

**COUNTER-TERRORISM STRATEGY AGAINST BOKO HARAM AND
HUMAN RIGHTS IN NIGERIA**

MUSTAPHA BELLO BASHIR

**A thesis submitted in partial fulfilment of the requirements of the University of East
London for the degree of Doctor of Philosophy**

FEBRUARY 2021

ABSTRACT

The activities of the Boko Haram insurgent group have drawn significant and tremendous attention and scrutiny, and this is looking increasingly likely to continue unabated, bearing in mind the in-fighting which has broken out inside the umbrella of the insurgent jihadists, and posing convoluted challenges with the death of Abubakar Shekau, the leader of the Boko Haram faction. This thesis is interesting because it is considering the activities of the revolutionary group from the outlook or standpoint of Human Rights, an aspect that appears not to have drawn attention proportional to its significance. Majority of the existing studies on the subject considered the security dimensions, with minority concentrating on the impacts of the insurgency on domestic and regional economy. Without doubt, the savagery and viciousness of the group, were paramount and ostensible in all the studies, however, a very minority of the studies, at least yet, have addressed the subject at an in-depth or profound human rights breadth. In the light of this lacuna in literature, therefore, this thesis addresses a huge gap in literature.

The activities of the Boko Haram insurgents have adversely affected the national security in Nigeria for over a decade. Boko Haram's operations have been ongoing with much sophistication, leading to loss of lives, property, and peaceful coexistence in Nigeria and its neighbouring states, particularly in Chad and Cameroon. International law has responded to the fight against terrorism through the United Nations Charter and a series of international law instruments. International human rights instruments have also been brought to the fore in the fight against the insurgency's continuous rise. The Nigerian government has employed policy strategies and legal frameworks such as the Terrorism Prevention Act 2011 and 2013 and numerous countermeasures directed at addressing the insurgency of Boko Haram. Human rights appeared to be implicated in the process, either in the form of failure to protect citizens from Boko Haram operations or violations of human rights in the course of the implementation of measures to check insurgencies.

The thesis addresses the counter terrorism strategy engaged against Boko Haram through the optic of human rights law, as well as international law connected with counterterrorism. Human rights are addressed in a binary form, in the sense that the thesis addresses human rights violations perpetrated by Boko Haram, a designated terrorist organisation, as well as human rights concerns that emanates from the Nigerian government efforts to deal with the organisation. This thesis makes an original contribution to academic studies through applying the law in the specific context of Nigeria.

Through the doctrinal method and policy-oriented approach, the thesis investigated the measures put in place by the government to implement the UN Security Council Resolution 1373 on counterterrorism. Thus, by the doctrine of *erga omnes*, states are obligated to protect human rights by preventing the spread of insurgency. Therefore, the thesis investigated the rights that are violated in the course of activities of terrorists; and how the government has used the law to address the challenges of the spread of the activities of Boko Haram. It gave an analysis of the extent to which Nigeria's counterterrorism strategies complies with the provisions of the UN Security Council Resolution 1373, international instruments on human rights, and Sections 33-46 of the 1999 Constitution on human rights. Therefore, the thesis proffered proposals on how best the measures addressing terrorism can be made to comply with human rights instruments.

TABLE OF CONTENTS

<i>ABSTRACT</i>	ii
<i>ACKNOWLEDGEMENT</i>	vii
<i>CHAPTER ONE</i>	1
<i>1.0 INTRODUCTION</i>	1

1.1 BACKGROUND OF THE STUDY.....	3
1.1.1	
<i>The Impact of the Colonialism on the on the Legal and Political Landscape in the Context of the Emergence of Boko Haram.....</i>	<i>3</i>
1.1.2 <i>The Nigerian Constitutional Challenges in the Context of the Fight against Boko Haram</i>	<i>10</i>
1.2 RESEARCH OBJECTIVES	14
1.3 RESEARCH QUESTIONS	15
1.4 RESEARCH PROBLEM.....	15
1.5 METHODOLOGY AND THEORETICAL UNDERPINNINGS OF THE STUDY....	16
1.5.1 <i>Methods.....</i>	<i>16</i>
1.5.2 <i>Theoretical Underpinnings: Policy Oriented Approach</i>	<i>17</i>
2.1 REVIEW OF RELEVANT LITERATURE	23
2.1.1 <i>The Concept of Terrorism and the Labeling of Boko Haram as a Terrorist Group.....</i>	<i>23</i>
2.1.2 <i>Radical Islam and the Rise of Boko Haram.....</i>	<i>36</i>
2.1.3 <i>Political, Economic and Social Impact of the Activities of Boko Haram</i>	<i>38</i>
2.1.4 <i>Root Causes to the Emergence of Boko Haram.....</i>	<i>43</i>
2.1.5 <i>Questions of Human Rights and Boko Haram</i>	<i>45</i>
CHAPTER THREE	47
3.0 THE EVOLUTION OF RADICAL ISLAM, EMERGENCE AND OPERATIONS OF BOKO HARAM AS A TERRORIST GROUP	47
3.1 INTRODUCTION.....	47
3.2 EVOLUTION AND THE PROCESS OF REDICALISATION OF BOKO HARAM.....	48
3.3 ISLAMIC SPIRITUAL ORDER: TARIQ/SUFISM, QADIRIYYA AND TIJANIYYA	56
3.4 ORGANISATIONS AND MOVEMENTS IN POST-COLONIAL ERA.....	57

