BOKO HARAM IN THE CONTEXT OF GLOBAL JIHADISM: A CONCEPTUAL ANALYSIS OF VIOLENT EXTREMISM IN NORTHERN NIGERIA AND COUNTER-TERRORISM MEASURES

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ABSTRACT

This Article aims to fill a gap in the literature through a conceptual analysis of Boko Haram's global nature and utilizing that analysis to evaluate current counter-terrorism measures against the group. Central to this analysis will be the question of whether the group can be categorized as a global jihadist group. Global jihadism is understood in this Article as a pan-Islamist movement against Western interests. This Article argues that status as a global jihadist organization and hierarchy within the world's global jihadist movement are best evaluated on a three-criteria approach using the indicators of conforming ideology, militant operations/targets, and external relations or cooperation. It will be further argued that these criteria are important not only to provide a more comprehensive way of thinking of international terrorism but also in creating

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effective countermeasures to the Boko Haram threat. Using this methodology, this Article argues that because of Boko Haram's less violent origins, its tepid connection to larger global jihadist entrepreneurial groups, and its situational leader-centric operational priorities, Boko Haram presents fertile potential to arrive at relatively non-violent solutions to the conflict in Northern Nigeria. Moreover, Nigeria's counter-terrorism approach, which is primarily military-based, and marred by corruption and massive human rights abuses, is unlikely to succeed due to a lack of proper conceptualization of Boko Haram's evolution and its current status.

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I. INTRODUCTION

Originally founded in 2002 by Mohammed Yusuf, Boko Haram set out to impose strict Islamic law in Nigeria.[1] Famously known for its abduction of 276 school girls in 2014 from Chibok,[2] and later 110 schoolgirls from Dapchi in 2018,[3] the group has been designated as a terrorist organization by the U.S. State Department.[4] Consistent with its mandate, the group has operated primarily in Nigeria.[5]

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[1] Yvonne Ndege, *The Rise of Nigeria's Boko Haram*, AL JAZEERA (Sept. 30, 2013), https://www.aljazeera.com/news/africa/2013/09/201397155225146644.html [http://perma.cc/C2CV-Q65D]; *see also* ALEX THURSTON, 'THE DISEASE IS UNBELIEF': BOKO HARAM'S RELIGIOUS AND POLITICAL WORLDVIEW 9-10 (The Brookings Project on U.S. Relations with the Islamic World, Analysis Paper No. 22, 2016), https://www.brookings.edu/wp-content/uploads/2016/07/Brookings-Analysis -Paper_Alex-Thurston_Final_Web.pdf [https://perma.cc/26N6-ZEBP] (tracing the ideological roots and agendas of Boko Haram from 2002 to present).

[2] Nina Strochlic, *Six Years Ago, Boko Haram Kidnapped 276 schoolgirls. Where Are They Now?*, NAT'L GEOGRAPHIC (Mar. 2020), https://www.nationalgeographic.com/magazine/2020/03/six-years-ago-boko-haram-kidnapped-276-schoolgirls-where-are-they-now/ [https://perma.cc/G8ME-B32Y]; Aminu Abubakar, *As Many as 200 Girls Abducted by Boko Haram, Nigerian Officials Say*, CNN (Apr. 16, 2014), https://edition.cnn.com/2014/04/15/world/africa/nigeria-girls-abducted/inde x.html [https://perma.cc/4ST6-N5BF].

[3] Felix Onuah, *Nigeria Says 110 Girls Unaccounted for After Boko Haram Attack*, REUTERS (Feb. 25, 2018, 11:41 AM), https://www.reuters.com/article/us-nigeria-security/nigeria-says-110-girls-unaccounted-for-after-boko-haram-attack-idUSKC N1G90Q3 [https://perma.cc/7F6C-X9R2]; *see also* Usman A. Tar & Samuel B. Ayegba, *The Ecology of Insurgency and Counter-Insurgency: Environmental Security in Northeastern Nigeria*, *in* NEW ARCHITECTURE OF REGIONAL SECURITY IN AFRICA: PERSPECTIVES ON COUNTER-TERRORISM AND COUNTER-INSURGENCY IN THE LAKE CHAD BASIN 241, 251 (Usman A. Tar & Bashir Bala eds., Lexington Books 2020) (discussing Boko Haram's kidnappings in Chibok and Dapchi).

[4] Glenn Kessler, *Boko Haram: Inside the State Department Debate over the 'Terrorist' Label*, WASH. POST (May 19, 2014), https://www.washingtonpost.com/news/fact-checker/wp/2014/05/19/boko-h aram-inside-the-state-department-debate-over-the-terrorist-label/ [https://perma.cc/Z6K6-TZT7].

[5] *See* U.S. DEP'T OF STATE, BUREAU OF COUNTERTERRORISM, COUNTRY REPORTS ON TERRORISM 2013, at 9 (2014), https://2009-

However, despite its nationalist agenda, Boko Haram has maintained ties with internationalist jihadist groups, and in 2015 pledged its allegiance to the Islamic State of Iraq and the Levant.[6] Understanding the implications of Boko Haram's ties to organizations and actors outside of Nigeria offers a better understanding of the group and its role in the international jihadist movement, and as a result, this understanding is crucial to anticipating Boko Haram's actions.

Scholars have attempted to understand the Boko Haram insurgency in Northern Nigeria through its membership, tactics, targets, and agenda. In these studies, it is evident that Boko Haram began as a locally-oriented Islamic group with less violent tendencies, but rose to prominence through its imitation of the Taliban, leading to the nickname, the Nigerian Taliban.[7] They would later launch attacks against police and government installations,[8] and transform into one of the most lethal terrorist groups, with the capability to launch large-scale attacks and kidnappings.[9] Whereas the group existed to promote an Islamist agenda and resentment of Western civilization, as its name suggests,[10] its current form is not clearly defined. This research focuses on the group's transformation over time, with evidence of more sophisticated tactics and transnational spread. In the same

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2017.state.gov/documents/organization/225886.pdf   [http://perma.cc/YJ8Y-FEEZ] (stating that while the "group focuses principally on local Nigerian issues and actors," it has reportedly carried out some terrorist activities in Chad, Niger, and Cameroon).

[6] Adam Chandler, *The Islamic State of Boko Haram? The Terrorist Group Has Pledged Its Allegiance to ISIS. But What Does That Really Mean?*, ATLANTIC (Mar. 9, 2015),   https://theatlantic.com/international/archive/2015/03/boko-haram-pledges-allegiance-islamic-state/387235/ [https://perma.cc/6WF4-NRQZ].

[7] Freedom C. Onuoha, *The Audacity of the Boko Haram: Background Analysis and Emerging Trend*, 25 SEC. J. 134, 134-35, 138 (2012).

[8] *See* ANDREW WALKER, U.S. INST. OF PEACE: SPECIAL REPORT: WHAT IS BOKO HARAM? 3-6 (2012).

[9] *See id.* at 4-6.

[10] *Who, What, Why: Exactly What Does The Phrase Boko Haram Mean?*, BBC NEWS (May 13, 2014), https://www.bbc.com/news/blogs-magazine-monitor-27390954 [https://perma.cc/4DQG-WG2P].

vein, the analysis will be useful in scrutinizing Nigeria's counter-terrorism efforts and critiquing the compatibility of these efforts with the kind of threat posed by Boko Haram.

Despite considerable scholarship on the activities of Boko Haram, there is a paucity of research investigating the group's relationship with global Islamic terrorist groups, notably Al-Qaeda and the Islamic State of Iraq and Syria/Islamic State of Syria and Levant (ISIS/ISIL), and what these ties mean for the group's status in global jihadism. Existing literature has focused on understanding the group's transformation over the years in the manner in which it has carried out attacks and its targets to find a correlation between the group's activities and other global jihadi movements, specifically Al-Qaeda and ISIS.[11] Other accounts have tried to decipher the origins of the group by linking it with domestic political developments in Nigeria, especially in the northern region where the group originated.[12] These studies provide very useful perspectives on its growth and various dynamics of understanding the evolution of this group. Existing research, however, lacks methodological scrutiny in evaluating the global nature of Boko Haram. By relying on mere characteristics without a well-defined conceptual framework, the existing assumptions of Boko Haram's

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[11] *See, e.g.*, Jacob Zenn, *Demystifying Al-Qaida in Nigeria: Cases from Boko Haram's Founding, Launch of Jihad and Suicide Bombings*, 11 PERSPS. ON TERRORISM 173 (2017) (finding early and continued relationship between Al-Qaeda and Boko Haram); DAVID COOK, JAMES A. BAKER III INST. FOR PUB. POL'Y OF RICE UNIV., BOKO HARAM: A PROGNOSIS (Dec. 16, 2011), https://www.bakerinstitute.org/media/files/Research/535dcd14/REL-pub-Coo kBokoHaram-121611.pdf [https://perma.cc/PL28-ED8T] (identifying Boko Haram as one of the jihadi groups based on an analysis of their activities); Suranjan Weeraratne, *Theorizing the Expansion of the Boko Haram Insurgency in Nigeria*, 29 TERRORISM & POL. VIOLENCE 610 (2017) (identifying Boko Haram's ties to Al Qaeda); Caroline Varin & Dauda Abubakar, *From Sectarianism to Terrorism in Northern Nigeria: A Closer Look at Boko Haram*, *in* VIOLENT NON-STATE ACTORS IN AFRICA (Caroline Varin & Dauda Abubakar eds., Palgrave Macmillan 2017) (drawing comparisons between Boko Haram's and ISIS's militant Islamic reform goals).

[12] *See* Adam Higazi, Brandon Kendhammer, Kyari Mohammed, Marc-Antoine Pérouse de Montclos & Alex Thurston, *A Response to Jacob Zenn on Boko Haram and Al-Qa'ida*, 12 PERSPS. ON TERRORISM 203, 205-06 (2018) (noting the importance of local political factors in understanding the insurgence of Boko Haram).

global nature are not properly articulated and therefore lack proper foundation and context. This conceptualization is also important in creating the right counterterrorism strategy.[13] It is also necessary to understand Boko Haram's global status due to an increased focus on tackling global jihadi movements.[14]

This Article aims to fill the gap in the literature through a conceptual analysis of Boko Haram's global nature and to utilize that analysis to evaluate current counter-terrorism measures against the group. This Article argues that status as a global jihadist organization and hierarchy within the world's global jihadist movement is best evaluated on a three-criteria approach including the indicators of conforming ideology, militant operations/targets, and external relations or cooperation. It will be further argued that these typologies are distinctly important not only to provide a more comprehensive way of thinking of international terrorism but also in fashioning proposed solutions to the Boko Haram situation. Using this methodology, this Article argues that because of the group's less violent antecedent historical development, and because of its tepid connection to larger global jihadist entrepreneurial groups, and because of its situational leader-centric operational priorities, Boko Haram presents fertile potential to arrive at relatively non-violent solutions to the conflict in Northern Nigeria. Moreover, Nigeria's counter-terrorism approach, which is primarily military-based and marred by corruption and massive human rights abuses,[15] is unlikely to succeed due to a lack of a proper conceptualization of Boko Haram's evolution and its current status.

This Article will first review the literature in the field concerning conceptualizations of the global jihadist frameworks and the place

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[13] For understanding the significance of contextualising terrorism before analysing counterterrorism mechanisms see Boaz Ganor, *Defining Terrorism: Is One Man's Terrorist Another Man's Freedom Fighter?*, 3 POLICE PRAC. & RSCH. 287 (2002).

[14] *See* Jennifer Varriale Carson & Matthew Suppenbach, *The Global Jihadist Movement: The Most Lethal Ideology?*, 22 HOMICIDE STUD. 8, 8-9 (2018).

[15] *See generally* Victor Chidubem Iwuoha, *United States' Security Governance in Nigeria: Implications on Counterterrorism Strategies Against Boko Haram*, 54 J. ASIAN & AFR. STUD. 1175 (2019) (discussing the state of corruption and human rights abuses by the security and defense sectors in Nigeria).

of the Boko Haram group in that framework. It will then analyze those conceptualizations to develop fresh insights on the status and potential of this group in the greater global context. Building upon these insights, it will thereafter discuss protocols for countering Boko Haram and the feasibility of adopting a causal model.

II.   GLOBAL JIHADISM: A CONCEPTUAL FRAMEWORK

Modern global jihadism was arguably formed by three geo-political conflicts: the Israel-Palestine conflict, generally,[16] the 1979 Soviet war in Afghanistan,[17] and the 1990 stationing of American troops in Saudi Arabia in the buildup to the Gulf War in Iraq.[18] These incidents created a pan-Islamic movement that sought to battle with the 'far enemy' in addition to the 'near enemy,' as jihad was traditionally understood.[19] This mobilization grew to other territories that had Muslim populations, advocating for a rise against the U.S., the West, and Israel, all of which were considered an existential threat to the Islamic world.[20] This was a change in strategy for Islamist groups that were previously focused on local grievances[21] like the self-determination struggles in Palestine and

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[16]   *See* Meir Litvak, *The Islamization of the Palestinian-Israel Conflict: The Case of Hamas*, 34 MIDDLE EASTERN STUDIES 148, 149-150 (1998).

[17]   DANIEL BYMAN, AL QAEDA, THE ISLAMIC STATE, AND THE GLOBAL JIHADIST MOVEMENT: WHAT EVERYONE NEEDS TO KNOW 3 (2015).

[18]   ROBIN WRIGHT ET AL, THE JIHADI THREAT: ISIS, AL QAEDA, AND BEYOND 8 (2016/2017), https://www.usip.org/publications/2016/12/jihadi-threat-isis-al-qaeda-and-beyond [https://perma.cc/6JTT-BR9F].

