

AN ANALYSIS OF THE LEGAL AND INSTITUTIONAL FRAMEWORKS FOR EARLY WARNING AND EARLY RESPONSE IN NIGERIA*

Abstract

This article titled An Analysis of the Legal and Institutional Frameworks for Early Warning and Early Response in Nigeria. This article examined how Nigeria's legal and institutional frameworks support or fail to support the use of technology in Early Warning and Early Response (EWER) systems. Although the 1999 Constitution places the security and welfare of the people at the centre of governance, Nigeria still operates without a unified national law that clearly defines early-warning obligations, mandates inter-agency coordination, or regulates the use of digital tools for conflict prevention. As a result, many violent conflicts that could have been prevented continue to escalate due to weak coordination, fragmented institutional roles, delayed response, and limited technological integration. Using a doctrinal research method, the article analysed the Constitution, statutes, executive instruments, regional obligations under ECOWAS and the African Union, as well as judicial decisions that shape Nigeria's preventive governance landscape. It also reviewed the current use of digital technologies such as GIS, satellite data, predictive analytics, mobile platforms, and crowdsourced reporting in existing EWER initiatives led by government agencies, civil society organisations, and community networks. The article found that while several institutions collect early-warning information, the absence of a statutory framework means that information flow is inconsistent, technology systems are not interoperable, and no agency is legally required to act promptly on warning signs. The article argued that effective early warning must be backed by law, supported by technology, and anchored in an institutional culture of accountability. It concludes that Nigeria requires a comprehensive National Early Warning and Early Response Act to harmonise mandates, guide the ethical use of digital tools, strengthen institutional collaboration, and create enforceable duties for timely response. Such a framework will enable Nigeria to move from reactive crisis management to proactive, technology-driven preventive governance capable of protecting lives and promoting national stability.

Keywords: Early Warning and Early Response, Technology, Preventive Governance, Legal and Institutional Frameworks, Human Security, Nigeria

1. Introduction

The effectiveness of any Early Warning and Early Response system depends fundamentally on the strength of its legal foundations. Law performs three essential functions in preventive governance. It defines the responsibilities of the State to protect life and maintain stability, it structures institutions in a manner that supports coordinated decision-making, and it creates mechanisms through which information, technology and human security concerns can be integrated into national response frameworks.

2. Legal Frameworks for EWER in Nigeria

In Nigeria, the legal environment surrounding early warning is multilayered, drawing from international norms, regional commitments and national constitutional and statutory provisions. Understanding how these layers interact is essential for assessing the level of readiness for a technology driven EWER architecture. This part therefore evaluates the key legal instruments that shape Nigeria's preventive governance space, highlighting the extent to which they impose obligations, create institutional linkages or leave critical gaps in the architecture necessary for timely detection and response to emerging threats.

International and Regional Legal Frameworks for Early Warning and Early Response

Nigeria's EWER framework is shaped by a combination of international, continental and regional instruments. These instruments outline the responsibilities of states, promote cooperation, and encourage technology-supported approaches to preventing violence. To understand how these instruments relate to one another, this section moves step-by-step from the global level (United Nations), to the continental level (African Union) and finally to the regional level (ECOWAS). This structure shows how ideas developed internationally influence regional systems before they appear sometimes only partially within Nigeria's domestic legal order. A clear pattern emerges: although Nigeria recognises and participates in these global, continental and regional frameworks, they have not been fully incorporated into national law. This has important implications for how Nigeria detects and responds to early signs of conflict.

United Nations Frameworks

At the global level, the United Nations promotes the idea that preventing conflict is more effective than reacting after violence has already escalated. UN Security Council Resolution 2171¹ encourages states to strengthen national early-warning capacities, integrate warning signs into decision-making, and respond quickly when risks emerge. Although Security Council resolutions do not automatically become Nigerian law, the Supreme Court has clarified in *Abacha v Fawehinmi* that UN instruments can influence how international obligations are understood domestically.² The UN also provides practical guidance for building early warning systems. The UNDP Conflict Prevention Toolkit encourages states

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¹ 2014

² *Abacha v Fawehinmi* (2000) 6 NWLR (Pt 660) 228

to collect information, analyse risks, and involve communities in identifying early signs of instability.³ The UN Plan of Action for Preventing Violent Extremism⁴ highlights the importance of working with youth, religious leaders, women and local institutions to detect early risk factors. Sustainable Development Goal 16 further calls for fair and effective institutions as a foundation for reducing violence.⁵

