

**NEGOTIATING WITH TERRORISTS: SOVEREIGNTY, SECURITY GOVERNANCE, AND
THE ROLE OF SUB-NATIONAL ACTORS IN NIGERIA
A CASE ANALYSIS OF DEMANDS FOR DIRECT ENGAGEMENT WITH THE EXECUTIVE
GOVERNOR OF OYO STATE**

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ABSTRACT

This paper examines the legal, security, and governance implications of non-state armed actors seeking direct negotiations with sub-national executives in Nigeria, using the reported demand for engagement with the Executive Governor of Oyo State as a case study. It situates the issue within Nigeria's constitutional architecture, the Terrorism Prevention and Prohibition Act 2022, and international norms on hostage-taking and terrorism financing. Drawing on comparative practices from the United States, United Kingdom, Canada, and selected Asian states, the paper analyzes the risks of legitimization, the dynamics of ransom economies, and the role of state and non-state security actors. The study applies a philosophical-conceptual framework rooted in sovereignty theory, social contract, and just war doctrine, and reviews literature from political scientists, security scholars, and conflict analysts. Findings indicate that direct negotiations by governors without federal coordination undermine national security policy, violate statutory prohibitions on terrorism financing, and risk escalating violence. The paper concludes with recommendations for legislative clarification, intergovernmental coordination, community-based intelligence, and ethical use of surveillance technologies. It argues for a reform agenda that strengthens statecraft, respects human rights, and aligns sub-national action with national counter-terrorism strategy.

Keywords: Terrorism, Negotiation, Sovereignty, Sub-national governance, Amotekun, TPPA 2022, Nigeria, Counter-terrorism, Ransom, Federalism.

1. INTRODUCTION

The phenomenon of kidnapping for ransom and ideological abduction has evolved from a localized criminal enterprise into a strategic instrument of non-state armed groups across Nigeria's geopolitical zones. The reported request by armed actors for direct negotiations with the Executive Governor of Oyo State, Engineer Seyi Makinde, over the alleged abduction of students and teachers, raises fundamental questions about the limits of sub-national authority, the integrity of Nigeria's counter-terrorism policy, and the balance between state responsibility and constitutional constraints.

This paper does not seek to validate or refute the specific incident cited, as independent verification remains pending at the time of writing. Rather, it uses the scenario as a heuristic to examine broader structural issues: the legal prohibitions on negotiating with terrorists, the role of governors as Chief Security Officers, the operational space for state-backed and informal security outfits, and the implications for national cohesion and statecraft. The analysis is grounded in statutory provisions, constitutional law, comparative practice, and the ethical frameworks governing the use of force and negotiation in asymmetric conflict.

2. BACKGROUND AND HISTORICAL PREAMBLE

2.1 Historical Context of Kidnap and Terrorism in Nigeria

From the Chibok abductions of 2014 to the mass kidnappings in Katsina, Zamfara, Kaduna, and Niger between 2020 and 2025, Nigeria has witnessed a shift from politically motivated kidnapping to profit-driven and ideological hostage-taking. The emergence of Ansaru, ISWAP, and decentralized bandit networks has blurred the line between criminality and insurgency.

2.2 Evolution of Sub-National Security Responses

The constitutional limitation on state policing led to the creation of regional outfits such as Amotekun in the South West, Hisbah in the North, and vigilante groups nationwide. These outfits operate under state laws but within the oversight framework of the Nigeria Police Force and NSCDC, per the Police Act 2020 and NSCDC Act.

2.3 The Policy of Non-Negotiation

Nigeria's official stance, articulated through the National Security Adviser's office and reinforced by the TPPA 2022, is that the state does not pay ransoms or make political concessions to terrorists. This aligns with UN Security Council Resolutions 1373, 1624, and 2178.

3. OVERVIEW OF THE SUBJECT MATTER

The core issue is whether a state governor can, should, or must negotiate directly with designated terrorist entities over hostages, and what demands such actors typically present. The source material outlines five alleged demands: cash, prisoner release, amnesty and land, demobilization of local security outfits, and media control. These mirror patterns observed in the Sahel and North West Nigeria.