[19]   Mark D. Kielsgard & Tam Hey Juan Julian, *The Second Front – Again? The Rising Tide of Global Jihadism in East and Southeast Asia*, 13 INTERCULTURAL HUM. RTS. L. REV. 131, 137-38, 148 (2018).

[20]   *See* THURSTON, *supra* note 1, at 9.

[21]   Some commentators have rejected the categorization of all Islamic extremist groups as part of global jihad, arguing that this decontextualization of conflicts only serves the political interests of the groups as well as of those battling them. *See, e.g.,* Caitriona Dowd & Clionadh Raleigh, *The Myth of Global Islamic Terrorism and Local Conflict in Mali and the Sahel*, 112 AFR. AFFS. 498, 508-09 (2013).

Chechnya.[22] The call to global jihadism was aligned with local grievances through attribution of said grievances to the hegemonic power of the United States, which had led to wars and allegedly illegal occupations in majority-Muslim countries.[23] Global jihadism therefore became chiefly associated with Al-Qaeda and its founder, Osama bin Laden, whose base was Afghanistan but which gradually spread to many parts of the world.[24] Whereas Afghanistan remained the organizational base of the group, many other extremist groups who subscribed to the ideology were spread around the world with direct and indirect links to Al-Qaeda.[25] A number of foreign fighters frequently traveled to Afghanistan for training where Al-Qaeda had set up camps.[26]

The war in Afghanistan following 9/11 led to a significant dismantling of the organizational structure of Al-Qaeda and the weakening of global jihadism,[27] but this empowered new frontiers of global jihadism.[28] In fact, though this movement suffered setbacks at the leadership level, its operational strategy shifted focus to the greater autonomy of terrorist cells[29] and, significantly, to similar ideologically-inspired groups in different parts of the world

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[22]   Thomas Hegghammer, *Global Jihadism After the Iraq War*, 60 MIDDLE E.J. 11, 13 (2006).

[23]   *Id.*

[24]   *See* James W. Messerschmidt, *Osama Bin Laden and His Jihadist Global Hegemonic Masculinity*, 32 GENDER & SOC'Y 663, 663-66 (2018) (discussing the increasing global interest in Osama bin Laden's jihadist messages).

[25]   *See id.*

[26]   DCI COUNTERTERRORIST CTR., CENT. INTEL. AGENCY, CTC-01-40004, AFGHANISTAN: AN INCUBATOR FOR INTERNATIONAL TERRORISM 3-4 (2001), https://www.documentcloud.org/documents/369161-2001-03-27-afghani stan-an-incubator-for.html [https://perma.cc/KB8Y-GZX2]; *see also*, Daveed Gartenstein-Ross & Nathaniel Barr, *How Al-Qaeda Works: The Jihadist Group's Evolving Organizational Design*, HUDSON INST. (June 1, 2018), https://www.hudson.org/research/14365-how-al-qaeda-works-the-jihadist-grou p-s-evolving-organizational-design [https://perma.cc/8XR4-PQRR].

[27]   Bill Braniff & Assaf Moghadam, *Towards Global Jihadism: Al-Qaeda's Strategic, Ideological and Structural Adaptations Since 9/11*, 5 PERSPS. ON TERRORISM 36, 36 (2011).

[28]   *See id.* at 36-37.

[29]   BYMAN, *supra* note 17, at 145.

that were previously unaffiliated or loosely affiliated with Al-Qaeda.[30] As noted in 2010 by the U.S. Senate Committee on Foreign Relations, Al-Qaeda "has transformed into a diffuse global network and philosophical movement composed of dispersed nodes with varying degrees of independence."[31]

Some of these groups have networked in their different regions under the umbrella of Al-Qaeda or created affiliations with Al-Qaeda. Such groups are reportedly active in North Africa, Yemen, East Africa, and Southeast Asia.[32] Several other non-affiliated groups have emerged over time that have followed the global jihadist ideology and operations.[33] Although these groups are driven by diverse local agendas, they find commonality in religious ideology and opposition to the United States and the West. This kind of association has been called the "Al Qaeda effect."[34] This effect becomes apparent when locally oriented Islamist groups reinterpret their grievances through a global perspective, putting the West at the center of their targets.[35] Kielsgard and Tam have described such groups as "second fronts" within the context of global jihadism.[36] They describe second fronts as "internal insurrection by non-state parties within [their respective] territories

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[30]   Gartenstein-Ross & Barr, *supra* note 26.

[31]   Majority Staff of S. Comm. on Foreign Rels., 111th Cong., Al Qaeda in Yemen and Somalia: A Ticking Time Bomb 5 (Comm. Print 2010), https://www.foreign.senate.gov/imo/media/doc/Yemen.pdf [https://perma.cc/T5WX-GCMG].

[32]   *See, e.g.*, *IS 'Caliphate' Defeated but Jihadist Group Remains a Threat*, BBC News (Mar. 23, 2019), https://www.bbc.com/news/world-middle-east-45547595 [https://perma.cc/WC6Y-PPDH].

[33]   Angel Rabasa et al., Beyond al-Qaeda: Part 2, the Outer Rings of the Terrorist Universe 1-2 (2006).

[34]   *See* Zhang Lijun, *Anti-Terrorism Alliance*, Beijing Rev. (2004), *reprinted in* Critical Perspectives on Al Qaeda 153, 155 (April Isaacs ed., 2006).

[35]   Braniff & Moghadam, *supra* note 27, at 43; *see also* Hakeem Onapajo, Ufo Okeke Uzodike & Ayo Whetho, *Boko Haram Terrorism in Nigeria: The International Dimension*, 19 S. Afr. J. Int'l Affs. 337, 338 (2012) (describing the Western role in local grievances as "cultural imperialism and [the waging of] unjust wars in Muslim countries").

[36]   Kielsgard & Julian, *supra* note 19, at 145.

in common cause to weaken the common enemy."[37]   The common enemy in this case is the United States and other Western countries who are allied with Israel.[38]

One question arises as to how otherwise disparate groups with imperfectly aligned agendas and territorial interests, *inter alia*, fit within the global jihadist movements. This research takes the cue from studies on Al-Qaeda, an organization which has sought to promote a global jihadist agenda and has inspired similar like-minded groups in addition to its own affiliates globally.[39]   In that regard, this Article has identified a three-criteria analysis to evaluate whether a particular group can be regarded as part of the global jihadi movement, and if so, to assess the vitality of the links between the organization and the larger movement.   These three key indicators of a global jihadist organization are subscription to ideology (including doctrine and goals), militant operations and targets, and external relations.

Concerning the first criterion, the ideological basis of global jihadist movements is founded on the Salafi sect whose followers subscribe to "a strict literalist interpretation of the texts of the Quran and the sayings of the Prophet Muhammad. They privilege armed struggle (*jihad*) as a means for implementing their austere, intolerant, and muscular vision of Islam."[40] Salafi jihadists believe in taking up arms against the enemy, who in this context is the U.S.-West axis that, according to them, has caused immense suffering of Muslims in the countries where it has waged war or occupied

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[37]   *Id.*

[38]   *Id.* at 139, 146 (describing a strategy of global jihadism that involves internal uprisings by non-state parties within other territories to "weaken the common enemy").

[39]   Braniff & Moghadam, *supra* note 27, at 36-37.

[40]   Bernard Haykel, Professor of Near Eastern Stud., Princeton Univ., Inside the Mind of ISIS: Understanding Its Goals and Ideology to Better Protect the Homeland, Statement Before the S. Comm. on Homeland Sec. & Governmental Affs.,   114th   Cong.   (Jan.   20,   2016), https://www.hsgac.senate.gov/imo/media/doc/Testimony-Haykel-2016-01-20. pdf [https://perma.cc/7JNU-B68L].

territories.[41] However, pursuit of a similar ideology alone does not necessarily mean that jihadist groups will find a common cause. In fact, differences amongst such groups are common. For instance, well known global jihadi movements like ISIS on the one hand, and Al-Qaeda and its affiliates on the other, have often openly disagreed on goals, tactics and even targets[42]—but both are rooted in the Salafist ideology.[43] Therefore, in this analysis, the focus will be the degree to which Boko Haram has strictly manifested this ideology.

In regard to operations and targets, the second criterion, global jihadi groups are often defined by their targeting of Western and perceived Western interests in their operations. Furthermore, in these operations, the groups exhibit a level of sophistication in launching attacks, indicative of well-funded and high-level coordinated training—a quality that would also relate to the third criterion. This is evidence of the groups' potential to reach beyond local targets to transnational and global targets.

The third criterion focuses on understanding the group's linkages with transnational and global groups outside its usual base of operation. This aspect is closely tied not only to ideological congruence between extremist groups, but also to aims, tactics, and targets. As groups align themselves with an Islamist ideology that

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[41]   ROBERT G. RABIL, SALAFISM IN LEBANON: FROM APOLITICISM TO TRANSNATIONAL JIHADISM 12 (2014).

[42]   *See* Bernard Haykel, *ISIS and Al-Qaeda—What Are They Thinking? Understanding the Adversary*, 668 ANNALS AM. ACAD. POL. & SOC. SCI. 71, 75-79 (2016) (describing the conflicts between Al-Qaeda and ISIS, which rose from their disagreement on "ideological, tactical, and strategic matters").

[43]   *See* Daniel L. Byman, *Divisions Within the Global Jihad: A Primer*, BROOKINGS (Oct. 2, 2017), https://www.brookings.edu/blog/markaz/2017/10/02/divisions-within-the-global-jihad-a-primer/ [https://perma.cc/5GHC-D3JF] (discussing the difference between ISIS and Al-Qaeda in their approach to carrying out the Salafi ideology); *see also* MICHAEL R. KELVINGTON, INT'L INST. FOR COUNTER-TERRORISM, GLOBAL SALAFI-JIHADISM IDEOLOGY: THE "SOFT POWER" OF THE ENEMY 1 (Int'l Inst. for Counter-Terrorism 2019), https://www.ict.org.il/images/Global%20Salafi-Jihadism-Enemy%20Soft%20Power.pdf [https://perma.cc/22PC-73WQ] ("While both seek the establishment of a global Islamic caliphate, their vision for the caliphate and the means through which it is realized vary.").

calls for the violent confrontation against a common enemy, these groups engage at a certain level as associates or affiliates in the global jihad. It is from these links that groups share in trainings, tactics, and intelligence, and financially support each other. Moreover, the strength of the linkages of the localized affiliate with the broader global jihadi movement, provides insight into the possibility of peaceful resolution to grievances of the local affiliate. This would enable the policymakers to understand the extent of the threat faced and how to resolve it as further discussed below.

III. BOKO HARAM IN THE CONTEXT OF GLOBAL JIHADISM

a. Ideology and Goals

In assessing the ideology of an organization, analysis must go beyond the organization's publicly advanced goals—which can be disingenuous and tend to be temporary, shifting with leadership changes. Instead, the group's origins and development should be carefully reviewed to determine the group's foundational ideology, as well as to track the intellectual transformations it has experienced.

Boko Haram emerged in 2002 as Jama'atu Ahlus-Sunna Lidda'Awati Wal Jihad, translated from Arabic as "People Committed to the Prophet's Teachings for Propagation and Jihad."[44] The stated goal of the group was "supporting Islamic education and establishing an Islamic state in Nigeria."[45] The fundamental aim is the propagation of traditional Islam with a focus on Nigeria, especially the predominantly Muslim northern region of the country. The group's origins are deeply rooted in the politics of

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[44] Press Release, Security Council, Security Council Al-Qaida Sanctions Committee Adds Boko Haram to Its Sanctions List, U.N. Press Release SC/11410 (May 22, 2014), https://www.un.org/press/en/2014/sc11410.doc.htm [https://perma.cc/Q7RK-4PAZ].

[45] *Id.*

northern Nigeria,[46] but Boko Haram metamorphosed into an entity with other opportunistic pursuits in the name of Islam. Boko Haram has flirted with jihadism throughout the course of its history, especially since 2010.[47]

An obvious advantage of adhering to the ideology of global jihadism, despite having a specific set of purely domestic goals, is that it allows Boko Haram to brand itself with wider values and aims to develop broader consensus in northern Nigeria, international support, and ideological prestige within the Muslim community. Whilst extremist groups like Boko Haram are perhaps better understood from the context in which they emerged and continue to operate,[48] it is also the case that these groups propagate an Islamist ideology as a way of legitimizing themselves in the spaces in which they operate. It is further the case that global organizations like Al-Qaeda have managed to inspire locally based extremist groups to reframe their grievances through a global jihadist ideology.[49] As argued by Kelvington: "The Salafi-Jihadist ideology is the intangible 'soft power' of the adversary, which violently contests globalization and the international system, and fuels the continued expansion of the global jihadist movement through selective citation of Islamic texts, sensationally coercive methods of jihadist groups, and dissemination of ideas on the Internet."[50]

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[46] *See, e.g.*, Higazi, Kendhammer, Mohammed, Pérouse de Montclos & Thurston, *supra* note 12, at 205 (noting that the group's initial rise is attributable to corruption in Nigeria).

[47] *See* THURSTON, *supra* note 1, at 17-18 (describing a series of Boko Haram's jihadist attacks following its re-emergence in 2010).

[48] *See* Dowd & Raleigh, *supra* note 21, at 503-05 (arguing that domestic contexts and issues are crucial to understanding the motivations and dynamics of Islamist groups).

[49] Braniff & Moghadam, *supra* note 27, at 41; *see also* WALKER, *supra* note 8, at 3 (noting that locals were referring to Boko Haram as "Nigerian Taliban" when it emerged).

[50] KELVINGTON, *supra* note 43, at 2.