Although these instruments do not create binding legal duties, they reinforce Nigeria's wider obligations under the UN Charter to protect life and maintain peace. Nigeria's National Security Strategy⁶ reflects many of these principles,⁷ but the absence of a national law on EWER means that Nigerian institutions are not legally required to share early-warning information, maintain compatible digital tools, or coordinate action. This is consistent with the Supreme Court's position in *Registered Trustees of National Association of Community Health Practitioners v Medical and Health Workers Union of Nigeria*, where it held that policies without statutory backing cannot be enforced in court.⁸

African Union Instruments

The AU provides a more organised approach to conflict prevention. The main instrument is the Protocol Relating to the Establishment of the Peace and Security Council of the African Union⁹. Article 12 establishes the Continental Early Warning System¹⁰ which gathers and analyses information from across Africa to support timely responses to emerging threats.¹¹ CEWS relies on cooperation from member states and regional economic communities. The AU's preventive system is strengthened by the principle of non-indifference, explained in Article 4(h) of the AU Constitutive Act. This principle requires African states not to ignore grave threats such as mass killings or serious human-rights violations.¹² Nigeria participates in CEWS activities, but no national legislation implements CEWS obligations within Nigeria. The Supreme Court in *Attorney-General of Lagos State v Attorney-General of the Federation* held that international obligations cannot apply domestically unless supported by an Act of the National Assembly.¹³ Because CEWS has not been domesticated, Nigerian institutions are not legally required to share data with CEWS, adopt compatible technology, or respond to CEWS alerts. This weakens Nigeria's contributions to continental early-warning efforts.

ECOWAS Frameworks

ECOWAS has developed one of the most advanced regional early-warning systems in Africa. The ECOWAS Conflict Prevention Framework¹⁴ requires each member state to establish a National Early Warning and Response Mechanism¹⁵ linked to ECOWARN, the regional early-warning network.¹⁶ The ECPF promotes information sharing, digital monitoring systems and structured indicators for analysing risks. The 1999 ECOWAS Protocol on the Mechanism for Conflict Prevention, Management, Resolution, Peacekeeping and Security provides the legal foundation for regional preventive diplomacy. The Supplementary Protocol on Democracy and Good Governance¹⁷ strengthens this framework by linking peace to constitutional order, rule of law and democratic governance.¹⁸ Nigeria participates in ECOWARN and submits periodic reports. However, none of these ECOWAS instruments have been domesticated under section 12 of the 1999 Constitution, meaning they carry *no binding legal force* within Nigeria. The Supreme Court reaffirmed this in *Abacha v Fawehinmi*, holding that undomesticated treaties or protocols cannot impose legal duties on national institutions.¹⁹ As a result, Nigeria lacks a legally recognised NEWS structure, and cooperation among agencies is voluntary rather than mandated. A comparative review of UN, AU and ECOWAS frameworks reveals one consistent challenge: Nigeria aligns with these instruments politically and institutionally, but they have not been converted into enforceable national law. This creates four major gaps:

- i. No national EWER law defining roles, responsibilities, or response timelines.
- ii. No binding standards for early-warning technology, leading to fragmented and incompatible systems.
- iii. Weak institutional coordination, since information sharing is voluntary rather than legally mandated.
- iv. Lack of accountability, as institutions cannot be held responsible for ignoring early-warning signals.

³ United Nations Development Programme, *Conflict and Development Analysis: A Practical Toolkit for Field-Based Practitioners* (UNDP 2011).

⁴ 2016

⁵ United Nations General Assembly, *Transforming Our World: The 2030 Agenda for Sustainable Development*, GA Res 70/1 (2015), Goal 16

⁶ 2019 and 2022

⁷ Office of the National Security Adviser, *National Security Strategy* (Abuja, 2019; revised 2022)

⁸ *Registered Trustees of National Association of Community Health Practitioners v Medical and Health Workers Union of Nigeria* (2008)

⁹ 2 NWLR (Pt 1072) 575

¹⁰ 2002

¹¹ CEWS

¹² African Union, *Protocol Relating to the Establishment of the Peace and Security Council of the African Union* (2002) art 12

¹³ Constitutive Act of the African Union (2000) art 4(h)

¹⁴ *Attorney-General of Lagos State v Attorney-General of the Federation* (2004) 18 NWLR (Pt 904) 1

¹⁵ ECPF 2008

¹⁶ NEWS

¹⁷ ECOWAS Commission, *ECOWAS Conflict Prevention Framework* (MSC/REG.1/01/08, 2008)

¹⁸ 2001

¹⁹ ECOWAS, *Supplementary Protocol on Democracy and Good Governance* (2001)

²⁰ *Abacha v Fawehinmi* (2000) 6 NWLR (Pt 660) 228

The Supreme Court emphasised the duty of the State to protect human life in *Joseph v State*, describing the protection of life as a core constitutional responsibility.²⁰ These gaps undermine Nigeria's ability to fulfil its duty under section 14(2)(b) of the Constitution, which states that the security and welfare of the people shall be the primary purpose of government. Until Nigeria adopts a National Early Warning and Early Response Act, its preventive system will remain fragmented and below global and regional expectations.