3.5 EMERGENCE OF BOKO HARAM AS A TERRORIST GROUP	59
3.6 THE JIHADIST IDEOLOGY AND BOKO HARAM.....	73
3.6 OPERATIONAL MODES BOKO HARAM.....	97
3.7 BOKO HARAM, POLITICS AND IDEOLOGICAL COVER WITH RELIGION	99
3.8 IDEOLOGY AND PRACTICES OF BOKO HARAM.....	102
3.9 INTERNATIONAL PERCEPTION OF BOKO HARAM.....	110
3.10 CONCLUSION	112
CHAPTER FOUR	114
4.0 BOKO HARAM AND HUMAN RIGHTS VIOLATIONS	114
4.1 RIGHTS IMPLICATED IN TERRORISM	119
<i>4.1.1 Right to Life</i>	<i>119</i>
<i>4.1.2 Right to Dignity of the Human Person</i>	<i>126</i>
<i>4.1.3 Right to Property</i>	<i>134</i>
<i>4.1.4 Right to Education.....</i>	<i>135</i>
<i>4.1.5 Right to Enjoy Culture and the Environment</i>	<i>139</i>
<i>4.1.6 Rights of a Child.....</i>	<i>141</i>
<i>4.1.7 Right to Freedom of Thoughts, Conscience, and Religion</i>	<i>143</i>
<i>4.1.8 Right to Freedom of Movement</i>	<i>144</i>
<i>4.1.9 Right to a Fair (and Public) Trial.....</i>	<i>144</i>
<i>4.1.10 Rights to Social Security</i>	<i>146</i>
4.2 DEROGATION OF RIGHTS IN A STATE OF EMERGENCY	147
4.3 CONCLUSION.....	151
CHAPTER FIVE	153
5.0 INTERNATIONAL LAW AGAINST INSURGENCY AND IMPLEMENTATION BY NIGERIA	153

5.1 INTRODUCTION.....	153
5.2 INTERNATIONAL LAW AND COUNCIL RESOLUTION ON COUNTER INSURGENCY	153
5.3 COUNTER-TERRORISM AND THE UN SECURITY COUNCIL RESOLUTION 1373	
<i>5.3.1 Financing of Terrorism and Related Matters.....</i>	<i>157</i>
<i>5.3.2 Suppressing Terrorism and Recruitment.....</i>	<i>175</i>
<i>5.3.3 Eliminating the Supply of Weapons and Ammunitions.....</i>	<i>175</i>
<i>5.3.4 Prevention and Deterrence of Terrorist Acts</i>	<i>176</i>
<i>5.3.5 Special Criminal Protocols and Safeguards</i>	<i>176</i>
<i>5.3.6 International Legal Collaboration and Extradition</i>	<i>177</i>
<i>5.3.7 Joint Legal Assistance.....</i>	<i>177</i>
<i>5.3.8 Information Sharing.....</i>	<i>178</i>
<i>5.3.9 Bilateral and Multilateral Agreement.....</i>	<i>178</i>
<i>5.3.10 Measures in Seeking Asylum and Refugees.....</i>	<i>178</i>
<i>5.3.11 Other Relevant Provisions</i>	<i>179</i>
5.4 THE OBLIGATORY NATURE OF THE SECURITY COUNCIL DECISION .	182
5.5 IMPLEMENTATION OF SECURITY COUNCIL RESOLUTION IN NIGERIA	185
5.6 COUNTERTERRORISM STRATEGY OF THE NIGERIAN GOVERNMENT	188
<i>5.6.1 The Nigerian Military and Counterterrorism</i>	<i>190</i>
<i>5.6.2 Presidential Committees on Terrorism.....</i>	<i>193</i>
<i>5.6.3 Soft Approach to Counter-Terrorism</i>	<i>195</i>
<i>5.6.4 Intelligence Sharing and Border Security.....</i>	<i>200</i>
<i>5.6.5 UNDOC-CTED Partnership Project</i>	<i>203</i>
<i>5.6.6 Trans-Sahara Counterterrorism Partnership</i>	<i>205</i>
<i>5.6.7 Legislative Response and Creation of Counter-Terrorism Law.....</i>	<i>207</i>

<i>5.6.8 The Nigerian Courts and Counter-Terrorism</i>	211
5.4 CONCLUSION	216
CHAPTER SIX.....	217
6.0 FINDINGS AND CONCLUSION	217
6.1 INTRODUCTION.....	217
6.2 MAIN FINDINGS.....	218
<i>6.2.1 Factors Leading to the Emergence of Boko Haram Terrorism in Nigeria</i>	218
<i>6.2.2 Implementation of the UN Security Council Resolution 1373 in Conformity with Human Rights</i>	219
<i>6.2.3 Mainstreaming Human Rights Considerations in the Counterterrorism in Nigeria</i> ...	225
6.3 CONCLUSION	229
BIBLIOGRAPHY	231

ACKNOWLEDGEMENT

Praises and gratitude goes to Allah the Almighty, for his profusions and blessings throughout my journey during this research work.

My profound appreciation and gratitude goes to my supervisor Professor Kofi Kufuor for his amiable support and opportunity to do research and providing invaluable guidance throughout my days in the programme. His zestfulness, vision, enthusiasm, and immense knowledge have deeply inspired me. It was a great opportunity and honour to work and study under his guidance. I am deeply grateful for what he has offered me. I will also like to thank him for his empathy and great sense of humour. I am extending my heartfelt thanks to the other members of my supervisory team such as Professor John Strawson and Dr Anthony Gunter.

I am extremely grateful to my parents, especially my mother for her love, prayers, caring and sacrifices for educating and preparing me for my future. I am very much grateful to my beloved wife and my two lovely boys for their love, understanding, prayers and continuing support to complete this thesis. My special thanks goes to my siblings for their unflinching support and care. Special thanks goes to my friends and colleagues such as Rabiou Mukthar, Dr. Umar Ismail, Dr. Fahad Binjummah, Aslam Keita, Dr. Jemima Yalley (Aba), Abdulkareem Sani, Mr. Dick Onuzuruike, Mr. Bashir Ibrahim Ango, Abdulazeez Elayo, for their keen interest in ensuring that this thesis see the light of the day.