Boko Haram benefits politically by associating itself with other global jihadi movements.[51] By pursuing a global jihadist agenda simultaneously with a local agenda, Boko Haram has managed to appeal to religious identity politics in the predominantly Muslim north of Nigeria as it pursues other local interests. The local political agenda has centered on the politics of dissociation from the Federal Government and the South, which is predominantly Christian.[52] By infusing a Salafist jihadi ideology into its operations, Boko Haram reinterprets the local political interests through the prism of this ideology, which rejects Western influences it associates with the South and the Federal Government.[53] The group frames its armed conflict against the Federal Government as justified in order to "oust non-Islamic influence from traditionally Muslim lands en route to establishing true Islamic governance in accordance with Sharia, or God's law."[54]

On the other hand, global jihadist movements enjoy a mutually beneficial relationship with local groups like Boko Haram by propagandizing that national extremist groups are affiliates. This serves to show the long arm of the global jihadist movement and project its significant global power and influence by taking credit for all activities perpetrated domestically by affiliates, in furtherance of

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[51]   *See* Shola Abidemi Olabode, Digital Activism and Cyberconflicts in Nigeria: Occupy Nigeria, Boko Haram and MEND 179 (Athina Karatzogianni ed., 2018).

[52]   Daniel Egiegba Agbiboa, *No Retreat, No Surrender: Understanding the Religious Terrorism of Boko Haram in Nigeria*, 34 Afr. Study Monographs 65, 67-68 (2013) (describing how Nigerians often identify more strongly with regional religious groups than with political parties).

[53]   *See* Onapajo, Uzodike & Whetho, *supra* note 35, at 344-45 (discussing Boko Haram's hatred for southern Nigeria because of their higher levels of Westernization).

[54]   Jarret M. Brachman, Global Jihadism: Theory and Practice 4 (2009). A similar strategy is employed by the Somali based group, Al-Shabaab, who formed associations with the marginalized north-eastern sector of Kenya, which has shared ethnic and religious ties with Somalia and the coastal region. *See Why Is Al Shabab Making Inroads into Kenya?*, TRT World (Mar. 15, 2019), https://www.trtworld.com/magazine/why-is-al-shabab-making-inroads-into-ke nya-24981 [https://perma.cc/DD29-63R8] (noting Al-Shabaab's use of Islamic dogma in recruiting and radicalizing young Kenyans).

a global jihadist agenda, whether the global jihad played any role or not. It is therefore more appropriate to analyze the association of these groups at different levels: the pursuit of a domestic agenda which could be political or economic and the furtherance of a global Islamist agenda through domestic acts.

Another benefit to aligning domestic terror groups with international jihadism, beyond simply marketing their groups' branding, is the logistical and financial benefits from associating with well-established global jihad movements.[55] The benefits to the international jihadist movement beyond the pervasive dissemination of its ideology include dividing the perceived Western enemies and obtaining intelligence on the ground. In effect, the group's two contexts of existence, local and global, complement one another rather than conflict.

However, some scholars have argued for differentiation between global and national goals when analyzing extremist groups.[56] What is lost in this approach is that extremist groups have proven to be effective in pursuing both sets of goals in tandem. This is made possible by the sharing of a base ideology among Islamic extremist groups which enables these groups to vacillate swiftly between a domestic agenda and a global one in their operations.

In the case of Boko Haram, the group has been chiefly associated with politics in northern Nigeria, an area which is predominantly Muslim. This group's tactics and targets (discussed below) have, however, promoted a broader Islamist agenda which resonates well with other extremist groups.[57]

The diffuse character or lack of clarity in Boko Haram's ideological leanings and goals, however, can be attributed to the shifting priorities of its leadership, which have also resulted in several splinter groups dissociating themselves from the main

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[55] Zachary Abuza, *Tentacles of Terror: Al Qaeda's Southeast Asian Network*, 24 CONTEMP. SE. ASIA 427, 428 (2002).

[56] *See, e.g.*, Dowd & Raleigh, *supra* note 21, at 503.

[57] By mainly targeting Christians and adopting tactics that are well known to be employed by global jihadists like suicide bombings, the group has promoted the global jihadi agenda and shown potential to further it.

group.[58] Immediate goals of the group have been set at the whim of successive leadership which is often defined by the prior affiliations with other extremist groups or immediate tactical and financial links. For instance, during its first phase (2002-09), the group's focus was driven by the philosophical ideals of Mohammed Yusuf who emphasized the rejection of Western education,[59] and sought to copy the Taliban's imposition of a strict Islamic lifestyle. [60]   At its inception, the group was colloquially known as the "Nigerian Taliban."[61] Boko Haram's earlier activities were also associated with the charismatic demeanor of Mohammed Yusuf who was an admirer of Bin Laden, and was keen to establish an Islamic state in northern Nigeria, akin to what the Taliban had done in Afghanistan.[62]

Following Yusuf's death in 2009, Boko Haram's perceived radical turn during the second phase (from 2010 onwards) was largely a result of the leadership shift under Shekau. Shekau's leadership has been defined by indiscriminately brutal tactics that are commonly perceived as contrary to even extreme Islamist ideology like kidnapping and keeping Muslim schoolgirls as

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[58] *Boko Haram in Nigeria: Split Emerges over Leadership*, BBC (July 16, 2018) [hereinafter *Split Emerges over Leadership*], https://www.bbc.com/news/world-africa-36973354 [https://perma.cc/AW8C-NKXM].

[59]   In an interview with the BBC, Muhammad Yusuf is quoted as saying, "There are prominent Islamic preachers who have seen and understood that the present Western-style education is mixed with issues that run contrary to our beliefs in Islam." Joe Boyle, *Nigeria's 'Taliban' Enigma*, BBC (last updated July 31, 2009, 8:13 AM), http://news.bbc.co.uk/2/hi/africa/8172270.stm [https://perma.cc/S3YC-JZ3Y].

[60]   *See* COOK, *supra* note 11, at 9.

[61]   *See* Boyle, *supra* note 59. *But see id.* at n.29 (noting that the Boko Harm Manifesto found online does not align with Yusuf's approach and is most likely not a work of Yusuf).

[62]   Ryan Cummings, *A Jihadi Takeover Bid in Nigeria? The Evolving Relationship Between Boko Haram and Al-Qa`ida*, COMBATING TERRORISM CTR. SENTINEL, Dec. 2017, at 24, 24, https://ctc.usma.edu/wp-content/uploads/2017/12/CTC-Sentinel_Vol10Iss11-18.pdf [https://perma.cc/RC4B-D9NJ].

slaves.[63] Differences over tactics and targets have led to splits within the group.[64]

Despite the marked difference in approaches during the two phases, the consistent unifying factor that continues to define the group is its Salafist jihadi base ideology. The group has advocated for an Islamic state in Nigeria and rejected Western ideals of government since its inception. Yet, the Salafist ideology does not in itself require a jihadist response to domestic problems or the targeting of Western or international targets. It does not preclude the use of non-violent solutions except perhaps in its most radical iterations. The Boko Haram under Yusuf called for adherence to strict Islamic teachings in northern Nigeria but did not seek to export it or engage in violent tactics. Thus, the form of Salafism to which the group adheres was, and may eventually be again, temperate enough to take on a local non-violent form—perhaps through semi-autonomous political and economic power sharing with the federal government.

b. Operations and Targets

For a long time, Boko Haram's operations and targets were localized. Its attacks were on local political targets like prisons,[65] but these subsequently escalated to churches, schools and other government installations.[66] For that reason, most commentators had dismissed the group's activities as a local insurgency without

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[63]   *See* Jacob Zenn, *Boko Haram's Ultra-Extremist Side Resurfaces: From the Execution of Mamman Nur to Humanitarian Workers*, 16 TERRORISM MONITOR, Oct. 19, 2018, at 8, 8 (2018), https://jamestown.org/program/boko-harams-ultra-extremist-side-resurfaces-from-the-execution-of-mamman-nur-to-humanitarian-workers/ [https://perma.cc/D75C-3QAK].

[64]   JONATHAN R. WHITE, TERRORISM AND HOMELAND SECURITY 166 (9th ed. 2017).

[65]   *See* ALEXANDER THURSTON, BOKO HARAM: THE HISTORY OF AN AFRICAN JIHADIST MOVEMENT 208 (2018).

[66]   *See* WHITE, *supra* note 64.

significant links to international jihadism.[67] Initially, the group was not perceived as posing a threat to the United States and other Western intelligence communities or the interests of their allies.[68]

The threat changed in 2011 when Boko Haram launched attacks on the Federal Police headquarters and the United Nations building in Abuja. [69]   These attacks were different in character and significance from previous attacks. It was the first time the group had employed suicide bombings, a relatively common tactic with global jihadi movements, indicating some form of association or tactical training with these well-established movements such as Al-Qaeda.[70] The trend of suicide bombings took a new direction in 2014 when the group started deploying female suicide bombers. [71]

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[67]   *See, e.g.*, Higazi, Kendhammer, Mohammed, Pérouse de Montclos & Thurston, *supra* note 12.

[68]   *See* S. COMM. ON COUNTERTERRORISM & INTEL. COMM. ON HOMELAND SEC., 112TH CONG., BOKO HARAM: EMERGING THREAT TO THE U.S. HOMELAND 1 (Comm. Print   2011),   https://www.govinfo.gov/content/pkg/CPRT-112HPRT71725/pdf/CPRT-112HPRT71725.pdf   [https://perma.cc/9NG5-V8X7; *see also* WALKER, *supra* note 8, at 3 ("In a 2004 U.S. State Department cable, revealed by Wikileaks, the U.S. embassy in Abuja concluded the group did not present an international threat and likely had no links to international jihadist organizations.").

[69]   *Deadly Blast Hits UN Office in Nigeria*, AL JAZEERA (Aug. 26, 2011), https://www.aljazeera.com/news/2011/08/26/deadly-blast-hits-un-office-in-ni geria/ [https://perma.cc/T2V9-Q66Y]. For more information on the attacks *see* HARVEY MATHIEU GUIDÈRE, HISTORICAL DICTIONARY OF ISLAMIC FUNDAMENTALISM 79 (2nd ed. 2017) and HARVEY J. SINDIMA, MAJOR ISSUES IN ISLAM: THE CHALLENGES WITHIN AND WITHOUT 119 (2018).

[70]   *See* Jacob Zenn, *Boko Haram's al-Qaeda Affiliation: A Response to 'Five Myths about   Boko   Haram,'*   LAWFARE   (Feb.   1,   2018,   7:00   AM), https://www.lawfareblog.com/boko-harams-al-qaeda-affiliation-response-five-myths-about-boko-haram [https://perma.cc/7HQJ-AQN3] (explaining that the Boko Haram attacks on the Federal Police headquarters and the United Nations building were the first suicide bombings in Nigeria, and describing other similar suicide bombings committed by Al-Shabaab).

[71]   FREEDOM C. ONUOHA & TEMILOLA A. GEORGE, AL JAZEERA CTR. FOR STUD., BOKO HARAM'S USE OF FEMALE SUICIDE BOMBING IN NIGERIA 2 (Mar. 17, 2015), https://studies.aljazeera.net/sites/default/files/articles/reports/documents/20 153189319985734Boko-Harams-Female.pdf [https://perma.cc/74E6-UMXK]; *see*

However, it should be noted that the use of suicide bombing was certainly not a novel idea by 2011 and therefore not dispositive of any truly significant connection between Boko Haram and other international jihadist groups. Second, the target of the attacks, which had been locally oriented, took a global turn when the group launched its attack on the United Nations.[72] However, some scholars argue that since the group has not launched any further attacks on international targets, the attack on the United Nations should be considered a one-off event perhaps intended to "embarrass the Nigerian government," or as a means to reciprocate the support the group had received from other global jihadi movements.[73]

Nevertheless, the attack on the United Nations in Abuja was a significant event for a group that had previously been thought of as a local militant group interested only in Nigeran politics. Contextually, these attacks came as the backdrop of what has come to be considered the beginning of the group's second phase which was ushered in after the group retreated following the extra-judicial killing of its leader, Muhammad Yusuf in 2009.[74] Upon reemerging in 2010, the group's then temporary leader, Sani Umar, had made it clear that its targets were not restricted to within Nigeria.[75]

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also Macpherson U. Nnam, Mercy Chioma Arua & Mary Sorochi Otu, *The Use of Women and Children in Suicide Bombing by the Boko Haram Terrorist Group in Nigeria*, 42 AGGRESSION & VIOLENT BEHAV. 35, 35-36 (2018) (detailing the increased use by Boko Haram of women and children in terrorist attacks).

[72] *See* SINDIMA, *supra* note 69.

[73] WALKER, *supra* note 8, at 9.

[74] *See* Omar Mahmoud, *Local, Global, or in Between? Boko Haram's Messaging, Strategy, Membership, and Support Networks*, *in* BOKO HARAM BEYOND THE HEADLINES 87, 88 (Jacob Zenn ed., 2018).

[75] Ioannis Mantzikos, *Boko Haram Attacks in Nigeria and Neighbouring Countries: A Chronology of Attacks*, 8 PERSP. ON TERRORISM 63, no. 6 (2014), www.terrorismanalysts.com/pt/index.php/pot/article/view/391/html [https://perma.cc/VSN2-Q4R8]; *see also Explaining Boko Haram, Nigeria's Islamist Insurgency*, N.Y. TIMES (Nov. 10, 2014), https://www.nytimes.com/2014/11/11/world/africa/boko-haram-in-nigeria.ht

Further, dismissing the attack on the United Nations as a one-off event fails to appreciate its symbolic significance. As noted in a study that analyzed various terrorist groups, "The percentages of attacks against foreigners . . . do not describe the entire situation."[76] Indeed, such attacks, even in small numbers, indicate a potential for similar attacks when an opportunity presents itself.[77] It is alleged that Boko Haram wanted to "send a message to the U.S. President" through the suicide bombing.[78] Moreover, the significance of the United Nations attack should be seen according to the relatively high number of casualties (23 deaths).[79] On the other hand, in the years since the attack, the Boko Haram group has failed to pursue a strategy of targeting international or Western targets,[80] giving further credence to the one-off theory.