4. LITERATURE REVIEW

4.1 On Negotiation with Terrorists

Schmid and Jongman argue that concessions create incentive structures that perpetuate hostage-taking. Crenshaw distinguishes between tactical communication and strategic negotiation, noting that the latter confers political status. Akinade emphasizes that sub-national engagement without federal coordination fragments national counter-terrorism coherence and weakens the unitary command structure essential in asymmetric conflict.

4.2 On Communal Conflict and Governance

Akinade demonstrates that communal conflict and violence often provide entry points for non-state armed groups to embed themselves within local grievances. Effective response, resolution and prevention require early warning systems linked to legitimate state authority. He further argues that contemporary security issues in governance and statecraft are shaped by the failure to integrate sub-national actors into a unified national security framework.

4.3 On Crime Prevention and Public-Private Security

Akinade's analysis of security operations, crime prevention and good governance identifies patterns where weak public policing creates space for private and informal actors. He contends that without clear legal delineation, public-private security arrangements risk duplicating authority and undermining accountability.

4.4 On Ransom Economies, Crime Prevention and Community Policing

FATF reports link ransom payments to the financing of terrorism and organized crime. Lacher describes the Sahel's "kidnap-for-ransom" economy as a self-sustaining conflict system. Akinade documents how community policing and strategic crime prevention models reduce opportunity structures for violent actors when properly institutionalized and supervised. He also highlights the risks of unregulated private protection arrangements in undermining public policing.

5. PHILOSOPHICAL AND CONCEPTUAL FRAMEWORK

5.1 Sovereignty and the Social Contract

Hobbes and Locke posit that the monopoly on legitimate violence is central to the state's legitimacy. Akinade frames this within Nigerian statecraft, arguing that the erosion of this monopoly at the sub-national level leads to contested sovereignty and parallel security orders.

5.2 Just War and Proportionality

Aquinas and Walzer's just war theory informs the ethical evaluation of force versus negotiation. Proportionality requires that any response minimize harm to non-combatants. Akinade applies this to Nigeria's internal security context, stressing that responses must be lawful, necessary, and proportionate to maintain legitimacy.

5.3 National Security, Social Coercion and Sustainable Development

Akinade argues that sustainable development cannot occur in environments where social coercion by armed groups replaces state authority. Security culture, diplomacy and communication skills are essential in managing both domestic and international perceptions during crises. He positions strategic security management in statecraft, public affairs and foreign relations as critical to preventing external actors from exploiting internal instability.

5.4 Public Choice, Environmental Security and Incentive Structures

The ransom economy illustrates perverse incentives: each payment increases the expected value of future kidnappings. Akinade links this to strategic security management and environmental security, noting that failure to disrupt the incentive chain transforms criminality into an enduring industry that also threatens agro-security and environmental protection.

6. ANALYSIS OF CLAIMS IN THE SOURCE MATERIAL

Claim Analysis Legal/Policy Implication

Legitimization through negotiation Engagement elevates status and confers political recognition.

Violates TPPA 2022 Sec. 14 on financing and supporting terrorism.

Bypass of federal failure Reflects governance gaps but does not legalize unilateral action. S.

214(1) CFRN vests police powers in the federal government.

Demands for cash, prisoner release, amnesty Documented in Sahel and North West cases.

Payment is criminal under TPPA 2022 Sec. 15. Prisoner release requires judicial process.

Demobilization of Amotekun/local hunters Aims to reduce counter-pressure. Amotekun operates under Oyo State Security Network Agency Law 2020, subject to federal oversight.

Media silence/control Tactics to shape perception. Must comply with S. 39 CFRN on freedom of expression, subject to reasonable restrictions.

7. STATUTORY PROVISIONS, CONSTITUTIONAL REQUIREMENTS, AND REGULATIONS

7.1 Constitution of the Federal Republic of Nigeria 1999 (as amended)

- S. 14(2)(b): Security and welfare of the people is the primary purpose of government.
- S. 214(1): Establishes the Nigeria Police Force as a federal entity.
- S. 215(3): Governors may give directives to the Commissioner of Police, but operational control remains federal.
- S. 33-46: Fundamental rights, including right to life, liberty, and freedom from torture. Any operation must comply.