ABBREVIATION

FTO.....	Foreign Terrorist Organization
UN.....	United Nation
NACTEST.....	Nigeria’s Counterterrorism Strategies
FLN.....	Front de Liberation Nationale
TPA.....	Terrorism Prevention Act
UNGA.....	United Nations General Assembly
UNSC.....	United Nation Security Council
BH.....	Boko Haram
ATPN.....	Association of Tourism Practitioners of Nigeria
INEC.....	Independent National Electoral Commission
ECOWAS.....	Economic Community of West African States
JNI.....	Jama’atu Nasril Islam
IMN.....	Islamic Movement of Nigeria
NASFAT.....	Nasrul-Lahi Fathi Society of Nigeria
NASFAT	
CJTF.....	Combined Joint Task Force
UK.....	United Kingdom
BBC.....	British Broadcasting Corporation
UAVs.....	Uncrewed Aerial Vehicles
DSS	Department of State Service

PBUH.....	Peace Be Upon Him
ISWAP.....	Islamic State West Africa Province
CNN.....	Cable News Network
UDHR.....	Universal Declaration on Human Rights
ACHPR.....	African Charter on Human and Peoples' Rights
ICCPR	International Covenant on Civil and Political Rights
IED.....	Improvised Explosive Devices
IDP.....	Internally Displaced Persons
ICESCR.....	International Covenant on Economic, Social, and Cultural Rights
UNICEF.....	United Nations Children Fund
NDHS.....	Nigerian Demographic and Health Survey
UNESCO.....	United Nations Economic, Social and Cultural Organisation
ECHR.....	European Convention on Human Rights
ACHR.....	American Convention on Human Rights
IHL.....	International Humanitarian Law
UNSC.....	United Nations Security Council
FATF.....	Financial Action Task Force
NGO's.....	Non-Governmental Organization
SWIFT.....	Society for Worldwide Interbank Financial Telecommunications
JHA	Home Office Affairs
AU.....	African Union
HAMAS.....	Harakat al-Muqawama al-Islamiyya

AQIMAl-Qaeda in the Islamic Maghreb

SOCAF.....Special Operations Command Africa

UNODC.....United Nations Office Drug

CTC.....Counterterrorism Centre

ONSA..... Office of the National Security Adviser

JMAB..... Joint Terrorism Analysis Branch

BASCUBehavioral Analysis and Strategic Communication
division

NSA.....National Security Adviser

JTAB..... Joint Terrorism Analysis Branch

PCVEPreventing and Countering Violent Extremism

GAO.....General Accounting Office

IOM.....

INTERPOL.....International Police

CEPID.....Centre for Peace Initiative Development

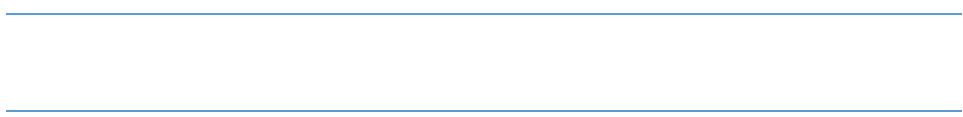
CISLAC..... Civil Society Legislative Advocacy Centre

ACOTA..... African Contingency Operational Training and
Assistance

TPA..... Terrorism Prevention Act

AGF.....Attorney General of the Federation

ISIS..... Islamic State of Iran and Syria



CHAPTER ONE

1.0 INTRODUCTION

This chapter is examining human rights violations perpetrated by a group Jama'atu Ahlis-Sunnah Lidda' Awati Wal Jihad popularly known as Boko Haram, designated as a terrorist organization, as well as human rights violations committed by the Nigerian State as it attempts to respond to and/or contain the activities of this group. According to the Council on Foreign Relations Nigeria's Security Tracker nearly 350, 000 people have been killed in Northeast Nigeria since 2009, 3 million estimated number of displaced people in the Lake Chad Basin, and more than 310, 000 estimated number of Nigerian refugees¹ In a recent UNDP Report released with Nigeria's Ministry of Finance on Thursday, 24 June 2021, the United Nations Development Programme said that the Northeast Nigeria's conflict with Islamist insurgencies had killed nearly 350,000 people as of the end of 2020² Paul Carsten of Reuters commented that Nigeria's war with Islamist insurgencies Boko Haram and Islamic State's West Africa Province has spawned one of the world's worst humanitarian crises, with millions of people dependent on aid³ The Nigerian government has launched an unprecedented counterterrorism strategies, security assaults and campaigns characterized by civilian casualties resulting in egregious violations of human rights in order to contain the activities of Boko Haram.

The Jama'atu Ahlus-Sunnah Lidda'Awati Wal Jihad, also referred to as Boko Haram, raises human rights violation concerns going by their activities and the efforts of the Nigerian government to employ the law and counterterrorism strategies to deal with the situation. Nigeria has been experiencing terrorist attacks over time perpetrated by Boko Haram, resulting in countless loss of lives and property. The intensification of the activities of Boko Haram has raised global awareness, with the international

¹ www.cfr.org/global-conflict-tracker/conflict/boko-haram-nigeria

² www.news.trust.org/item/20210624085843-e3227/

³ Paul Carsten of Reuters Thursday, 24 June 2021 10:09 GMT

community considering measures that should be employed to fight the menace of Boko Haram. Nigeria and the neighbouring States of Chad, Niger and Cameroon have experienced series of attacks. Boko Haram has been labeled a terrorist group, with the US State Department designating it a Foreign Terrorist Organization (FTO) in 2013.⁴ The Nigerian government has employed various countermeasures to address the exacerbation of the Boko Haram insurgency using the police, military, and joint operations with the affected countries in Africa such as Chad and Cameroun respectively.⁵