However, the two attacks led to increased international focus on Boko Haram's activities through the significant media attention it received,[81] and subsequent interest within the intelligence community in the United States.[82] The attacks were also important

ml [https://perma.cc/XGL4-M66N]; Michael Nwankpa, *Making Nigeria Ungovernable (2009-2012)*, *in* THE BOKO HARAM READER (Abdulbasit Kassim & Michael Nwankpa eds., 2018) (describing Boko Haram's alleged role in the 2013 kidnapping of a French family).

[76]   BONNIE CORDES, BRIAN M. JENKINS & KONRAD KELLEN, A CONCEPTUAL FRAMEWORK FOR ANALYZING TERRORIST GROUPS 49 (1985).

[77]   *Cf. id.* at 48-49 (discussing how, among terrorist organizations that target foreigners, many focus less than fifteen percent of their activity on these attacks).

[78]   *Nigeria UN Bomb: Video of 'Boko Haram Bomber' Released*, BBC (Sept. 18, 2011), https://www.bbc.com/news/world-africa-14964554 [https://perma.cc/X4BT-EQGY].

[79]   *Id.*

[80]   Heidi Schultz, *Nigeria's Boko Haram: Who Are They and What Do They Want?*, NAT'L GEOGRAPHIC (May 8, 2014), https://www.nationalgeographic.com/news/2014/5/140507-boko-haram-nigeria-borno-state-maiduguri-mohammed-yusuf-abubukar-shekau-goodluck-jonathan-world/ [https://perma.cc/F3Q5-AKES].

[81]   Ngozi Akinro, Covering the Boko Haram Crisis Beyond the Nation: Analysis of Shifting Time and Space Frames in News Reporting, 82 INT'L COMM. GAZETTE 189, 195 (2020).

[82]   Lauren Ploch Blanchard, Cong. Rsch. Serv., R43881, Nigeria's 2015 Election and the Boko Haram Crisis 7 (2015), https://www.hsdl.org/?view&did=762116 [https://perma.cc/YLB9-RM2Z].

in not only understanding the evolution of the group through its tactical and technical capacity, but also the dangers it posed to foreign—especially Western and perceived Western targets. It was indicative of a group that was taking a different trajectory and joining the ranks of other global jihadi movements. As noted by a commentator, "the United Nations attack is much more in line with other [global terrorist] organizations, and is strongly reminiscent of the suicide attack in Baghdad against the United Nations in August 2003, which was one of the opening blows of the Iraqi insurgency."[83] The same sentiments were also expressed by General Carter Ham, former commander of the United States Africa Command (AFRICOM), who noted that the attack indicated the possibility of ties with other jihadist movements like Al-Qaeda in the Islamic Maghreb (AQIM) and Al-Shabaab.[84]

Subsequent Boko Haram targets have been almost entirely local with the group having instead stepped up attacks on churches and schools.[85] However, the group has continued the use of suicide bombers, further re-enforcing the perception that it has enhanced its tactical and technical capabilities—an indication of foreign technical and training assistance.[86] As discussed below, the group's use of

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[83] David Cook, *The Rise of Boko Haram in Nigeria*, 4 COMBATING TERRORISM CTR. SENTINEL, Sept. 2011, at 3, 5, https://ctc.usma.edu/wp-content/uploads/2011/09/CTCSentinel-Vol4Iss2.pdf [https://perma.cc/9JZR-G4PS].

[84] *Abuja Attack: Car Bomb Hits Nigeria UN Building*, BBC NEWS (Aug. 26, 2011), https://www.bbc.com/news/world-africa-14677957 [https://perma.cc/Y7J5-LEPJ].

[85] *See* Michael Ibanga & James Archibong, *The Boko Haram Insurgency: Characterisation and Implications Under Municipal and International Laws*, *in* BOKO HARAM & INTERNATIONAL LAW 137, 141 (John-Mark Iyi & Hennie Strydom eds., 2018).

[86] *See, e.g.*, Ely Karmon, *Boko Haram's International Reach*, 8 PERSP. ON TERRORISM 74, 75-76 (2014) (noting that Boko Haram's suicide attacks were AQIM's signature tactic, and the attack on the United Nations headquarters was comparable to AQIM's attack on the United Nations offices in Algiers on December 11, 2007); *see also* Jacob Zenn, *Boko Haram's Fluctuating Affiliations: Future Prospects for Realignment with al-Qa`ida*, *in* BOKO HARAM BEYOND THE HEADLINES 115, 124 (Jacob Zenn ed., 2018) (attributing the suicide bombing technical skills to possible training abroad with AQIM and Al-Shabaab).

suicide bombing to launch attacks—a technique that is linked to Al-Qaeda and Al-Shabaab—suggests that Boko Haram may have received external technical and training assistance.[87] Further, in 2014, Boko Haram claimed responsibility for the kidnapping of an estimated 200 Chibok schoolgirls, triggering global alarm. [88] Kidnapping is a technique associated with its splinter group, Ansaru, *Jama'atu Ansarul Muslimina Fi Biladis Sudan* (The Supporters for the Aid of Muslims in Black Africa), which has carried out a number of kidnappings in Nigeria. [89] However, neither suicide bombing nor mass kidnapping techniques provide definitive evidence of Boko Haram's ties to international jihadism as they are easily as likely to be copy-cat attacks. It certainly provides little insight into the vitality of external linkages, ambitions, or goals—particularly in light of how few international targets Boko Haram has attacked in recent years.

Ansaru has been more forthright about the global dimension in its targeting with the group being associated with kidnappings of foreign nationals, as well as directing attacks against Nigerian security personnel. [90] Ansaru has claimed responsibility for the kidnapping and execution of seven foreign workers of a Lebanese

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[87]   *See, e.g.*, Katherine Zimmerman, *From Somalia to Nigeria: Jihad*, WKLY. STANDARD (June 18, 2011, 9:29 AM), *reprinted in* WASH. EXAM'R, https://www.washingtonexaminer.com/weekly-standard/from-somalia-to-niger ia-jihad [https://perma.cc/V64E-J67T]. Zimmerman quotes a written statement from Boko Haram that said, "Very soon, we will wage jihad . . . . We want to make it known that our jihadists have arrived in Nigeria from Somalia where they received real training on warfare from our brethren who made that country ungovernable . . . . This time round, our attacks will be fiercer and wider than they have been." *Id.*

[88]   *See* Abubakar, *supra* note 2.

[89]   Alexander Smith, *Ansaru: Boko Haram Splinter Group Sows Terror in Nigeria*, NBC   NEWS   (Apr.   10,   2016,   12:31   PM), https://www.nbcnews.com/storyline/missing-nigeria-schoolgirls/ansaru-boko-haram-splinter-group-sows-terror-nigeria-n551661   [https://perma.cc/TKF7-WN68].

[90]   *See* Press Release, Security Council, Security Council Al-Qaida Sanctions Committee Adds Abubakar Mohammed Shekau, Ansaru to Its Sanctions List, U.N. Press Release SC/11455 (June 26, 2014) [hereinafter U.N. Press Release].

construction company [91] and launched an attack on a Nigerian military convoy that was set to join an Economic Community of West African States (ECOWAS) military campaign against Islamic militants in Mali. [92] The attack on the Nigerian military convoy resulted in the death of two peacekeepers and was orchestrated to express displeasure with Nigeria's collaboration with France in Mali. [93] Further, Ansaru's employment of kidnapping as a technique has been linked to training with AQIM. [94]

Significantly, Ansaru's split from Boko Haram was precipitated by disputes over targets. The splinter group's self-declared leader at its formation, Abu Usamata Al'Ansari, criticized Boko Haram's targeting of fellow Muslims in northern Nigeria rather than Christians and Western interests. [95] Ansaru, therefore, set out to establish itself as a terrorist organization along the lines of Al-Qaeda with an objective of attacking international and foreign targets, something that sets it apart from Boko Haram. [96]

Boko Haram sets a distinct footprint from its splinter groups and remains largely a group with a national agenda. The one-off attack

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[91] *Nigeria Islamists Ansaru claim Bauchi Setraco Seizures*, BBC NEWS (Feb. 18, 2013), https://www.bbc.com/news/world-africa-21497044 [https://perma.cc/6ENV-BEUQ]; *Nigeria Islamists 'Kill Foreign Hostages,'* GUARDIAN (Mar. 9, 2013), https://www.theguardian.com/world/2013/mar/09/nigerian-islamists-kill-foreign-hostages [https://perma.cc/WYL8-2QAX].

[92] Isaac Abrak & Tim Cocks, *Islamists Ansaru Claim Attack on Mali-Bound Nigeria Troops: Paper*, REUTERS (Jan. 20, 2013, 10:39 AM), https://www.reuters.com/article/us-nigeria-violence/islamists-ansaru-claim-attack-on-mali-bound-nigeria-troops-paper-idUSBRE90J0B520130120.

[93] U.N. Press Release, *supra* note 90.

[94] Zenn, *supra* note 86.

[95] *See* Marc-Antoine Pérouse de Montclos, *Boko Haram and Politics: From Insurgency to Terrorism*, *in* 2 BOKO HARAM: ISLAMISM, POLITICS, SECURITY AND THE STATE IN NIGERIA 135, 140 (Marc-Antoine Pérouse de Montclos ed., 2014); *see also Boko Haram: Splinter Group, Ansaru Emerges*, VANGUARD NEWS (Feb. 1, 2012, 5:06 AM), https://www.vanguardngr.com/2012/02/boko-haram-splinter-group-ansaru-emerges/ [https://perma.cc/C3R9-3Y96].

[96] Jacob Zenn, *Cooperation of Competition: Boko Haram and Ansaru After the Mali Intervention*, 6 COMBATING TERRORISM CTR. SENTINEL, March. 2013, 1, 1-2 (2013), https://ctc.usma.edu/wp-content/uploads/2013/03/CTCSentinel-Vol6Iss31.pdf [https://perma.cc/CG2F-8QTM].

on the United Nations building and the use of kidnapping and suicide bombing fail to make out a convincing case for notable changes to its core domestic ambitions. More importantly, the selection of its targets—largely in Nigeria—serves practical rather than ideological goals. The local-only targeting practices of Boko Haram reveal that it does not see itself as a significant part of the larger global jihad movement and suggest that local solutions would tend to be more effective.

c. External Links

Boko Haram's alleged external linkages have largely been dictated by the whims of successive leadership and can be described as *ad hoc* at best. There is "little evidence," for instance, to suggest that at its founding Boko Haram had direct links with Al-Qaeda or its affiliates.[97] Thus, it would be highly inaccurate to classify it as a mere extension or a cell.[98] However, there is evidence that Boko Haram, through its leadership over time, trainings, and operations, has maintained various links with other foreign fighters and global jihadi movements that point towards an ideological congruence and coordinated efforts to wage jihad with these other groups.[99]

The first indicative external ties with global jihadi movements developed in the early stages of the group when one of its leaders, Yusuf Ahmed, collaborated with a member of AQIM, Ibrahim Harun, for training of Boko Haram members in Niger. [100]

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[97]   JOHN CAMPBELL, NIGERIA: DANCING ON THE BRINK 139-40 (updated ed. 2013).

[98]   *Cf.* Zenn, *supra* note 11, at 174-76 (arguing that Boko Haram's founding was linked to Al-Qaeda through funding and logistical support with an hypothesis that was based on alleged prior links of one of the founding leaders with Al-Qaeda but this is not sufficient to show how Al-Qaeda influenced Boko Haram's creation more than merely motivating the group).

[99]   Daniel E. Agbiboa, *Identity, Deprivation, Terror: Why Boko Haram Rebels*, *in* UNDERSTANDING BOKO HARAM: TERRORISM AND INSURGENCY IN AFRICA 109, 120 (James J. Hentz & Hussein Solomon eds., 2017).

[100]   *See* Zenn, *supra* note 11, at 174 (detailing Boko Haram's collaboration with their affiliate groups, as well as Al-Shabaab, ISIS, Al-Qaeda, and their affiliates).

Mohammed Yusuf, who was the leader of the group from 2002 until his death in 2010, allegedly obtained funding from Al-Qaeda of up to $3 million dollars,[101] but there is no evidence that Boko Haram maintained any links with Al-Qaeda in terms of logistics, training, and choice of targets. Moreover, $3 million dollars is a paltry sum in the context of a broad social movement. Instead, during Muhammad Yusuf's leadership in the first phase, the group was largely focused on local politics in Nigeria.[102]

Subsequently, Boko Haram has at different times declared its allegiance to other global jihadi movements.[103] These shifting allegiances are determined mainly by the existing leadership of the group. In 2009, Sani Umar who briefly assumed the group's leadership declared that, "Boko Haram is just a version of the Al Qaeda which we align with and respect. We support Osama bin Laden, we shall carry out his command in Nigeria until the country is totally Islamized which is according to the wish of Allah."[104] After the death of Muhammad Yusuf in 2010, his deputy, Abubakar Shekau took over leadership and immediately declared his intention to associate with Al-Qaeda.[105] This was after Abdelmalik Droukdel, the leader of AQIM, had publicly offered assistance to Boko

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[101] Terrence McCoy, *This is How Boko Haram Funds Its Evil*, WASH. POST (June 6, 2014, 3:29 AM), https://www.washingtonpost.com/news/morning-mix/wp/2014/06/06/this-is-how-boko-haram-funds-its-evil/ [https://perma.cc/AQM6-TPM2].