7.2 Terrorism Prevention and Prohibition Act 2022

- Sec. 2: Defines terrorism.
- Sec. 14: Prohibits financing, facilitating, or engaging in transactions with terrorist groups.
- Sec. 21: Criminalizes hostage-taking.
- Sec. 46: Establishes the National Counter Terrorism Centre for coordination.

7.3 Police Act 2020 & NSCDC Act

Define roles in internal security and protection of critical infrastructure.

7.4 Oyo State Security Network Agency Law 2020

Establishes Amotekun with mandate for intelligence gathering, community policing support, and protection of public spaces, subject to federal law.

8. ROLE AND RESPONSIBILITIES OF GOVERNORS, GOVERNMENTS, AND SECURITY AGENCIES

Governors have responsibility without direct command authority over federal forces. Their role is coordination, intelligence sharing, and mobilizing state resources within legal limits. Security agencies must operate under the rule of law, avoiding extrajudicial actions. Informal militias operate in a legal gray area; their use risks human rights violations and escalation.

9. COMPARATIVE INSIGHTS

9.1 United States

FBI Hostage Rescue Policy maintains “no concessions to hostage-takers.” State governors cannot negotiate federal offenses. Federal coordination is mandatory.

9.2 United Kingdom & England

CONTEST strategy prohibits substantive concessions. Police Gold Command structure centralizes decision-making.

9.3 Canada

RCMP-led response, with provincial police in support. Ransom payments can attract money laundering charges under the Criminal Code.

9.4 Asian Countries

India’s NIA leads terrorism cases. No ransom policy. Philippines shifted from ransom payment to non-concession after 2016, reducing incidents. Indonesia combines deradicalization with law enforcement.

9.5 United Kingdom: The 2014 ISIL Hostage Crisis

The UK responded through COBR, MI5, MI6, and Metropolitan Police Gold Command. Key lessons include centralized decision-making, controlled public messaging, and post-incident strengthening of TPIMs to restrict financing and movement.

9.6 India: The 2008 Mumbai Attacks

NSG conducted tactical operations under the Ministry of Home Affairs. NIA prosecuted financiers under UAPA. Lessons include the need for specialized federal units and targeting financing networks.

9.7 Philippines: Shift from Ransom Payment to Non-Concession

After 2016, the government adopted a public non-payment policy and increased military pressure. Kidnap incidents declined 40% between 2017 and 2021. Consistency in policy reduces perceived profitability.

10. PROSPECTS, INNOVATIONS, AND RECOMMENDATIONS

10.1 Governance and Statecraft Reform

1. Clarify Concurrent Security Powers: Amend the Constitution to define the role of state security outfits in counter-terrorism operations. Akinade argues that legal ambiguity is a primary driver of ad-hoc responses that undermine national strategy.
2. Intergovernmental Coordination Framework: Establish a legal protocol for state-federal engagement in hostage cases.
3. Victim-Centered Response: Create a national hostage recovery and family support unit under NCTC.

10.2 Intelligence and Surveillance

1. Ethical Use of Technology: Deploy AI-driven threat detection under the Nigeria Data Protection Act 2023, with oversight by NDPC.
2. Community Intelligence Networks: Institutionalize community informant systems with legal protections and accountability. Akinade stresses that community-based intelligence remains the most effective early warning system in low-trust environments.

10.3 Crime Prevention and Public-Private Security Integration

Akinade advocates for clearly defined roles between public policing and private protection to avoid duplication and conflict. Strategic models of crime prevention must integrate agro-security and environmental protection to address emerging threats such as agroterrorism and sabotage of critical infrastructure.

10.4 Conflict Resolution and Peacebuilding

Drawing on communal conflict response models, Akinade recommends structured mediation mechanisms that separate legitimate community grievances from terrorist exploitation. Peace education and conflict resolution frameworks should be embedded in local governance to reduce the appeal of violent mobilization.

10.5 Legal and Financial Measures

1. Strengthen Anti-Ransom Enforcement: Prosecute intermediaries facilitating payments.
2. Asset Recovery: Use Unexplained Wealth Orders and MACA to seize proceeds.

10.6 Human Rights Safeguards

All operations must comply with NHRC Act and international humanitarian law. Establish independent oversight for state security outfits. Akinade links this to peace education, arguing that institutional respect for rights reduces the grievance base exploited by violent actors.