Human rights appeared to have been implicated in the current state of affairs, which will need to be examined. Firstly, the group's activities have adversely affected the human rights of the citizens of Nigeria, forcing the Nigerian government to exercise its duty to protect the rights of the citizens.⁶ Secondly, if not executed in compliance with international standards and practices, the counterterrorism strategy could result in infringement of human rights and international humanitarian law.⁷ Thus the doctrine of *er ga omnes* principle obligates States to protect human rights.⁸ The continuous growth of the activities of terrorists in Nigeria necessitates that adequate measures must be put in place to ensure that the rights of the citizens are guaranteed.⁹ Due to the technicalities that can conceivably arise in human interactions, there are instances where generally-accepted human rights principles are not followed. If such principles are not followed, this eventually results in violation of human rights. A violation of human rights is an abuse of rights. Furthermore, once there is an abuse of human rights provisions (nationally or internationally), a breach of the right suffices. The issues emanating from the emergence of the Boko Haram group and their activities

⁴ Office of the Spokesperson for the U.S. Dept. of State, Terrorist Designations of Boko Haram and Ansaru (13 November 2013), <http://www.state.gov/rl/palpr/ps/2013/11/217509.htm>, accessed 12 January 2021.

⁵ Lynn L Taylor, 'Boko Haram Terrorism: Reaching Across International Boundaries to Aid Nigeria in the Humanitarian Crisis' (2014) 21 ILSA Journal of International & Comparative Law 1-24, 10.

⁶ *Ibid.*

⁷ Ogunnaike O Taiwo, 'Two is Better than One: Systemic Integration of International Humanitarian Law and International Human Rights Law to Boko Haram Conflict' (2018) 33(3) American University International Law Review 637, 637-666.

⁸ Ardit Memeti, 'The Concept of Erga Omnes Obligations in International Law' (2013) 14 New Balkan Politics (2013) 31-47.

⁹ Damilola S Olawuyi, 'Terrorism, Armed Conflict and the Nigerian Child: Legal Framework for Child Rights Enforcement in Nigeria' (2015) 13 The Nigerian Juridical Review 1, 1-24.

within Nigeria and neighbouring countries have serious human rights implications, which must not be swept under the carpet. This has become an issue for consideration, bearing in mind the inhuman treatment meted out by members of the Boko Haram insurgents on innocent civilians and the role of Nigerian government law enforcement agents' ruthless and brutal actions in counteracting the activities of Boko Haram terrorists.

Therefore, the fight against terrorism must comply with the rules of engagement in international law and must not be seen to be in contravention. The UN Charter is a binding instrument in Nigeria and the UN Security Council, being an organ of the UN, has powers to make resolutions, of which the subject-matter of terrorism has attracted a great deal of attention as shown in the UN Security Council Resolution 1373 that requires States to develop and implement arrangements for counterterrorism. It will be appropriate that the spread of terrorism is addressed and contained, and the victims of the act of terror get justice through the courts in Nigeria by bringing criminal prosecutions against perpetrators of such under the Terrorism Prevention Act 2011 and 2013. This thesis will therefore investigate the rights that are violated in the course of the activities of terrorists and how the government has effectively used the law to address the challenges of the spread of the activities of Boko Haram in Nigeria. It will examine whether the violations of these rights are being redressed and whether restitutions are given to the victims of the activities of Boko Haram terrorists in Nigeria.

1.1 BACKGROUND OF THE STUDY

1.1.1 The Impact of the Colonialism on the on the Legal and Political Landscape in the Context of the Emergence of Boko Haram

In considering the social context and the legal measures for counterterrorism in Nigeria, it is important to set out the background of the political and legal contexts pertaining to terrorism. Thus, in discussing this subject, it is vital to acknowledge that the longevity of military hegemony or dominance in Nigeria diminished or destroyed any vestige of building an established constitutional culture in Nigeria. This is mostly

because various initiatives aimed at drafting a constitution for Nigeria by the military were motivated by an overriding legitimization and perpetuation of military administration.¹⁰ The incessant and perennial military coup d'état did not chime with respecting the supreme position of the Constitution. In a democratic dispensation or government, there is the rule of law and the principle of constitutionalism.

Nevertheless, each military takeover of government in Nigeria dissolves, suspends, and abrogates the pre-existing civilian democratic constitutional arrangement or order and superimpose or supplant it with military decrees which had no respect for the rule of law and principle of constitutionalism.¹¹ The military's language is to rule by fiat and diktat, which then derails Nigeria's road or effort at constitutional development. The impact of military authoritarianism on Nigeria's constitutional development is humongous in the sense that as soon as the military assume political power, its decrees implement draconian ex-post-facto laws, keep the jurisdiction of the court in abeyance, and denies citizens and individuals of human rights and fundamental freedoms.¹²

Constitution-making in Nigeria has either been in the process of adoption or enactment by the British colonial administrators or the military administrations in Nigeria.¹³ From the 1963 arrangement when Nigeria officially became a member of the Commonwealth with the Queen of England as the ceremonial head of Nigeria and the metamorphosis of Nigeria into a Federal government, there is no gainsaying the fact that the civilians have not played any prominent role or part in the making of Nigeria's Constitution. Nigeria has not imbibed a culture of living or operating or governing under the umbrella of a single constitution. Since Nigeria's independence from British

¹⁰ Olu Awofeso, 'The of Military Transition Programmes to Democracy in Nigeria 1966-1999' (2017) 22(6) *Journal of Humanities and Social Sciences* 1, 1-11.

¹¹ Patrick Bamgboye, 'The Military Socio-Economic Development in Nigeria (1983-1999): A Critical Appraisal' (2014) 23(5) *Mediterranean Journal of Social Sciences* 2340-2344.

¹² Etim O Frank, Wilfred I Ukpere, 'The Impact of Military Rule in Democracy in Nigeria' (2012) 33(3) *Journal of Social Science* 235-292.