[102] *See* AKBAR AHMED, THE THISTLE AND THE DRONE: HOW AMERICA'S WAR ON TERROR BECAME A GLOBAL WAR ON TRIBAL ISLAM 129 (2013).

[103] Robert Crowley & Henry Wilkinson, *Boko Haram: A New Threat in West Africa, in* WEST AFRICAN STUDIES CONFLICT OVER RESOURCES AND TERRORISM: TWO FACETS OF INSECURITY 99, 105 (Marie Trémolières ed., 2013).

[104] COOK, *supra* note 11, at 14.

[105] Jacob Zenn, *Nigerian Al-Qaedaism*, 16 CURRENT TRENDS ISLAMIST IDEOLOGY 99, 108 (2014).

Haram. [106]   AQIM allegedly trained personnel and financially assisted Boko Haram following this announcement in 2010.[107]

Further, in 2011, Shekau directly sought Al-Qaeda's technical and financial support.[108] Despite indicating that he supported the Al-Qaeda cause, and the existence of evidence to show that the group became more lethal in its attacks and tactics—demonstrating possible assistance from outside—there is no evidence Shekau was otherwise able to establish proper links with Al-Qaeda.[109] Instead, in 2015, Shekau pledged allegiance to Abu Bakr al-Baghdadi, the leader of ISIS/ISIL.[110] This declaration of allegiance was accepted by ISIS/ISIL and precipitated Boko Haram's change of name from *Jama`at Ahl al-Sunna li- Da`wa wa-l-Jihad*, to *al-Dawla al-Islamiya fi Wilayat Gharb Ifriqiya*, meaning, Islamic State's West Africa Province (ISWAP)[111]—although this later became a separate splinter group which dissociated itself from the Shekau-led Boko Haram.[112] These seeming *ad hoc* affiliations provide evidence of only half-hearted allegiance of Boko Haram to global jihadi movements. In nearly every instance when a collaboration was announced it did not include significant joint operations, was only as robust a connection as the current leadership willed, lacked continuity, and often led to Boko Haram splintering into sub-groups. Boko Haram also failed to initiate significant regional attacks outside of Nigeria, which would have advanced the global jihadi enterprise as truly global in scope.

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[106]   THURSTON, *supra* note 65, at 165. In a letter to Boko Haram, Droukdel is quoted as writing, "We are ready to train your men . . . in how to deal with weapons, and to help you however we can, whether with men, weapons, supplies, or equipment, to enable you to defend our people in Nigeria." *Id.*

[107]   *Id.*

[108]   Cummings, *supra* note 62, at 25.

[109]   *Id.*

[110]   *Id.* at 24.

[111]   John Bugnacki, *What's in a Name?: Boko Haram Renames Itself the Islamic State's West Africa Province (ISWAP)*, AM. SEC. PROJECT (May 12, 2015), https://www.americansecurityproject.org/whats-in-a-name-boko-haram-renames-itself-the-islamic-states-west-africa-province-iswap/[https://perma.cc/FUE6-3QTU].

[112]   Zenn, *supra* note 86, at 115-17.

The exact nature of the ties between Boko Haram and global jihadist organizations is complex because of the various splinter groups. However, the mainstream group stepped away from its association with Al-Qaeda in 2015 when it claimed allegiance with ISIS.[113] Its association with ISIS deteriorated to the extent that in August 2016 ISIS unilaterally announced new leadership for Boko Haram switching from Shekau to Abu Musab al-Barnawi,[114] which failed to materialize, but did occasion another split in the Boko Haram group.[115] Weak external ties also is evidenced by the poor state of Boko Haram's finances, which points to very limited financial assistance from either Al-Qaeda or ISIS or its affiliates.[116]

Another potential indication of external links with other jihadist movements is transnational presence. It has been argued that a lack of a transnational presence should necessarily be seen as a factor that militates against existence of a coordinated global agenda.[117] Most local extremist groups start out primarily engaged in an agenda that is focused on their locality, the near enemy. However, extremist groups will eventually push a political, religious, or economic agenda within the regions where they exist, or even beyond, often borrowing inspiration, tactics, and ideology from other violent extremist groups.[118] Boko Haram seems to take a different path pursuing a less robust regional agenda—though even this is transient depending on the leadership in place at any given time, internal organizational struggles, and external relations with other extremist groups.

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[113]   COUNTER   EXTREMISM   PROJECT,   BOKO   HARAM   2, https://www.counterextremism.com/threat/boko-haram [https://perma.cc/CTP3-2G2X] (last visited Sept. 22, 2020).

[114]   *Id.*

[115]   *Id.* at 4.

[116]   *Id.*

[117]   Dowd & Raleigh, *supra* note 21, at 504.

[118]   *See generally* EKATERINA STEPANOVA, STOCKHOLM INT'L PEACE RSCH. INST., TERRORISM IN ASYMMETRICAL CONFLICT: IDEOLOGICAL AND STRUCTURAL ASPECTS (2008) (arguing that violent Islamist movements can only be effectively challenged through nationalist movements).

Even though initially started as a localized group, Boko Haram and its splinter, Ansaru, have engaged in some initiatives with transnational and global presence. Boko Haram operates from within the Nigerian borders but also from the region of Lake Chad where it has established camps.[119] However, the presence in the Lake Chad region is out of convenience as the region provides a safe haven for the group which has been largely driven out of its initial base of Yobe and Borno States through Nigeria's counter-insurgency efforts.[120] Even though Boko Haram's primary operating theater is within Nigeria (mostly in the north), the group has engaged in limited attacks in neighboring countries such as the Cameroon attack (on a police station in Kousseri) in 2014,[121] the Niger attack (on Niamey prison) in 2013,[122] and more recently in the Chad attack (on an army base at Dangdala) in 2019.[123] These attacks have however been associated with freeing fellow militants (Cameroon & Chad)[124] or to smuggle weapons (Niger)[125] and have little bearing on the advancement of the global jihadi agenda and are rightly considered isolated exceptions. The ability to launch transnational

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[119]   *See* INT'L CRISIS GRP., FIGHTING BOKO HARAM IN CHAD: BEYOND MILITARY MEASURES (Mar. 8, 2017), https://d2071andvip0wj.cloudfront.net/246-fighting-boko-haram-in-chad-beyond-military-measures.pdf [https://perma.cc/E3DX-L3ER]; *see also Chronology of Events*, SEC. COUNCIL REP., https://www.securitycouncilreport.org/chronology/lake-chad-basin.php [https://perma.cc/77WS-EKCD] (revised May 4, 2020).

[120]   *See Nigerian Troops Repel Boko Haram Insurgents in Yobe State*, SAHARA REPS. (Apr. 21, 2020), http://saharareporters.com/2020/04/21/nigerian-troops-repel-boko-haram-insurgents-yobe-state [https://perma.cc/V4AY-ERQX].

[121]   *Cameroon-Chad Border Crossing Closed After Attack*, WORLD BULL. (May 6, 2014 2:22 PM) [hereinafter *Cameroon-Chad Border Crossing*], https://www.worldbulletin.net/africa/cameroon-chad-border-crossing-closed-after-attack-h135613.html [https://perma.cc/5LGG-RTGS].

[122]   *Niamey Prison Break: Niger Confirms 22 Escaped*, BBC NEWS (June 2, 2013) [hereinafter *Niamey Prison Break*], https://www.bbc.com/news/world-africa-22749230 [https://perma.cc/Q62Q-G2VL].

[123]   *Boko Haram Militants Kill 23 Soldiers in Chad*, DW NEWS (Mar. 22, 2019), https://www.dw.com/en/boko-haram-militants-kill-23-soldiers-in-chad/a-48025225 [https://perma.cc/UT8X-78VH].

[124]   *Cameroon-Chad Border Crossing*, *supra* note 121.

[125]   *Niamey Prison Break*, *supra* note 122.

attacks, however, does speak to the group's capabilities and sophistication over time. Ansaru, on the other hand, has associated itself with AQIM and adopts a more internationalist agenda.[126]

In the same vein, there have been reports of Nigerian fighters fighting alongside AQIM in Mali,[127] but evidence that these are associated with Boko Haram has been anecdotal.[128] It is possible that some of these fighters could have had a previous association with the group but owing to Boko Haram's allegiance to ISIL, they are most likely affiliated with Ansaru, if they have any affiliation at all.

Closer to home, Boko Haram has had what may be seen as an 'internal-external' collaboration with Ansaru which is borne out of necessity as they battle their common enemy, the Nigerian Army.[129] Particularly, this cooperation is key to Ansaru's survival after suffering military setbacks from the Nigerian Army onslaught that largely drove it out of northeast Nigeria.[130] It is alleged that since

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[126]   Jacob Zenn, *Boko Haram's International Connections*, 6 COMBATING TERRORISM CTR. SENTINEL, Jan. 2013, at 7, 12 (2013), https://ctc.usma.edu/wp-content/uploads/2013/01/CTCSentinel-Vol6Iss1.pdf [https://perma.cc/TM78-JYW3].

[127]   *See* Zenn, *supra* note 11, at 182.

[128]   *See* COUNTER EXTREMISM PROJECT, AL-QAEDA IN THE ISLAMIC MAGHREB (AQIM)   24, https://www.counterextremism.com/sites/default/files/threat_pdf/Al-Qaeda%20in%20the%20Islamic%20Maghreb%20%28AQIM%29-10232020.pdf [https://perma.cc/TQ3H-67WW].

[129]   Boko Haram and Ansaru may differ on tactics but they have common interests that bind them together. As noted by Zenn:

> Ansaru and Boko Haram still revere Boko Haram founder Muhammad Yusuf, and their members may move fluidly between groups and form partnerships to target mutual enemies: the Nigerian government, France and the West. They may also collaborate on refining their tactics as well as expanding their areas of operations to locate new targets and eliminate Western and Christian influence from Nigeria and the region.

Zenn, *supra* note 96, at 8.

[130]   *See* Alexis Akwagyiram, *Nigerian Army Says It Arrests Leader of Islamist Militant Group Ansaru*, REUTERS (Apr. 4, 2016, 4:45 AM), https://www.reuters.com/article/us-nigeria-violence/nigerian-army-says-it-arrests-leader-of-islamist-militant-group-ansaru-idUSKCN0X10NK.

2013 the two groups have been intermittently working together but without official cooperation, though the intelligence on this is sketchy.[131] Boko Haram has acknowledged this collaboration by confirming that the two groups worked together in the kidnapping of French priest Father Georges Vandenbeusch in northern Cameroon in 2013.[132] Even then, Ansaru continues to express disdain for Shekau's leadership signaling no likelihood that they can work together beyond a few collaborations.[133] In some cases though, these *ad hoc* collaborations have contributed to enhancing Boko Haram's technical and tactical capacity.[134]

Boko Haram's external linkages with international jihadist groups and its own splinter groups can be characterized as uncommitted associations of convenience. There has been little sharing of intelligence, aid, financial support, logistical support, and

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[131]   *See* John Campbell, *Are Nigeria's Boko Haram and Ansaru Getting Back Together?*, COUNCIL ON FOREIGN RELS. (Nov. 20, 2013), https://www.cfr.org/blog/are-nigerias-boko-haram-and-ansaru-getting-back-tog ether [https://perma.cc/5PRP-255N].

[132]   *See French Priest 'Kidnapped' by Nigeria's Boko Haram in Cameroon*, WORLD WATCH MONITOR (Nov. 19, 2013), https://www.worldwatchmonitor.org/2013/11/french-priest-kidnapped-by-nig erias-boko-haram-in-cameroon/ [https://perma.cc/C6RH-VAFN] (quoting an anonymous source as saying, "I can confirm that the French priest is in the hands of Mujahideen [fighters] from Jama'atu Ahlis Sunna Lidda'awati wal-Jihad [Boko Haram's Arabic name], who carried out the operation that was co-ordinated with Ansaru"); *see also Experts Puzzled by French Priest Kidnap Claim*, RFI (Nov. 16, 2013, 10:24 AM), http://en.rfi.fr/africa/20131116-experts-puzzled-french-cameroon-priest-kidnap-claim [https://perma.cc/G4YU-AT5G] (stating that analysts were confused by claims of cooperation between Boko Haram and Ansaru).

[133]   *See* Jacob Zenn, *Leadership Analysis of Boko Haram and Ansaru in Nigeria*, 7 COMBATING TERRORISM CTR. SENTINEL, Feb. 2014, at 23, 25-26 (2014), https://ctc.usma.edu/wp-content/uploads/2014/02/CTCSentinel-Vol7Iss2.pdf [https://perma.cc/5CXM-23YT].

[134]   Zenn identifies four areas that Boko Haram would have benefitted from collaborating with its splinter groups: kidnapping, suicide bombing, raids on military barracks, and media narratives. *See* Zenn, *supra* note 86, at 125-26 (describing how collaboration between Boko Haram and splinter groups benefitted Boko Haram's operations).

few joint operations.[135] Boko Haram has had shifting alliances with Al-Qaeda or ISIS and its own splinter groups. Moreover, the weight of the evidence shows that international jihadist organizations have little influence on either Boko Haram's leadership or its members, as any embryonic bonds have been broken by Boko Haram's targeting of fellow Muslims [136] and ISIS's failed attempt to install new leadership in the group and depose Shekau.[137] Also, Boko Haram's linkages with its own splinter groups are similarly ill-defined.

IV. Countering the Boko Haram Threat

Nigeria's counterterrorism measures have been multifaceted but with a primary focus on military crackdown. The government has employed what can be considered as hard and soft responses to the insurgency.   The hard measures involving military and law enforcement. [138]   The soft measures have focused on de-

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[135]   Freedom C. Onuoha, *Danger Not to Nigeria Alone: Boko Haram's Transnational Reach and Regional Responses*, Friedrich Ebert Stiftung Peace and Sec. Series No. 17, Nov. 2014, at 1, 6-7, http://library.fes.de/pdf-files/bueros/nigeria/11066.pdf [https://perma.cc/RFU2-K4PH].