11. MODEL MEMORANDUM OF UNDERSTANDING

Between the Federal Government of Nigeria and Oyo State Government on Hostage and Terrorism Incident Coordination

Preamble

Recognizing that the Constitution vests exclusive control of the Police, Army, and DSS in the Federal Government, and that Oyo State bears primary responsibility for the welfare and security of its residents under S. 14(2)(b) CFRN, the Parties agree to coordinate responses to hostage-taking and terrorism incidents.

Article 1 – Purpose

To establish a joint protocol for intelligence sharing, operational coordination, and public communication during hostage and terrorism incidents in Oyo State.

Article 2 – Command and Control

1. The Nigeria Police Force, through the Commissioner of Police, Oyo State, shall maintain operational command in all hostage incidents involving federal offenses.
2. The Oyo State Security Network Agency shall provide local intelligence, community access, and logistical support upon request of the Commissioner of Police.
3. The National Counter Terrorism Centre shall serve as the federal coordination node.

Article 3 – Negotiation Policy

1. No official of Oyo State shall engage in substantive negotiations with designated terrorist entities without written authorization from the Office of the National Security Adviser.
2. Any communication received from non-state armed actors shall be immediately relayed to the NCTC within 2 hours.
3. Ransom payments by state actors or using state funds are prohibited under TPPA 2022 Sec. 14.

Article 4 – Information Sharing

Parties shall establish a secure 24/7 Joint Incident Cell using the NCTC’s I-24/7 interface and the Nigeria Police CRMS.

Article 5 – Human Rights and Oversight

All operations shall comply with the NHRC Act and the Administration of Criminal Justice Act 2015. An independent observer from the NHRC shall be notified within 24 hours of any operation involving use of force.

Article 6 – Duration and Review

This MOU shall remain in force for 3 years and be reviewed annually by the National Security Council and the Oyo State Security Council.

Signed

For the Federal Government: National Security Adviser

For Oyo State Government: Executive Governor

12. INSTRUMENT FOR EXECUTIVE ACTION

Draft Executive Order – Oyo State Hostage and Terrorism Response Protocol 2026

Section 1: All reports of abduction or terrorism threats shall be logged in the Oyo State Security Operations Room within 30 minutes and transmitted to NPF and NCTC.

Section 2: No state funds shall be disbursed for ransom or negotiated settlement with terrorist entities.

Section 3: The Attorney General of Oyo State shall review all proposed agreements with armed groups for compliance with TPPA 2022.

Section 4: The Governor shall convene a quarterly Security and Human Rights Review Board with civil society and NHRC representation.

13. ADVICE TO THE GOVERNMENT OF NIGERIA AND OYO STATE

To the Federal Government:

1. Legislate Clarity: Amend the CFRN to explicitly define the concurrent powers of states in counter-terrorism intelligence and support operations.
2. Fund NCTC Fully: The NCTC must have operational funds and a mandate to deploy liaison officers to all states.
3. Public Policy Consistency: Publish and enforce a national “no ransom” policy with penalties for violations.

To the Oyo State Government:

1. Adopt the Model MOU: Formalize coordination to avoid ad-hoc responses that create legal and security risks.
2. Strengthen Amotekun Accountability: Institutionalize human rights training and independent oversight for all operations.
3. Invest in Community Intelligence: Use traditional rulers and community leaders for early warning, avoiding reliance on untrained militias.

To Both Levels:

1. Use Technology Ethically: Deploy facial recognition, drones, and data analytics only with judicial oversight and under NDPA 2023.
2. Protect Victims and Families: Establish a protected witness and victim support fund, managed by the NHRC.
3. Communicate Strategically: Designate a single spokesperson to prevent contradictory public statements that embolden adversaries.

14. CONCLUSION

Nigeria cannot afford a security architecture where 36 governors run 36 separate counter-terrorism policies. The scenario illustrates the trap: responsibility without authority creates pressure to negotiate, but negotiation without federal coordination undermines the state. The solution is not to weaken sub-national actors, but to integrate them into a legally coherent, intelligence-led, rights-compliant national system.

The choice is between ad-hoc deals that buy short-term relief and institutional reform that secures future generations. History shows that concessions today become the crises of tomorrow.

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