National Legal Framework

Constitutional Foundations for Preventive Governance

The 1999 Constitution provides the foundational basis for preventive governance through section 14(2)(b), which states that '*the security and welfare of the people shall be the primary purpose of government.*' This provision has been interpreted by the Supreme Court as affirming a proactive responsibility on the part of the State to safeguard public welfare. In *Attorney-General of Ondo State v Attorney-General of the Federation*, the Court reiterated that governmental powers must be exercised in a manner consistent with protecting the well-being of the people.²¹ Despite its strength, section 14(2)(b) does not establish procedures for early-warning activities, does not define institutional mandates, and does not impose legally enforceable duties on agencies to anticipate threats or respond to early-warning indicators. The constitutional principle therefore remains aspirational without a statutory mechanism that translates it into concrete obligations. The absence of operational guidance contributes to inconsistencies in practice and limits the development of an integrated EWER system.

Statutory and Policy Instruments

Several Nigerian statutes contain provisions relevant to information management, disaster response, technology, and governance; however, none establishes a comprehensive legal foundation for early warning. The National Emergency Management Agency Act²² focuses primarily on disaster response rather than prevention. It provides mechanisms for relief, rehabilitation, and post-impact coordination but does not require risk monitoring, structured data analysis, or early-warning protocols.²³ The Act therefore operates downstream of crises rather than upstream where prevention is most effective. The Cybercrimes (Prohibition, Prevention, etc.) Act²⁴ regulates cyberspace offences, protects data systems, and establishes reporting obligations for digital service providers, but it does not incorporate conflict-sensitive early-warning functions or technology-enabled monitoring tools applicable to governance and security threats.²⁵ The Nigeria Data Protection Act²⁶ provides an important privacy and data-governance framework essential for any technology-driven EWER system. It outlines rules for processing, retaining, and sharing personal data. However, it contains no provisions addressing the specific data flows associated with risk analysis, community alerts, or inter-agency information exchange for preventive purposes.²⁷ The Freedom of Information Act²⁸ creates a legal framework for public access to government-held information but does not regulate the disclosure or management of early-warning data, nor does it provide mechanisms to support community-reporting channels or public participation in preventive systems.²⁹ Taken together, these statutes create important governance structures but fall short of establishing a coordinated, multi-agency legal architecture for early warning and early response. None of the instruments mandates a national system, prescribes the role of technology, or requires institutions to engage systematically in preventive action.

Executive Order No. 12 of 2022 and the Establishment of OSPRE

Executive Order No. 12³⁰ establishes the Office for Strategic Preparedness and Resilience (OSPRE) as Nigeria's National Early Warning Centre. It assigns OSPRE responsibilities for national risk monitoring, inter-agency coordination, and engagement with ECOWAS and AU early-warning systems. The Executive Order is an important step toward institutionalising early warning in Nigeria, particularly in the absence of parliamentary legislation. However, Executive Orders do not carry the permanence or authority of Acts of the National Assembly. Their implementation depends heavily on executive discretion. Without statutory backing, OSPRE lacks the legal force required to compel cooperation from other agencies, guarantee stable funding, or establish binding protocols for the use of technology and data in early-warning processes.³¹ This limitation reduces the durability of Nigeria's national early-warning structure. Nigeria's legal environment reflects a strong appreciation for prevention but lacks the statutory infrastructure necessary for a fully functional, technology-enabled EWER system. International and regional instruments establish persuasive standards but remain unenforceable without domestication. The Constitution articulates a foundational duty to secure the welfare of citizens but does not translate this obligation into operational mechanisms. Existing statutes relevant to disaster management, technology, and information governance operate in isolation and do not provide an integrated framework for early-warning

²⁰ *Joseph v State* (2019) LPELR-46834 (SC)

²¹ *Attorney-General of Ondo State v Attorney-General of the Federation* (2002) 9 NWLR (Pt. 772) 222

²² NEMA Act

²³ National Emergency Management Agency (Establishment) Act, Cap. N34, Laws of the Federation of Nigeria 2004, ss. 6–8

²⁴ 2015

²⁵ Cybercrimes (Prohibition, Prevention, etc.) Act 2015, ss. 21–24

²⁶ 2023

²⁷ Nigeria Data Protection Act 2023, ss. 24–32 (processing principles), ss. 38–44 (data-sharing safeguards)

²⁸ 2011

²⁹ Freedom of Information Act 2011, ss. 2–7

³⁰ 2022

³¹ Executive Order No. 12 on Improving Performance Management, Coordination and Implementation of Early Warning (2022), Federal Republic of Nigeria

activities. Executive Order No. 12 offers an institutional entry point through OSPRE, yet its authority remains limited without legislative reinforcement. As presently constructed, the legal framework establishes principles but does not create the coordinated and technologically grounded architecture required for effective early warning and early response in Nigeria.