¹³ Olamide Olanrewaju, *History of Nigerian Constitutional Development*

colonial rule, the country has had several unworkable constitutions.¹⁴ Nigeria's journey in constitution drafting and making began in 1914 when the Southern and Northern Protectorates of Nigeria merged, and provinces were created from the two protectorates.¹⁵ What came out from this merger was the appointment of Lieutenant Governors to govern the provinces under Lord Frederick Lugard, who was the Governor-General. The Governor-General exercised both legislative and executive powers over the provinces of the North and enacted proclamations and orders assented to by the Queen of England.¹⁶ Following Lagos's annexation in 1861, the British administrators set up legislative and executive councils to support the Governor and by 1906 spread the work of the Lagos legislative and executive council to the whole of Lagos province. The amalgamation of Nigeria was without consulting Nigerians, and Lord Lugard exercised arbitrary and unilateral constitutional powers. The colonial administrators' indirect rule system was solely to divide and rule the two protectorates with different intent and motives. For instance, the northern protectorate made laws through proclamation, whereas its counterpart of the south made its laws through legislation.¹⁷ This system, to them, was the most effortless style of administering the protectorates. Their desire to amalgamate the two protectorates created a deep and unending conflict in Nigeria. The British administrators forcefully amalgamated the northern and southern sides of the divide without considering the differences in culture, ethnic affiliation, and religious differences.¹⁸ They also deployed tactics of engaging Nigerian elites in their affairs. These elites only served the interest of their masters before considering and to some extent their fellow Nigerians. This class of elites has been the problem of Nigeria since then.

¹⁴ The Nigerian Scholars for Dialogue to the Constitution Debate Coordinating Committee 'Comments and viewpoints on the Nigerian Constitution' http://www.waado.org/nigerian_scholars/.../constitution/viewconst1, accessed 12 January 2021.

¹⁵ These Proclamations from the colonial office in London purported to unite the southern and northern protectorates of Nigeria into a single unit for administrative convenience. At that time, the north was unable to generate enough funds to maintain a separate administration. See JF Ajayi, 'National History in the Context of Decolonisation: The Nigerian Example' in Erik Lonroth, Karl Molin and Ragnar Bjork, *Conceptions of National History* (De Gruyter, 1994) 64-78.

¹⁶ Kehinde M Mowoe, *Constitutional Law in Nigeria* (Malthouse Press, 2008) 2.

¹⁷ I F Nicolson, *The Administration of Nigeria, 1900-1960: Methods, and Myths* (Clarendon Press, 1969) 326

¹⁸ Moses Ochonu, 'The Roots of Nigeria's Religious and Ethnic Conflict', <http://www.pric.org/stories/2014-03-10/roots-nigeria-religious-and-ethnic-conflict>, accessed on 12 January 2021.

However, the 1914 Constitution was abrogated when Sir Hugh Clifford replaced Lord Lugard as the Governor of Nigeria in 1921. This gave birth to the Clifford Constitution of 1922. Sir Clifford, on the assumption of duty as Governor, discarded the indirect rule operated under the leadership of Lugard and proposed the first electoral system in Nigeria. With that starting point, systematically ushered in a new legislative council consisting of forty-six members with the Governor as the head.¹⁹ Thus, the executive council, whose membership consisted of only British, exerted control over the legislative council. Sir Clifford abrogated both the Nigerian Council and the legislative council. The fact is that the colonial government imposed the Clifford and Lugard Constitutions in Nigeria.²⁰ The two governors that assumed power after Clifford was Donald Cameron and Bernard Boudillon, who did not impact Nigeria's constitutional development.

However, The Richards Constitution of 1945 was no different from the Lugard and Clifford Constitution. Nigerian nationalists hated this Constitution, and it succeeded in dividing Nigeria into three regions, which brought about regionalism into the Nigerian political system.²¹ However, Richard's Constitution introduced federalism in Nigeria's political system which was theoretical in outlook, and because of that structural inequality, unabatingly dominated the Nigerian political discourse of today. Some commentators believe that is one of the factors that hinders Nigeria's development. The 1951 Macpherson Constitution consulted Nigerians to set up a Select Committee of the legislative council mandated to review the Constitution of 1946.²² The 1951 constitution gave Nigeria some autonomy, and the House of Representatives was created consisting of one hundred and thirty-six members. The Governor nominated another twelve members to the same house. Unfortunately, the 1951 constitution

¹⁹ Olamide Olanrewaju, 'History of Nigerian Constitutional Development: 1963 Constitution, 1979 Constitution, Independent Constitution, Lyttleton Constitution, Macpherson Constitution, Richard Constitution', <https://djetlawyer.com/history-nigerian-constitutional-development>, accessed 12 January 2021.

²⁰ Akindiyo Oladiran, 'Democratizing and legitimizing Constitutional Making in Nigeria: A Focus on the 1999 Constitution of Nigeria' (2014) 4(2) *International Journal of Humanities and Social Sciences* 205-211.

²¹ Egbert Udo Udoma, *History and the Law of the Constitution of Nigeria* (Malthouse Press, 1994) 49.

²² EM Joye and K Igweike, *Constitutionalism and Democracy: Transition in the Contemporary World* (Macmillan, 1982) 25.

collapsed after operating for two years.²³

The collapse of the 1951 constitution gave birth to the Lyttleton Constitution of 1954. This Constitution made Nigeria a federation of five regions consisting of Southern Cameroon, the Federal Territory of Lagos, Eastern, Northern, and Western regions. The independence constitution of 1960 led to Nigeria's independence, and in 1963 a proposal was published for the creation of the Constitution of the Federal Republic of Nigeria. This gave birth to the Federal Republic of Nigeria on 1 October 1963.²⁴ A President was appointed for Nigeria, who became Head of State and exercised the quasi-executive power of a President. Because of the general tribal and ethnic disaffection of the various regions in Nigeria, mainly due to dissatisfaction with colonial rule, a political crisis erupted in almost all regions of Nigeria. This made the process of governance in Nigeria impracticable and ungovernable.²⁵ Despite adopting a democratic system before the military intervention, lack the political cohesion to develop a national identity. This unpalatable state of affairs invited the military dictatorship back to power. This led to the first coup d'état on 15th January 1966.²⁶ This coup led to the loss of many civilian lives as well as political leaders. With the inception of the military, the armed forces took over the administration of the country. The Republican Constitution exercised no authority at all, which rendered the council of ministers unconstitutional. Because the military had stripped the council of ministers of its powers, the military now in charge of government promulgated Decrees 1 and 3 of 1966. It also altered and suspended the Constitution under the Constitution (Suspension and Modification) No 1 of 1966.²⁷ The military suspended the regional and executive parliament. This military government tried to introduce constitutional changes by setting up panels and bodies to study the factors working against national unity in Nigeria. But this effort at constitutional changes was nipped in the bud

²³ Ibid.

