratic Governance in Africa. Retrieved from <https://www.jstor.org/stable/10.2307/26873427>
- Baron, X. (2003). Newly-minted EU Anti-terror Unit to Study Casablanca Blasts (Agence France-Press). Retrieved from <https://www.eubusiness.com>
- Bassiouni, M. (Ed.). (2001). *International Terrorism: Multilateral Conventions* (Transnational Publisher).
- Beliaev, I., & Marks., J. (Eds). (1991). Common Ground on Terrorism. *Soviet-American Cooperation Against the Politics of Terror*.
- Center for Defense Information. (2003). *A Brief History of Terrorism*. Retrieved from <https://www.cdi>
- Chailand, G., & Blin, A. (2007). *The History of Terrorism-From Antiquity to Al-Qaeda* (Los Angeles, University of California).
- Di Filippo, M. (2014). The Definition(s) of Terrorism in International Law. *Research Handbook on International Law and Terrorism* (Edward Elgar: United Kingdom).
- Falode, A. (2018). *Terrorism 4.0: A Global and Structural Analysis* (Open Political Science).

- Foot, R. (2007). *The United Nations, Counter Terrorism, and Human Rights: Institutional Adaptation and Embedded Ideas*. 29 *Human Rights Quarterly* 494.
- Garamone, J. (2002). *Iraq a Grave and Gathering Danger, Bush Tells U.N.* (Am. Forces Press Service). Retrieved from <https://www.defenselink.mil/news>
- Gasser, H. (2002). *Acts of terror, "terrorism" and International Humanitarian Law*. Retrieved from <https://www.icrc.org>
- Geno, P. (2019). *History: Alexander II 1855-1881*. Retrieved from <https://www.academia.edu>
- History. (2009). Tokyo Sub-ways are attacked with Sarin Gas. Retrieved from <https://www.history.com>
- Guillaume, G. (2004). Terrorism and International Law. 53 *International and Comparative Law Quarterly*.
- Ishengoma, F. (2013). Online Social Networks and Terrorism in Developing Countries. *International Journal of Computer Science and Network Solutions*. Retrieved from <https://www.ijcsns.com/december.2013-volume.1-no.4/article05.pdf>
- Josephus, F. (2006). The Jewish Wars. Retrieved from <https://www.documentacatholicaomnia.edu.eu>
- Junio, D. (2010). Report on the Attempted Bombing Northwest Airlines Flight 253 "Christmas Day Plot". International Centre for Political Violence and Terrorism. Retrieved from <https://www.potr.org/pdf.../spotreportonchristmasdayairlinebombplot2009.pdf>
- Kaur, K. (2007). High Technology Terrorisms: A Threat to Global Security. *India Quarterly Journal of International Affairs*.
- Manik, E. (2011). *Terrorism: Its Past, Present and Future Prospects*. Retrieved May 20, 2023, from <https://www.jstor.org>
- Murphy, J. (1990). The Need for International Cooperation in Combating Terrorism. 13 *Terrorism: An International Journal*.
- Ojewale, O. (2021). *Rising Insecurity in North-West Nigeria: Terrorism Thinly Disguised as Banditry*. Retrieved from <https://www.brookings.edu/blog/africa-in-focus/2021/02/18/rising-insecurity-in-northwest-nigeria-terrorism-thinly-disguised-as-banditry/>
- Orwell, G. (1949). *1984* (Secker and Warburg).
- Rosand, E. (2003). *Security Council Resolution 1373, Counter-Terrorism Committee, and the Fight Against Terrorism* '97 *Am. J. Int'l L.*
- Turk, A. (2004). Sociology of Terrorism. *Annual Review of Sociology*.
- Walker, C. (1992). *The Prevention of Terrorism in British Law* (2nd ed.). Manchester University Press.
- Williams, D. (2003). *The United Kingdom's Response to International Terrorism* '13 *Ind. Int'l & Comp. L.*

- Welch, S. (2017). *Human Trafficking and Terrorism: Utilizing National Security Resources to Prevent Human Trafficking in the Islamic State*' *Duke Journal of Gender, Law and Policy*. Retrieved from <https://www.heinonline.org>
- Young, R. (2006). *Defining Terrorism: The Evolution of Terrorism as a Legal Concept in International law and its Influence on Definitions in Domestic Legislation*' *29 Boston College of International and Comparative Law*.