3. Institutional Frameworks for EWER in Nigeria

Nigeria's EWER architecture is supported by several national actors. However, the absence of an overarching legal framework means these institutions operate with overlapping responsibilities, limited technological integration, and weak coordination. This section analyses the key institutions involved in early warning and evaluates their contributions and limitations.

OSPRE and the Nigeria Early Warning Centre

The OSPRE functions as Nigeria's National Early Warning Centre and operates under the Presidency. This placement reflects its intended national coordinating role. OSPRE serves as Nigeria's formal interface with the ECOWARN and the AU's CEWS, ensuring that Nigeria participates in regional and continental risk monitoring. However, OSPRE's authority is based solely on Executive Order No. 12, which lacks the force and permanence of an Act of the National Assembly. Consequently, OSPRE does not have a binding mandate to compel ministries, security agencies or state governments to share data or respond to alerts. This limitation reflects the principle affirmed in *Attorney-General of Lagos State v Attorney-General of the Federation*, where the Supreme Court held that executive directives cannot override statutory requirements.³² Without legislative backing, OSPRE cannot enforce cooperation, standardise technology use or secure stable funding necessary for a national EWER system.

National Emergency Management Agency (NEMA)

NEMA plays an important role in national crisis response; however, its mandate is primarily reactive. The NEMA Act focuses on disaster relief, emergency coordination, rehabilitation and post-impact reconstruction.³³ It does not require systematic risk monitoring, digital data collection or structured early-warning analysis. Technologically, NEMA operates with limited integration of predictive analytics, geospatial tools or digital dashboards. Its relationship with state emergency management agencies is also inconsistent, resulting in uneven implementation across the country. The absence of a centralised technological platform prevents NEMA from playing a significant role in a modern, technology-driven national EWER system.

Security Institutions (Police, DSS and the Military)

Nigeria's security institutions particularly the Nigeria Police Force, the Department of State Services³⁴ and the Armed Forces collect substantial intelligence on threats and rising tensions. However, these agencies operate outside a unified early-warning framework. They lack integrated digital alert systems, shared databases and cross-platform data exchange protocols required for coordinated analysis and rapid response. Security institutions traditionally operate with a high degree of confidentiality and limited civilian oversight. This raises legal and ethical concerns regarding transparency, data protection and compliance with the Nigeria Data Protection Act³⁵. The courts have emphasised the need for public bodies to balance national security with constitutional rights, as seen in *DSS v Agbakoba*, where the Court of Appeal underscored the importance of due process even in security operations.³⁶ The absence of a legal requirement compelling security agencies to participate in a national EWER structure results in operational silos, duplication of effort and delays in responding to early-warning signals.

Civil Society and Community-Based Platforms

Civil society organisations are among Nigeria's most effective early-warning actors. The West Africa Network for Peacebuilding³⁷ operates the Community-Based Early Warning and Early Response³⁸ system, while research institutions such as Nigeria Watch, SBM Intelligence, and numerous local organisations provide detailed incident reporting and trend analyses from grassroots communities. These platforms generate high quality, real-time conflict data that government actors often lack. However, they do not have formal recognition in Nigerian law, and their reports are frequently overlooked by state institutions. The absence of legislation integrating civil society contributions into national early-warning systems means valuable information remains underutilised. The courts have long recognised the constitutional value of citizen participation in governance—most notably in *Fawehinmi v President, Federal Republic of Nigeria*, which affirmed the right of individuals and groups to hold government accountable.³⁹ Yet, civil society participation in early-warning processes remains informal and unstructured.

³² *Attorney-General of Lagos State v Attorney-General of the Federation* (2004) 18 NWLR (Pt 904) 1

³³ National Emergency Management Agency (Establishment) Act, Cap N34 LFN 2010

³⁴ DSS

³⁵ 2023.