²⁴ Ibid.

²⁵ IE Sagay, 'Setting the Agenda for Constitutional Development in Nigeria' in Center for Democracy and Development, *Strengthening Nigeria's Constitution for Sustainable Democracy* (Center for Democracy and Development, 1999) 14.

²⁶ Umaru Saidu Zamare and Usman Ahmed Karofi, 'National Unity: A Catalyst for Sustainable Development in Nigeria' (2015) 5(8) *Journal of Developing Countries Studies* 86, 86-89.

²⁷ PA Oluyede and DO Aihe, *Cases and Materials on Constitutional law in Nigeria* (eds.) 509

following a second coup d'état which brought this arrangement abruptly to a halt.²⁸ Coup d'état became the order of the day.

Similarly, there was a coup d'état on 29 July 1966 and 29 July 1975.²⁹ The effort at constitution-making in Nigeria was enhanced when the military set up a Constituent Assembly to draft a new constitution for Nigeria. This was set up under Decree No. 50 of 1977, and the Supreme Military Council constituted a constituent assembly consisting of 203 elected members drawn from various states of the country and twenty other members, and chaired by Sir Udo Udoma.³⁰ The constituent assembly made recommendations, and the supreme military council approved the Constituent Assembly's recommendations by promulgating the 1979 Constitution into law, and the supreme military council inserted into the Constitution specific provisions, which the constituent assembly did not deliberate on.³¹ The military manipulated and tampered with the 1979 constitution, and too much power was vested in the federal government. This allowed the federal government to exercise authoritarian power because of the individual sections' which the military surreptitiously inserted into the Constitution. This development led to the allocation of excess power to the federal government, and a different constitution which was not approved and accepted by the majority of Nigerians was passed into law as the 1979 constitution of Nigeria. The 1979 Constitution was a manifestation of military dictatorship and authoritarianism, and this impacted heavily on Nigeria's political system.

The military struck again in 1983 and suspended the 1979 Constitution, and Major-General Muhammadu Buhari ousted the civilian administration of President Shehu Shagari on 31 December 1983.³² There was another coup in 1985, which toppled Muhammadu Buhari's regime and brought in General Ibrahim Babangida to power as military President. Babangida promised to relinquish power in 1989. Babangida instituted the political bureau in 1986 and tasked it to make recommendations for a

²⁸ Ibid at 13.

²⁹ Ibid.

³⁰ Mowoe, at 7

³¹ FT Abioye, 'Constitution-making, Legitimacy and Rule of Law: A Comparative Analysis' (2011) 44(1) *Journal to Comparative & International Law of Southern Africa* 59-79, 71.

³² Nikki Tobi, 'The Legitimacy of Constitutional Change in the Context of the 1999 Constitution' in IA Ayua, DA Guobadia and AO Adekunle, (eds.) *Issues in the 1999 Constitution* (NIALS 2000) 24.

new constitution.³³ The supreme military council set up a constitution review committee entitled Transition to civil rule Decree 1987, tasked with reviewing the 1979 constitution based on the recommendations of the political bureau. What you notice from the political bureau's recommendations was a manifestation of the military's influence under the Nigerian Constitution and the frustration of every attempt and effort to bequeath to Nigeria a single constitutional document that Nigerians can call a constitution. The political bureau failed to effect any change(s) into the 1979 constitution, and the annulment of the June 12, 1993, election meant that the 1989 constitution did not see the light of the day.

The cancellation of the June 12 elections brought about nationwide protests and demonstrations and calamities across the country and forced president Babangida to hand over power to the Interim Government presided by Chief Ernest Shonekan.³⁴ The Interim Government of Chief Ernest Shonekan was overthrown by General Sani Abacha and suspended every constitutional arrangement made by General Babangida. General Abacha promulgated Decree No 1 1994, and a constitutional commission was instituted tasked with organizing a constitutional conference. After Abacha died in 1998, a return to constitutional democracy began with General Abdusallam Abubakar, who succeeded Abacha. He constituted under the auspices of the Provisional ruling council a constitution debate on the Draft Constitution. This led to the 1999 Constitution, and the 1999 Constitution was promulgated into law on May 5, 1999.³⁵ After that, Nigeria became a democratic state under Obasanjo, who promised to institutionalise democracy and checkmate the excesses of military rule and uphold human rights and fundamental freedom. It is not wrong to say that the 1999 Constitution was a constitution made without the consent of Nigerians and was a recycled Constitution, which did not rectify the problems of the 1979 constitution. However, it can be said that the military was the only centralised institution when Nigeria became an independent state and usually operate as an autonomous body that receives no directives from the civilian government; that was why respect for human

³³ Ibid.

³⁴ Ibid.