[136]   *See* John Campbell, *Suspected Leadership Changes to IS-Backed Boko Haram Faction Continue*, Council on Foreign Rels. (Mar. 12, 2019), https://www.cfr.org/blog/suspected-leadership-changes-backed-boko-haram-faction-continue [https://perma.cc/WGA9-EDSU].

[137]   *See* Jacob Zenn, *Boko Haram Faction Releases Book on History and Ideology*, Council on Foreign Rels. (Aug. 9, 2018), https://www.cfr.org/blog/boko-haram-faction-releases-book-history-and-ideology [https://perma.cc/23GY-JM63]; *see also Split Emerges Over Leadership*, *supra* note 58 (describing the conflict over control of Boko Haram between Abubakar Shekau and Abu Musab al-Barnawi).

[138]   *See* Kingsley Omonobi, Ben Agande & Ndahi Marama, *Military Bombards Terrorists' Camps*, Vanguard (May 17, 2013, 7:04 AM), https://www.vanguardngr.com/2013/05/military-bombards-terrorists-camps [https://perma.cc/96WA-FUFJ] (discussing the deployment of troops to regions in Nigeria under a state of emergency); *see also* Ola' Audu, *Nigerian Military to Continue Sambisa Forest Operation After Killing Over 20 Boko Haram Suspects in Raid*, Premium Times (May 17, 2013), https://www.premiumtimesng.com/news/134770-

radicalization and community policing.[139] Progress has arguably been made in reducing the threat posed by the insurgents,[140] but the measures employed so far have proved insufficient in the long term. The counterterrorism measures need to be addressed against the backdrop of the above conceptual analysis of Boko Haram in order to proffer insightful prospects for dealing with the insurgency.

a. Military Approach

The Nigerian government's main response to Boko Haram's violent extremism has been a military crackdown that has raised concerns of rights violations[141] and effectiveness in the long-term.[142] Military and law enforcement response as a way of combating violent extremism have been an easy choice for many countries facing such problems.[143] Governments often resort to labelling insurgents as terrorists in order to delegitimize them and open a way to apply the "hard tactics" for countering them. Nigeria has justified its military approach to counter-insurgency by linking Boko

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nigerian-military-to-continue-sambisa-forest-operation-after-killing-over-20-boko-haram-suspects-in-raid.html [https://perma.cc/88H4-MKVC] (noting the success of a Nigerian military operation against Boko Haram); Akinola Olojo, *Boko Haram Exposes the Cracks in Nigeria's Military Strategy*, INST. FOR SEC. STUD. (Oct. 2, 2018), https://issafrica.org/iss-today/boko-haram-exposes-the-cracks-in-nigerias-military-strategy (discussing how Boko Haram has caused the Nigerian military to re-evaluate its tactics and intelligence).

[139]   Marc-Antoine Pérouse de Montclos, *'The Only Good Jihadist is a Dead Jihadist': Boko Haram and De-Radicalization Around Lake Chad*, 29 SMALL WARS & INSURGENCIES 863, 874-77 (2018).

[140]   *Id.*

[141]   *See Nigeria: Military Holding Children as Boko Haram Suspects*, HUM. RTS. WATCH   (Sept.   10,   2019,   5:00   AM), https://www.hrw.org/news/2019/09/10/nigeria-military-holding-children-boko-haram-suspects [https://perma.cc/R7PJ-SHS4].

[142]   *See* Habibu Yaya Bappah, *Nigeria's Military Failure Against the Boko Haram Insurgency*, 25 AFRICAN SEC. REV. 146, 151-55 (2016).

[143]   *See* Mark D. Kielsgard & Tam Hey Juan Julian, A*utocatalytic Models of Counter-Terrorism in East and Southern Asia: An International Comparative Analysis of China, Indonesia, and Thailand*, 50 GEO. WASH. INT'L L. REV. 461, 467-70 (2018).

Haram with global jihadist movements like Al-Qaeda. Through this linkage, Nigeria has attempted to globalize the problem rather than deal with it as a matter of domestic politics.[144]

Nigeria is not entirely wrong to associate the Boko Haram insurgency with global jihadism as shown from the on-again, off-again linkages it has exhibited, along with its splinter groups. Boko Haram has increasingly grown to exhibit characteristics of global jihadism and, significantly, it has the potential of sustaining global jihad through its entrenched ideology, evolved tactics and potential external links with other extremist groups. However, this potential is overstated, and labelling has potentially served to further isolate the group from mainstream government negotiations and polarized the community in northern Nigeria. It has also provided no barrier to Boko Haram to establish affiliations with other terrorist groups with an Islamist agenda (rather the reverse), though to date the linkages are rather haphazard [145] or haven't meaningfully materialized.

Nigeria's first coordinated response to the insurgency in northeast Nigeria was in July 2009 following a traffic altercation between the sect members and traffic police over a failure to wear motorcycle helmets.[146] The escalation of violence between the group members and police prompted the federal government to unleash a brutal joint military and police crackdown through an operation dubbed "Operation Flush" which led to the killing of almost 1000 sect members without due process.[147] Thereafter, more troops were deployed following a declaration of a state of emergency by President Goodluck Jonathan in 2012, 2013, and 2014 in parts of Adamawa, Borno, and Yobe.[148]

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[144]   *See* Dowd & Raleigh, *supra* note 21, at 504.

[145]   *See* Zenn, *supra* note 126, at 7-12.

[146]   Hilary Matfess, *Boko Haram: History and Context*, OXFORD RESEARCH ENCYCLOPEDIA OF AFRICAN HISTORY 7 (Oct. 26, 2017), https://oxfordre.com/africanhistory/view/10.1093/acrefore/9780190277734.001.0001/acrefore-9780190277734-e-119?print=pdf [https://perma.cc/YRL5-PWYT].

[147]   *Id.*

[148]   *See* Onuoha, *supra* note 135, at 4-5.

The military offensive had mixed results. The Nigerian government managed to ultimately drive the group from the majority of its territory and neutralized its ability to wage conventional warfare.[149] Nationally, Nigeria might have succeeded in temporarily removing the problem from within its borders but this pushed the group to attack from neighboring countries like Niger, Chad, and Cameroon, which shows the lack of a sustainable solution and, under one perspective, internationalizes the conflict.[150] Additionally, this has led to a change of strategy for Boko Haram, which has resorted to other soft targets through kidnapping, suicide bombings, and sexual violence,[151] instead of a conventional internal armed conflict.

Despite the claimed successes of the military strategy by the Nigerian government,[152] a solitary strategy that avoided addressing the underlying political issues that gave impetus to the rise of the insurgency was doomed to failure in the long run. "Both military

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[149]   *See Nigerian Army Captures Last Boko Haram Camp in Former Stronghold*, GUARDIAN   (Dec.   24,   2016,   8:36   AM), https://www.theguardian.com/world/2016/dec/24/nigerian-army-captures-last-boko-haram-camp-in-sambisa-forest [https://perma.cc/X6FG-JKZS].

[150]   *See* HUSSEIN SOLOMON, TERRORISM AND COUNTER-TERRORISM IN AFRICA: FIGHTING INSURGENCY FROM AL SHABAAB, ANSAR DINE AND BOKO HARAM 11 (Stuart Croft ed., 2015).

[151]   *See id.* at 10 (arguing that groups facing military repression are more likely to resort to more lethal tactics once they have lost military ground, using the examples of Al-Shabaab's mall attack in Nairobi despite suffering military setbacks in Somalia at the hands of African Mission in Somalia (AMISOM) forces, and the Islamic militants suicide bombings in Mali in September 2013 despite the military successes of a French-led offensive)*; see also* Emma Bauer & Meghan Conroy, *Boko Haram: Nigerian Military Crackdown Prompts Terror Group to Adapt*, 14 TERRORISM MONITOR,   Apr.   15,   2016,   at   1,   7,   https://jamestown.org/wp-content/uploads/2016/04/Terrorism_Monitor_-_Volume_XIV__Issue_8_01.pdf?x 68464 [https://perma.cc/ZS6R-3F3Z (stating that Boko Haram has focused on "wanton violence" against women and children rather than capturing land).

[152]   Nigerian President, Muhammadu Buhari, has claimed that the military strategy has been successful in driving out the militants from their base and neutralized their ability to launch "conventional attacks." *Nigeria Boko Haram: Militants 'technically defeated' – Buhari*, BBC NEWS (Dec. 24, 2015), https://www.bbc.com/news/world-africa-35173618   [https://perma.cc/GN9R-NBCR].

and law enforcement are reactive models principally designed to deter and react to terrorist acts as they occur but are seldom concerned with rooting out and addressing the fundamental causes of extremism . . . ."[153] Indeed, concerns about the effectiveness of the military strategy have been raised by experts on the ground who have argued that the resurgence of Boko Haram attacks demonstrate a need for a change of strategy.[154]

In addition to its lack of effectiveness, Nigeria's military approach to counterterrorism may be seen as falling short by exacerbating the problem.[155] Unfair and overly harsh military and law enforcement strategies in counterterrorism are bound to be counterproductive by alienating the affected communities and leading to more radicalization.[156] One of the key events that spurred the growth of Boko Haram in its most lethal period from 2010 onwards was the violent repression of the sect in 2009 that culminated in the extrajudicial killing of its leader Mohammed Yusuf while in police custody.[157] Reported "massacres, extrajudicial killings and arrests without trial" in this repression have created a rift between the security forces and the communities that they are tasked to secure.[158] As a result of the heavy handed military response to the insurgency, there are reports of a rise in the membership of the group from an estimated 4,000 members in 2009 to between 6,000 and 8,000 in 2014.[159]

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[153] Mark D. Kielsgard & Tam Hey Juan Julian, *Stopping Terrorism at its Source: Conceptual Flaws of the Deterrence-Based Counterterrorism Regime and Committing to a Preemptive Causal Model*, 26 J. L. & POL'Y 487, 504 (2018).

[154] *See* Idris Uwaisu, *Experts Say Nigeria Must Change its Strategy to Defeat Boko Haram*, DW NEWS (Dec. 19, 2018), https://www.dw.com/en/experts-say-nigeria-must-change-its-strategy-to-defeat-boko-haram/a-46803622 [https://perma.cc/DL6K-RQGQ].

[155] *See id.*

[156] *See* Kielsgard & Julian, *supra* note 153, at 487.

[157] MARC-ANTOINE PÉROUSE DE MONTCLOS, NIGERIA'S INTERMINABLE INSURGENCY? ADDRESSING THE BOKO HARAM CRISIS 11 (Sept. 2014), https://www.chathamhouse.org/sites/default/files/field/field_document/2014 0901BokoHaramPerousedeMontclos_0.pdf [https://perma.cc/PK5F-7848].

[158] *Id.* at 4.

[159] *Id.* at 15.

b. Law Enforcement

Nigeria's current counterterrorism law, the Terrorism Prevention Act, was enacted in 2011 following the inaugural violent episodes of Boko Haram in its second phase.[160] This law, amended in 2013, is aimed at providing measures for preventing, prohibiting, and combating acts of terrorism, recruitment, terrorism financing as well as incorporating provisions of the two international conventions, the Convention on the Prevention and Combating of Terrorism, and the Convention on the Suppression of the Financing of Terrorism, into domestic law.[161] The law provides stiff sentences of up to life imprisonment if convicted for committing acts of terrorism or terrorism financing.[162]

The use of the criminal justice system as a counterterrorism mechanism has however been largely ineffective, with the Nigerian government prosecuting only a handful of members of Boko Haram for serious crimes under the Act.[163] A majority of those charged were accused of professing membership in a terrorist group and failing to disclose information that could have been material to investigations.[164] Many were set free, but only after remaining in custody for long periods of time without trial.[165] The trials

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[160] *See* Uchechukwu Wilson Nwosu, *Anti-terrorism Legislation and Human Rights: An Appraisal of the Nigerian Terrorism (Prevention) Act, 2011*, 5 INT'L J. PEACE & CONFLICT STUD. 77, 83 (2018).

[161] Terrorism (Prevention) Act (2011), Explanatory Memorandum (Nigeria).

[162] Terrorism (Prevention) Act (2011), Cap. (10), § 33 (Nigeria).

[163] *Nigeria: Flawed Trials of Boko Haram Suspects,* HUM. RTS. WATCH (Sept. 17, 2018, 2:00 AM), https://www.hrw.org/news/2018/09/17/nigeria-flawed-trials-boko-haram-suspects [https://perma.cc/D7S2-DFGU].

[164] *Nigeria Convicts 205 Boko Haram Suspects in Mass Trials*, REUTERS (Feb. 20, 2018, 9:54 PM), https://www.reuters.com/article/us-nigeria-security/nigeria-convicts-205-boko-haram-suspects-in-mass-trials-idUSKCN1G3253 [https://perma.cc/3E3L-9YM5].