³⁶ *State Security Service v Agbakoba* (CA/L/29M/2006, Court of Appeal, 2007)

³⁷ WANEP

³⁸ CBEWER

³⁹ *Fawehinmi v President, Federal Republic of Nigeria* (2007) 14 NWLR (Pt 1054) 275

A review of Nigeria's institutional and legal arrangements reveals several structural deficiencies that hinder the development of a coordinated EWER system. First, Nigeria lacks a binding national law mandating the establishment or operation of an EWER system. Without statutory authority, national institutions cannot be compelled to cooperate or standardise their practices. Second, the legal instruments relevant to early warning are fragmented. The Cybercrimes Act, the Freedom of Information Act, and regulations of the Nigerian Communications Commission⁴⁰ intersect in ways that create ambiguity regarding data reporting, digital surveillance and information flows. Third, institutional coordination is weak. Agencies operate independently, with no law requiring joint analysis, unified platforms or coordinated response mechanisms. Fourth, there are significant technology and data gaps. Nigeria has no legal standard for integrating tools such as geospatial monitoring, real-time dashboards, machine learning or predictive analytics into early-warning processes. Finally, the absence of sanctions for inaction creates a culture of impunity. Institutions are not legally accountable for ignoring warnings, and there are no remedies for citizens affected by preventable violence. Courts have emphasised the State's duty to protect life, for example, in *Joseph v State*, where the Supreme Court reaffirmed that the right to life imposes affirmative duties on government institutions.⁴¹ However, this duty remains difficult to enforce without operational legislation.

This study has shown that Nigeria's institutional and legal framework for Early Warning and Early Response remains incomplete and insufficiently integrated. While policy steps such as the establishment of OSPRE signify progress, they do not substitute for a legally binding national framework. The Constitution articulates the State's obligation to protect life and welfare, but this duty has not been translated into practical procedures or enforceable mandates. Statutory instruments, covering disaster management, data protection, cybersecurity and public information, operate independently and do not create a coordinated system. Security institutions maintain parallel, closed information systems, while civil society platforms, though highly effective lack formal recognition. Executive Order No. 12 provides a starting point, but its authority depends entirely on executive will. For Nigeria to move from aspiration to action, a comprehensive National EWER Act is essential. Such legislation must define mandates, establish binding coordination, set standards for technology and data use, and create accountability mechanisms to ensure timely and ethical responses. Without this, Nigeria's EWER architecture will remain fragmented, reactive and unable to meet global or regional standards for preventive governance.

4. Conclusion and Recommendations

This article concludes that Nigeria's early-warning mechanism requires comprehensive legal, institutional and technological reforms. Fragmented mandates, limited digital integration and structural barriers undermine the ability of institutions to anticipate and prevent violence. A legally grounded, technologically enabled and inclusive EWER system is essential to fulfil the constitutional obligation to protect life and ensure public safety. By implementing the reforms proposed in this chapter, Nigeria can transition from reactive crisis management to proactive preventive governance aligned with regional and global standards. The following measures are necessary:

Enact a National Early Warning and Early Response Act: The proposed national statute should:

- i. Harmonise and clarify the mandates of federal and state actors.
- ii. Establish clear reporting, information-sharing and escalation procedures.
- iii. Domesticise ECOWARN and CEWS frameworks.
- iv. Grant statutory authority to OSPRE as the central coordinating body.
- v. Set standards for digital integration, data protection and interoperability.
- vi. Introduce institutional accountability and sanctions for non-compliance.
- vii. Ensure privacy and ethical use of technology.

Develop a unified national digital early-warning platform: Such a platform should:

- i. Link federal and state institutions in real time.
- ii. Use harmonised indicators for risk detection.
- iii. Support geospatial analysis, predictive tools and community reporting.
- iv. Validate information from multiple sources to reduce misinformation.
- v. Facilitate timely communication between communities and state authorities.

Improve infrastructure, technical capacity and inclusive participation: For a stronger EWER system:

- i. Digital infrastructure such as broadband and electricity should be expanded.
- ii. Cybersecurity protections must be enhanced to safeguard national systems.
- iii. Agencies should strengthen capacity in data analysis, geospatial intelligence and risk modelling.
- iv. Participation by women, youth and persons with disabilities should be prioritized
- v. Trust-building between communities and government must be deepened through participatory approaches.

Strengthen regional cooperation and support home grown innovation: Nigeria can benefit by:

- i. Increasing engagement with ECOWARN and CEWS through shared learning and data exchange.
- ii. Participating in cross-border early-warning exercises and regional training.
- iii. Investing in local universities, research institutions and technology hubs.
- iv. Encouraging indigenous technological innovation suited to Nigeria's context.⁴²

⁴⁰ NCC

⁴¹ *Joseph v State* (2019) LPELR-46834 (SC)

⁴² This will align with ECOWAS Commission, *ECOWARN Operational Guidelines* (2019).