³⁵ Tobi, 25.

rights and fundamental freedom was not their priority. Giving the current state of human rights in the country, it becomes imperative that this study will examine human rights violations arising from the operations of Boko Haram and the approach employed by Nigeria to address the insurgencies. Fundamentally, Nigeria is a democratic country governed by a well-defined Constitution (“Grund Norm”). For example, Section 36(1) of the 1999 Constitution of the Federal Republic of Nigeria (as Amended) explicitly defines the ambits of “the constitutional right to a fair hearing” within a court of law or tribunal established by law. Concisely, the Constitution provides for the fair trial of an accused person (in this instance, a perpetrator or suspect of a crime). This encapsulates two major Latin principles of fair hearing, which are: "audi alteram partem" meaning "hear the other party" and "nemo iudex in causa sua" meaning "no one should be a judge in his own case". Under no ideal circumstance must these principles be jettisoned, majorly because they provide an avenue for law and order and for justice to be attained.

1.1.2 The Nigerian Constitutional Challenges in the Context of the Fight against Boko Haram

As an independent state for nearly six decades, the military has ruled Nigeria for a period of 29 years. Following its return to constitutional democracy in 1999, it adopted a presidential system of government founded on the 1999 constitution.³⁶ The military oligarchs designed the Constitution in collaboration with their few civilian cronies through unpopular processes determined to perpetuate themselves in power.³⁷ Constitutional manipulations and crises in Nigeria started in the early years of Nigeria’s independence when the then leaders conspicuously copied the British governance system.³⁸ Although the military coup thwarted the development, as a result of the election crisis, followed by the civil war, and since then, the military regime has been ruling until 1999. However, following the uninterrupted and sustained democratic structure from 1999 to date, the country witnessed an acute constitutional crisis in 2010

³⁶ Ibid. 10

³⁷ J Ihonvbere, ‘How to Make an Undemocratic Constitution: Nigeria’s Example, Arguing What Civil Society Participation in Constitutional Making is Critical to the Relevance, Effectiveness and Legitimacy of any Constitution’ (2000) 21(2) Third World Quarterly 343-366.

³⁸ Ibid.

when the then President was inconspicuously out of the country to seek medical attention. Given this obnoxious incident, the country was almost plunged into anarchy because of the vacuum which the President's absence created, as the latter did not transfer power to his deputy. Nigeria had series of constitutions following successive military regimes' success with different interests, aims, and objectives.

However, the development of constitutional changes started in 1963 and subsequently followed in 1979. The fundamental question that comes to mind is, on what authority has the military government made these constitutions? Because in the process of framing the Constitution, cognizance must be given to the citizens' viewpoint and the appropriate avenue to express such opinions was through the sovereign national constitutional conference. Moreover, that was not observed under the military because there was no freedom to express such opinion. Nigeria's 1979 constitution section 1 (2), which is also the same section in the 1999 constitution, contained that

“The Federal Republic of Nigeria shall not be governed, nor shall any person or group of persons take control of the government of Nigeria or any part thereof, except under the provisions of this constitution.”³⁹

In the light of the foregoing provision, a military regime by its nature is unconstitutional and not recognised in any society in its entirety. Whenever military takeover, suspension, and modification of the Constitution becomes their first task and usually accompanied by Suspension and Modification Decree.⁴⁰ Those provisions that were not suspended were mostly modified, subject to the “suspension and modification” decree to incorporate the military whims and caprices. This practice has been sustained in Nigeria. The military uses ouster clauses to formulate their ephemeral laws whereby no individual will challenge such laws, and in reality, violates the principles of the rule of law and the fundamental freedom of citizens.⁴¹ Therefore, it is not wrong to say that a substantial part of the past and existing Constitution of Nigeria were military coded documents.

³⁹ Ibid, 10

⁴⁰ DA Ijalaye, 'Coups d'état and the Nigerian Constitutions' (1997) 1 Nigerian Journal of Public Law 26.

⁴¹ Ibid.

In light of the foregoing, it is crystal clear that military regimes undermined the Nigerian Constitution's supremacy and constitutionalism. The basic tenets of constitutionalism are giving absolute freedom to citizens and ensuring that it proffers political solution using the Constitution or the rule of law visible through democratic processes. The principle of constitutionalism recognises a popular government that can only be visible through a democratic setting.⁴² The Constitution empowers the authority to check the excesses of its subject. On this subject matter, Montesquieu contends that the government must protect the citizenry against any harm, so also checking the excesses of the citizenry lies with authority.⁴³ Because to him, once an individual is vested with power, he is liable to abuse it.⁴⁴ Preventing such abuses by individuals necessitated the principle of separation of power, which serves as the cornerstone for the smooth running of constitutional government.⁴⁵ Therefore, it can be observed from the above standpoint that military authoritarianism in Nigeria had succeeded in overthrowing the democratic structures, which are recognised as a legitimate means to govern society.

It is important to briefly discuss this Constitutional historical formation before focusing on the principle of separation of power under its provision. Historically, this Constitution rooted its origin during General Abacha's authoritarian regime when he sought to transition from military dictatorship to civilian democracy in 1995. In 1995 Abacha's government formed a National Constitutional Conference where representatives from a different side of the divide converged and discussed how Nigeria should adopt a democratic system. In so doing, the delegates considered framing the Constitution that hinged on people's beliefs, norms, customs, and traditions.⁴⁶

⁴² Victor T Le Vine, 'The Fall and Rise of Constitutionalism in West Africa (1997) 35(2) The Journal of Modern African Studies 181-206.

⁴³ Media Development Association and Konrad Adenauer Foundation, 'History of Constitution-making in Kenya (2012), <http://www.kas.de/welcome>, accessed 12 January 2021.

⁴⁴ Ibid.

⁴⁵ Ibid.

⁴⁶ See 'Abacha's 1995 National Constitutional Conference', <http://www.nairaland.com/977832/abachas-national-constitutional-conference-1994-95>, accessed 12 January 2021.

Sadly, as some may say, Abacha died in the middle of the exercise. General Abdulsalam Abubakar became the Head of State by being the most senior military officer. He then continued to transition to a democratic system that gave birth to the present system under the 1999 constitution. The process of framing the Constitution was not adhered to, as it was done contrary to the norms, beliefs, traditions, and customs of the people of Nigeria because their views were not taken into account. Those that were saddled with the task were not the chosen ones by their constituents but rather the elites close to the authority.