[165] *See* Agence France-Presse, *Amnesty Calls on ICC to Fully Probe Boko Haram Conflict   Atrocities*,   (Dec.   10,   2018,   01:42   AM), https://www.voanews.com/africa/amnesty-calls-icc-fully-probe-boko-haram-conflict-atrocities [https://perma.cc/S44J-82XQ].

themselves have been described as flawed and not adhering to the basic standards of fair trial and due process.[166]

Due to the intensity of the atrocities committed by Boko Haram, the International Criminal Court (ICC) has considered whether it has jurisdiction to prosecute. Following communications pursuant to article 15 of the Rome Statute,[167] the Office of the Prosecutor (OTP) made public the opening of a preliminary examination of the situation in Nigeria on November 18, 2010.[168] Even though the OTP has found that there are reasonable grounds to believe that the group has committed crimes against humanity,[169] the situation is still under preliminary examination to assess whether possible cases would be admissible.[170]

The opening of a preliminary examination by the ICC and the possibility of opening investigations in the situation regarding Boko Haram, however, raises questions about the ability of this mechanism to deal decisively with the threat posed by an extremist group that possesses all the characteristics and has the potential of

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[166] *Nigeria: Flawed Trials of Boko Haram Suspects*, *supra* note 163; *see also* Press Briefing Notes on Azerbaijan, Egypt and Indonesia/ LGBT and Boko Haram Trials in Nigeria from Rupert Colville, Rupert Colville, Spokesperson for the U.N. High Comm'r for Hum. Rts. (Oct. 13, 2017), https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=22232&LangID=E [https://perma.cc/TLX2-273Y].

[167] *See* OFF. OF THE PROSECUTOR, INT'L CRIM. CT., SITUATION IN NIGERIA ARTICLE 5 REPORT ¶ 4 (Aug. 5, 2013), https://www.icc-cpi.int/iccdocs/PIDS/docs/SAS%20-%20NGA%20-%20Public%20version%20Article%205%20Report%20-%2005%20August%202013.PDF [https://perma.cc/YLY8-SUZT].

[168] *Id.*

[169] *Id.* at 6. *But see* Nabil M. Orina, *A Critique of the International Legal Regime Applicable to Terrorism*, 2 STRATHMORE L. J. 21, 23 (2016) (arguing that sporadic acts of terror may not amount to international crimes).

[170] Admissibility of cases before the ICC depends on whether there are domestic proceedings against those considered to bear responsibility for such crimes and that the cases are of sufficient gravity. *See* Rome Statute of the International Criminal Court art. 17, Jul. 17, 1998, 2187 U.N.T.S 38544; *see also* OFF. OF THE PROSECUTOR, INT'L CRIM. CT., REPORT ON PRELIMINARY EXAMINATION ACTIVITIES 2018 (Dec. 5, 2018), https://www.icc-cpi.int/itemsDocuments/181205-rep-otp-PE-ENG.pdf [https://perma.cc/YH7W-S85A] (detailing the case against Boko Haram under the Terrorism Prevention Act of 2011, the Nigerian Armed Forces Act of 2004, and the Anti-Torture Act of 2017).

transforming into a fully-fledged global jihadi movement. However, as evidenced in 2009 when the group's founding leader Mohammed Yusuf was killed, an ICC investigation that would focus on the group's key leaders does not promise to serve as an effective deterrent. In fact, if the current leader, Abubakar Shekau becomes subject of such proceedings and is apprehended—which is a challenge on its own—a different leader will emerge and take over, perhaps Abu Musabo al-Burnawi, who heads a splinter faction, and is likely to transform the remainder of Boko Haram into just another affiliate of ISIS. [171]   Research on Boko Haram's organizational structure[172] has indeed suggested an entity with a multi-layered hierarchy headed by a Shura council and consisting of many cells.[173] Further, the effectiveness of a criminal justice approach to deterrence in the context of a radicalized group is doubtful in any event,[174] and more so in an international criminal court where the focus is on a select few who are considered only the most culpable.

c. "Operation Safe Corridor": De-Radicalization of Former Militants

Even as the army cracks down on the militants, it has, in conjunction with other government agencies, initiated a de-radicalization program for defectors that is aimed at reintegrating them into society. [175]   The program, dubbed "Operation Safe Corridor," aims to offer those who surrender basic vocational skills

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[171]   Freedom C. Onuoha, *Split in ISIS-Aligned Boko Haram Group*, AL JAZEERA CTR. FOR STUDS. (Oct. 27, 2016), https://studies.aljazeera.net/ar/node/1490 [https://perma.cc/M57C-GVUN].

[172]   Akali Omeni, *Boko Haram's Increasingly Sophisticated Military Threat,* 29 SMALL WARS & INSURGENCIES 886, 895 (2018).

[173]   *Nigeria: Examining Boko Haram*, STRATFOR ANALYSIS (July 15, 2014), https://worldview.stratfor.com/article/nigeria-examining-boko-haram [https://perma.cc/D7K2-JAMM].

[174]   *See* Kielsgard & Julian, *supra* note 153, at 513.

[175]   *Nigeria Boko Haram Militants Offered Olive Branch by Army*, BBC NEWS (Apr. 7, 2016), https://www.bbc.com/news/world-africa-35989401 [https://perma.cc/R97V-RZS8].

that would help them to re-integrate into society.[176] The initiative has seen 151 former Boko Haram members taken through the process and handed over to the Borno state government.[177] However, typically the most radicalized extremists are the least likely to be receptive to deterrence.[178]

While the efforts to deradicalize and reintegrate the former fighters may be key in addressing the economic and social aspects of the root causes of the insurgency, this initiative still has to take account of the plight of the victims, many of whom may find it difficult to accept the former fighters back into society.[179] This points to the need for greater emphasis aimed at transitional justice to the victims and affected communities. The challenge with the Nigerian approach is that by focusing primarily on de-radicalizing returning fighters it seems to be ignoring preemptive efforts to prevent radicalization before it reaches terrorist level proportions. A holistic approach to de-radicalization would foster inter-religious harmony within communities, greater economic and political autonomy for Muslim groups in northern Nigeria, due process and equitable access to the judiciary, and security forces that act and are viewed as protectors of the community in strict adherence to internationally recognized human rights. In short, the causal model to counter-terrorism in northern Nigeria is predicated on political and social solutions aimed at prevention. As the Boko Haram movement has remained an organization with primarily a domestic focus, the solutions can be found in domestic action.

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[176] *Id.*

[177] Ineke Mules & Mohammad Al-Amin, *Boko Haram: Nigeria Moves to Deradicalize Former Fighters*, DW NEWS (Aug. 8, 2019), https://www.dw.com/en/boko-haram-nigeria-moves-to-deradicalize-former-fig hters/a-49950707 [https://perma.cc/D56B-6R8Q].

[178] Kielsgard & Julian, *supra* note 153, at 514.

[179] Mules & Al-Amin, *supra* note 177.

d. Vigilantism

Through military efforts, militia groups have emerged in support of the national security forces against Boko Haram, which have been the main source of information and intelligence for the military. [180] The Civilian Joint Task Force (CJTF) has played a prominent role in local mobilization of vigilante efforts at the grassroots level.[181] The CJTF has been instrumental in bridging the divide between local communities and security forces especially in the face of the brutality suffered by the communities through collective punishment. [182]   Their local knowledge has been instrumental in assisting security forces with the collection of intelligence and identification of suspected militants.[183]

With sweeping powers to arrest and interrogate, the vigilante groups have been accused of perpetuating atrocities on those suspected of being Boko Haram members with the acquiescence of, and sometimes jointly with, the military and sometimes jointly.[184] Further, even though the CJTF is organized at some levels with the assistance of the military,[185] the numbers have swollen to the extent that they may become a security threat rather than a source of

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[180]   *See* Chukwuma Al Okoli, *War in Nigeria: Self-help Vigilante Groups are Reshaping Security Against Boko Haram*, NEWSWEEK (Aug. 4, 2017, 7:55 AM), https://www.newsweek.com/war-nigeria-self-help-vigilante-groups-are-reshaping-security-against-boko-646314 [https://perma.cc/9S87-XP7X]; Daniel E. Agbiboa, *Eyes on the Street: Civilian Joint Task Force and the Surveillance of Boko Haram in Northeastern Nigeria*, 33 INTEL & NAT'L SEC. 1022, 1025 (2018), https://www.tandfonline.com/doi/abs/10.1080/02684527.2018.1475892 [https://perma.cc/UQS9-TBRX].

[181]   *Id.*

[182]   INT'L CRISIS GRP., DOUBLE-EDGED SWORD: VIGILANTES IN AFRICAN COUNTER-INSURGENCIES 17 (Sept. 7, 2017) [hereinafter DOUBLE-EDGED SWORD], https://d2071andvip0wj.cloudfront.net/251-double-edged-sword.pdf [https://perma.cc/BX72-YALG].

[183]   Oluwaseun Bamidele, *Civilian Joint Task Force' (CJTF) – A Community Security Option: A Comprehensive and Proactive Approach to Counter-Terrorism*, 7 J. FOR DERADICALIZATION 124, 133 (2016).

[184]   DOUBLE-EDGED SWORD, *supra* note 182, at 19.

[185]   *Id.* at 17.

security due to the possibility of misuse of their role to perpetuate criminality like extortion and usurpation of law enforcement powers.[186] Indeed, it is often the case that however successful vigilantism is as a counter-insurgency mechanism, it is bound to be counterproductive in the long run as it is not easy to demobilize and often turns into an insurgency itself.[187] Moreover, in this case, the vigilante group would have been trained and armed by the same government they may someday be fighting. Reliance on vigilantism is a dangerous solution.

Joint security forces and civilian efforts against Boko Haram have also meant that Boko Haram has stepped up retaliatory attacks against civilians and communities who are perceived to be collaborating with security forces,[188] mostly targeting community leaders.[189] It has been reported that 680 CJTF members were killed between 2014 and 2017 in retaliation.[190] This situation highlights the shortcomings of the traditional approaches to counterinsurgency and further widens the rift between those who support government security efforts and those who are sympathetic to Boko Haram, often providing the affected communities with an impossible choice.

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[186]   *See* Vanda Felbab-Brown, *Nigeria's Troubling Counterinsurgency Strategy Against Boko Haram*, FOREIGN AFFAIRS (Mar. 30, 2018), https://www.foreignaffairs.com/articles/nigeria/2018-03-30/nigerias-troubling-counterinsurgency-strategy-against-boko-haram [https://perma.cc/8CXG-U6M5]; *see also* Martin Patience, *Nigerian Vigilantes Fight Boko Haram One Bullet at a Time*, BBC NEWS (Sept. 3, 2017), https://www.bbc.com/news/world-africa-41097440 [https://perma.cc/GE65-BKSR].

[187]   DOUBLE-EDGED SWORD, *supra* note 182, at 26.

[188]   INT'L CRISIS GRP., WATCHMEN OF LAKE CHAD: VIGILANTE GROUPS FIGHTING BOKO HARAM 13 (Feb. 23, 2017), https://www.crisisgroup.org/africa/west-africa/nigeria/244-watchmen-lake-chad-vigilante-groups-fighting-boko-haram [https://perma.cc/3EKQ-V2CN].

[189]   *Nigeria: Boko Haram Targeting Schools*, HUM. RTS. WATCH (Mar. 7, 2012, 5:22 PM), https://www.hrw.org/news/2012/03/07/nigeria-boko-haram-targeting-schools [https://perma.cc/A9ZH-5HXF].

[190]   *Boko Haram Kills 680 Civilian JTF Members in Three Years – Official*, PREMIUM TIMES (July 10, 2017), https://www.premiumtimesng.com/news/headlines/236363-boko-haram-kills-680-civilian-jtf-members-three-years-official.html [https://perma.cc/L52H-RZJ5].

V. PROSPECTS FOR NIGERIA'S COUNTERTERRORISM

a. Peace Negotiations

As a matter of principle, states and policy makers have been reluctant to negotiate with terrorist groups because doing so would legitimize terrorist activities and interests, which are often considered irrational and baseless.[191] Negotiating with a violent entity presents states with a normative challenge that places the state in a position where it is seen as accepting that violence is a legitimate way of advancing grievances.[192] Whereas there is sound reasoning behind the "no negotiation" policy, there are equally good reasons for a state to engage with a violent entity with the prospect that the engagement will lead to a ceasefire and create room for a peaceful settlement—especially in a case where a military campaign has substantially weakened the state and has grown out of an insurgency movement. Toros identifies three such reasons:

> First, negotiations may eliminate one of the reasons why the insurgents may have engaged in violence in the first place (lack of a legal outlet to voice their grievances). Second, they may strengthen the faction in the insurgent group that is in favour of nonviolent engagement. Third, they may draw insurgent groups down a path of change or transformation towards nonviolence.[193]

Applying the first point to the Boko Haram insurgency, by negotiating with the group, the Nigerian government would be acknowledging that the group could have a legitimate grievance and hence giving it a non-violent platform to air the grievance. Second, as shown in the analysis above, Boko Haram has had different factions within its leadership with some that were

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[191] *See* Harmonie Toros, *'We Don't Negotiate with Terrorists!': Legitimacy and Complexity in Terrorist Conflicts*, 39 SEC. DIALOGUE 407, 408 (2008).

[192] *Id.* at 412.

[193] *Id.* at 413.

amenable to non-violent political solutions and hence an offer to negotiate may appeal to the moderate factions. [194] The third argument is premised on the assumption that by appealing to those who may hold moderate views within the insurgency, it might create a path to a transformation of the group.[195] Those within the insurgency that would be willing to negotiate might push for change of leadership to one that favors non-violence, an important consideration in such a leader-centric group.

Aside from the complexities associated with the decision to negotiate, from a policy perspective, there is the question of whether such negotiations would be feasible in any case. There was reluctance in the past to engage in negotiations as Boko Haram had rejected previous attempts,[196] and their demands have not been clear cut.[197] It has also been contended that the Nigerian government lacks enthusiasm to negotiate because Boko Haram doesn't have economic leverage that could have drawn the government to the table as MEND did in the Niger Delta.[198] Conversely, it is argued that the group—in the first phase of its development under Mohammed Yusuf—was amenable to negotiating with the

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[194]   Conversely, extremist groups have been known to eliminate those who are considered moderates and who would be willing to negotiate with authorities. For instance, Mamman Nur, one of the senior Boko Haram leaders, was killed by elements within the group for being considered moderate. *See* Ruth Maclean & Ismail Alfa, *Senior Boko Haram Reportedly Killed by Allies*, GUARDIAN (Sept. 14, 2018), https://www.theguardian.com/world/2018/sep/14/senior-boko-haram-figure-reportedly-killed-by-allies [https://perma.cc/X24Y-QCPW]; *see also* Zenn, *supra* note 63 (stating that Mamman Nur is said to have been in negotiations to end the insurgency).

[195]   Toros, *supra* note 191, at 414.

[196]   *See* H.R. SUBCOMM. ON COUNTERTERRORISM & INTEL COMM. ON HOMELAND SEC., 112TH CONG., REP. ON BOKO HARAM: EMERGING THREAT TO THE U.S. HOMELAND 22 (Comm. Print 2011), https://www.govinfo.gov/content/pkg/CPRT-112HPRT71725/pdf/CPRT-112HPRT71725.pdf [https://perma.cc/9NG5-V8X7]; *see also* Ndahi Marama, *'Shekau' Denies Ceasefire Deal with FG in New Video*, VANGUARD (Nov. 10, 2014), https://www.vanguardngr.com/2014/11/shekau-denies-ceasefire-deal-fg-new-video [https://perma.cc/9XXJ-ZVL2] (describing a video of Shekau dismissing government claims about ceasefire talks and threatening to kill the man who presented himself as Boko Haram's negotiator).

[197]   *See* WALKER, *supra* note 8, at 11.

[198]   PÉROUSE DE MONTCLOS, *supra* note 157, at 6.

government, but the military repression of 2009 eliminated moderate voices within the group and gave way to radicals who assumed leadership thereafter.[199]   Further, as opposed to other groups like the insurgents in the Muslim Mindanao region who are known to be fighting for independence and have been engaging with the Philippines authorities for greater autonomy for the region as a compromise to cease the insurgency,[200] Boko Haram's domestic agenda to establish a pure Islamic State in the northern region may not be feasible. Yet, the nature of negotiation as such is compromise, which may have been possible with the prospect of greater self-determination with respect to local political, economic, and educational issues. The strength of any extremist movement feeds upon the bystander and sympathetic community members who take no active role but provide emotional and actual support[201] to the group. These members would be more open to compromise and would assert pressure for peaceful solutions.

Indeed, recent negotiation attempts have encountered a few problems,[202] but have partly succeeded in the release of some of the kidnapped girls.[203] One practical problem with negotiation is Boko Haram's split into internal factions.[204] The fragmentation is not the result of conflicting agendas, which remain relatively consistent, but

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[199]   *Id.* at 11.

[200]   The peace negotiations with the Philippines government have culminated in the passing of the Bangsamoro Organic Law in January 2019 creating a path for peace in the Mindanao region. *See* Mathew Bukit, *In Mindanao, BARMM Is Only the Beginning*, DIPLOMAT (Mar. 12, 2019), https://thediplomat.com/2019/03/in-mindanao-barmm-is-only-the-beginning/[https://perma.cc/3NDQ-ZU2Z];   *see also Philippines Duterte: Martial Law Extended in Mindanao*, BBC NEWS (July 22, 2017), http://www.bbc.com/news/world-asia-40690589   [https://perma.cc/GK8W-RC7H].

[201]   *See* Kielsgard & Julian, *supra* note 153, at 502.

[202]   Michael Nwankpa, *Dialoguing and Negotiating with Terrorists: Any Prospect for Boko Haram?*, 9 BEHAV. SCIS. TERRORISM & POL. AGGRESSION 106, 120 (2017).

[203]   Ruth Maclean & Isaac Abrak, *Boko Haram Returns More than 100 Schoolgirls Kidnapped Last Month*, GUARDIAN (Mar. 21, 2018, 08:39 AM), https://www.theguardian.com/world/2018/mar/21/boko-haram-returns-some-of-the-girls-it-kidnapped-last-month [https://perma.cc/4EUB-5BV7].

[204]   *See* Wisdom O. Iyekekpolo, *Boko Haram: Understanding the Context*, 37 THIRD WORLD Q. 2211, 2221 (2016).

rather differing views on targeting, tactics, and external links. The addition of external links to negotiations means that pressure would be applied by Al-Qaeda or ISIS depending on which faction of Boko Haram the authorities are negotiating with. Under this perspective, the feasibility of negotiation depends on the vitality and commitment of the group to external links. The "Al-Qaeda effect" portrayed by Boko Haram's ideological leanings, tactics and targets, and external linkages as expounded above reveal Boko Haram as a "complexity."[205] Given the existential position of both Al-Qaeda and ISIS, Boko Haram would have to precipitate a break from both groups in order to negotiate in earnest with the Nigerian government or its designee. This may be unfeasible for splinter groups that have broken from Boko Haram, such as ANSUR and ISWAP,[206] because they are more closely aligned and dependent on external links to global jihadism. Indeed, the ties of Boko Haram to international jihadism is better characterized as one of convenience perpetrated mostly for mutual propagandizing purposes.[207] Boko Haram has suffered severe financial turmoil in recent years without significant assistance from either Al-Qaeda or ISIS.[208]

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[205]   Toros explains that the Al-Qaeda "complexity" portends challenges in devising workable counterterrorism measures. Global jihadi movements like Al-Qaeda have categorically rejected negotiations and depending on the level of affiliation, this could complicate any possibility of locally-oriented groups negotiating. However, Toros argues that engaging with locally-oriented groups would be a key to weakening global jihadism by emphasising the differences in the agenda between such groups and global jihadist movements. *See* Toros, *supra* note 191, at 417-18.

[206]   Ruth Mclean & Eric Schmitt, *ISIS Affiliate in Nigeria Releases a Video Showing 11 Executions*, N.Y. TIMES (Dec. 27, 2019), https://www.nytimes.com/2019/12/27/world/africa/ISIS-executions-Nigeria.html [https://perma.cc/G946-DP8E].

[207]   *See* Freedom Onuoha, *Understanding Boko Haram's Attacks on Telecommunication Infrastructure in* BOKO HARAM: ANATOMY OF A CRISIS 16, 27 (Ioannis Mantzikos ed., 2013).

[208]   *See* YAYA FANUSIE & ALEX ENTZ, CTR. ON SANCTIONS & ILLICIT FIN., BOKO HARAM FINANCIAL ASSESSMENT 10 (2017) (providing an overview of Boko Haram's dire financial situation).

It is also the case that Boko Haram's current agenda is not readily discernible,[209] as it was under Yusuf. Originally begun to ban on Western-style education,[210] it then morphed into an adoption of a Taliban-like social and political structure.[211] As the movement has become more dispersed, its leader exercises little control over its splintered factions and the specific focus of the organization has been lost.[212] However, this is also the province of diplomacy with an initial goal of hammering out a list of agenda items correlating to the expectations of Boko Haram and the Nigerian government. In hindsight, negotiations would have been considerably less complex if initiated before Yusuf died. Thus far, negotiations that have been carried out have been for the release of persons who have been kidnapped. [213] These negotiations have, thus, been aimed at achieving short-term goals and should not be seen as opening any prospects for a pervasive settlement of the conflict,[214] but they provide a precedent and possibly a channel for communication, essential for the beginning of more substantive negotiations. Without bona fide negotiation attempts and an agenda that would form the basis of structured negotiations, the insurgents might step up the kidnappings as a means of sustaining themselves through the payment of ransom.[215]

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[209]   COOK, *supra* note 11, at 22.

[210]   Michael A. Peters, *'Western Education is Sinful': Boko Haram and the Abduction of Chibok Schoolgirls*, 12 POL'Y FUTURES EDUC. 186, 186-90 (2014); Boyle, *supra* note 59.

[211]   Onuoha, *supra* note 207, at 20-24.

[212]   *See* INT'L CRISIS GRP., CURBING VIOLENCE IN NIGERIA (II): THE BOKO HARAM INSURGENCY ii (Apr. 3, 2014), https://www.ecoi.net/en/file/local/1091608/1226_1396951718_216-curbing-viol ence-in-nigeria-ii-the-boko-haram-insurgency.pdf [https://perma.cc/MA2P-FNCV].

[213]   *See* Nwankpa, *supra* note 202, at 120-21.

[214]   Babatunde F. Obamamoye, *Navigating the Enigma of Negotiating with a Jihadist Terrorist Group,* 11 AFR. SEC. 397, 413 (2018).

[215]   *See* John Campbell, *Nigerian Government Has Been Negotiating With Boko Haram for "Some Time,"* COUNCIL ON FOREIGN RELS. (Mar. 28, 2018), https://www.cfr.org/blog/nigerian-government-has-been-negotiating-boko-hara m-some-time [https://perma.cc/78VZ-FY4H].

b. Adopting a Causal Approach

Nigeria's portrayal of Boko Haram as an Al-Qaeda affiliate ignores its national context,[216] which is key to understanding and addressing the root causes of the insurgency. Labeling the insurgency as global jihad is convenient for the military approach, which has been employed so far with varying degrees of success. Violent extremism has been associated with underlying societal issues where it occurs.[217] These may be summarized as socio-economic, political, and religious.[218] The insurgency in North-East Nigeria can be traced to a feeling of marginalization by the majority Muslim northern part from the comparatively well to do majority Christian south.[219] The rise of Boko Haram in northern Nigeria is thus attributed to its appeal to unemployed youth from poor backgrounds who blame their situation on poor governance and corruption.[220] On a broader perspective, Nigeria has been plagued by runaway corruption and high levels of inequality for many years.[221] Poverty and unemployment are therefore a big contributor

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[216]   *See* PATRICK SMITH, NORWEGIAN PEACEBUILDING RES. CTR., DJIHADISME SANS FRONTIERS? BOKO HARAM'S REGIONAL AND INTERNATIONAL LINKS 1-3 (2014), https://reliefweb.int/sites/reliefweb.int/files/resources/166705aa559ad5ab2cad e4aa65139d92.pdf [https://perma.cc/YD6R-2UPF].

[217]   *See* Sam Heller, Commentary, *Rightsizing the Transnational Jihadist Threat*, INT'L CRISIS GRP. (Dec. 12, 2018), https://www.crisisgroup.org/global/rightsizing-transnational-jihadist-threat [https://perma.cc/CNN8-RCGM].

[218]   *See* Adesoji O. Adelaja & Eva Penar, *Public Opinion on the Root Causes of Terrorism and Objectives of Terrorists: A Boko Haram Case Study*, 12 PERSPS. ON TERRORISM 35, 35 (2018).

[219]   *See* Caitriona Dowd & Adam Drury, *Marginalisation, Insurgency and Civilian Insecurity: Boko Haram and the Lord's Resistance Army*, 5 PEACEBUILDING 136, 142 (2017).

[220]   Eugene Eji, *Rethinking Nigeria's Counter-Terrorism Strategy*, INT'L J. INTEL. SEC. & PUB. AFFS. 198, 201 (2016).

[221]   *See* Peter Mbah, Chikodiri Nwangwu & Herbert C. Edeh, *Elite Politics and the Emergence of Boko Haram Insurgency in Nigeria*, 2 TRAMES 173, 174 (2017).

to radicalization in northern Nigeria. [222] By appealing to the dominant religion in the north the insurgents have endeavored to justify their insurgency through religious ideology as a way to address what ails the region. A suitable counterterrorism approach should therefore focus on addressing socio-economic and political concerns in order to create an environment where peace talks can succeed.

Scholars have proposed a causal approach to counterterrorism which involves taking proactive steps to prevent communities from being radicalized hence curbing terrorist recruitment rather being reactionary. [223] These measures, they argue, should take an international human rights and international humanitarian approach, which would ensure that such communities attain both civil and political rights and socio-economic development.[224]

VI. Conclusion

When classifying specific terrorist threats, the issues of ideology, military operations/targets, and external relations are key to understanding the nature of the threat, its international pervasiveness, vitality, and assessing effective responses. Boko Haram's Salafist ideology does not in itself preclude non-violent means to achieve their objectives, though many other groups steeped in this ideology have resorted to violent means. Moreover, because Boko Haram is leader-centric, a shift away from its current leader in favor of a replacement in the image of Mohammed Yusuf

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[222]   This is also evidenced by the fact that a number of former insurgents have surrendered and given up the insurgency at the prospect of being offered skills and an opportunity to get employment afterwards. A number of those who have surrendered are said to be starving and had nowhere to turn to after the group lost territory following a military crackdown. *See* Conor Gaffey, *Boko Haram: 76 Starving Members Surrender to Nigerian Military*, Newsweek (Mar. 3, 2016, 3:33AM), https://www.newsweek.com/boko-haram-76-hungry-members-surrender-nigeri an-military-432839 [https://perma.cc/JLV9-55D6].

[223]   Kielsgard & Julian, *supra* note 153, at 524.

[224]   *Id. at* 527.

could fuel non-violent negotiations and solutions. This is possible because of the lack of strong linkages with other existential terrorist groups like ISIS and because the source of Boko Haram's grievances lies in a strictly domestic agenda. Historically, the group sought peaceful methods for advancing its goals and even during its second violent phase it continued to largely target local entities as its excursions into nearby Chad, Cameroon, and Niger were for practical and non-ideological purposes. Thus, the efficacy of negotiation with this group is significantly more likely to succeed than with other groups with a more polarized international agenda.

The issue of applying a causal approach would require peaceful and structured negotiations with Boko Haram directed at greater autonomy in the north and increased local authority for political, religious, and economic issues as well as locally-determined education reform. By applying a causal approach to its counterterrorism model, Nigeria could stop the violence as Boko Haram presents a feasible candidate for potentially non-violent resolutions to the conflict in northern Nigeria.