However, many observers believed that the existing Constitution is nothing but a document that contained a series of errors and nullity⁴⁷ and vehemently condemned in its entirety. Some also argued that the 1979 constitution is the same as the 1999 constitution with just limited modifications.⁴⁸ For instance, the separation of power under the 1999 constitution remains similar to that of the 1979 constitution.

Besides, Nigeria as a state of political independence has had a series of unending communal and ethnoreligious conflict for a long time in history. More particularly after the return to democratic rule with the coming into force of the 1999 Constitution, conflicts such as Odi in Bayelsa 1999, Kaduna ethnocultural and political crisis 2000, Jos religious crisis 2001, Zaki Biam crisis 2001, Niger Delta crisis that has been there for more than two decades, as well as the current feud between the herdsmen and farmers in north-central Nigeria. All these conflicts emanate largely as a result of leadership failure in all sectors of governance, and that signifies that Nigeria would one

⁴⁷ See for e.g. Nwabueze's interview in Vanguard Newspaper on 22 March 2013 where he said: Quite frankly, there are many flaws and many errors in the content of the constitution. So many errors and I as a person partly responsible because I was member of constitution drafting committee set up by the military in 1978. I was not only a member but chairman of one of the sub-committees that produced chapter 2, the fundamental objectives and one of the cardinal flaws in the constitution is the concentration of power in the Centre. That is why I accept that I am partly responsible for that because at the time, late Chief Rotimi Williams, a close friend of mine and nearly everybody in the committee were so overwhelmed with this feeling, this patriotic feeling that we needed unity and the most effective way to achieve unity of the country is by having a very strong central government. See 'The mistake Rotimi Williams and I made about Nigeria's Constitution' (Vanguard Newspaper, 22 March 2013), <https://www.vanguardngr.com/2013/...the-mistake-rotimi-williams-and-i-made-about>, accessed 12 January 2021.

⁴⁸ See Channels Hard Copy Programme aired on 22nd July, 2018.

day find itself in its present predicament. Against the backdrop of this antagonistic account, the present-day struggles trigger and reinforce divergent identities ethnic, political, economic and religious values. The Struggle such as having control of the political and economic influence over one another intensifies the problems. For instance, what triggered the ethno religious crisis of southern Kaduna and Jos in 1991 and 1994 was the creation of local government councils by the then military regime of Babangida. It is important to analyze this development in order to see how the conflict passed into communities' memories and became a point of reference for the rejectionist Boko Haram in their violent struggle.

Therefore, the essence of examination of the constitutional development and the state of the Nigerian Constitution is essential to this study to appreciate how the various arms of government are involved in addressing the insurgency of Boko Haram in the country. The legislative arm is responsible for law-making in the country. The executive arm implements the law, while the judicial arm is responsible for interpreting the law. Thus, the law on terrorism, such as the Terrorism Prevention Act 2011 and the 2013 amendment, is the legislature's products, setting in place the measures to check terrorism. The executive arm is required to implement the measures in the law and other international instruments. Thus, setting up counterterrorism strategies, military sources, arrest, and prosecution of terrorists is the executive's role. On the other hand, the judiciary will interpret the relevant laws and human rights instruments and adjudicate on the trial, conviction, and sentencing of a terrorist.

1.2 RESEARCH OBJECTIVES

1. To identify the factors that led to the emergence of terrorism by Boko Haram in Nigeria
2. To analyse the extent to which Nigeria's counterterrorism strategy complies with the provisions of sections 33-46 of the 1999 Constitution;

3. To examine how Nigeria has been able to implement the United Nations Security Council Resolution 1373 in the actualisation of human rights; and
4. To offer insights and suggestions on the Nigerian government's strategy that supports the protection of human rights.

1.3 RESEARCH QUESTIONS

1. What are the factors that led to the emergence of terrorism by Boko Haram in Nigeria?
2. To what extent has the Nigerian counterterrorism strategies conforms with the promotion and protection of human rights guaranteed in the Nigerian Constitution and other human rights instruments, or has Nigeria been able to implement the United Nations Security Council Resolution 1373 in the enforcement of human rights?
3. How best can the Nigerian counterterrorism strategies be effectively implemented to support human rights protection?

1.4 RESEARCH PROBLEM

In response to the opprobrious acts of Boko Haram, an act of the parliament was enacted by the two chambers of Nigeria's National Assembly in 2011 and later amended in 2013. The act is known as the Terrorism Prevention Act. The act made explicit provisions of various crimes of terrorism and other related crimes and what can be dealt with according to the stipulated laws. The Act addressed prevention, prohibition, and combating terrorism and, principally, funding of terrorism and terrorism-related crimes. It also provides for the rigorous implementation of the

Convention on the Prevention and Combating of Terrorism and Convention on the Suppression of the Financing of Terrorism and defined penalties to anyone that violates the provisions of the act.⁴⁹ The Act, however, has vague provisions affecting its effective implementation.

Human rights violations arising from terrorism and counterterrorism has been a significant concern in Nigeria, thereby questioning the approach adopted in the existing legal framework on counterterrorism in Nigeria. Thus the activities of Boko Haram continues to challenge the realization of human rights as well as the effort of the government to address the menace. Therefore, scholars must inquire and investigate the extent of human rights violations by terrorists and government agents in their approach to counterterrorism. This study will examine the country's human rights law and international law instruments to analyze the extent of the existing violations. However, there is limited research in Nigeria's Counterterrorism Strategies (NACTEST) and the acts of parliament that have to do with counterterrorism in Nigeria. Existing studies have not addressed Nigeria's counterterrorism policies' achievements amidst continued destruction of lives and properties by the Islamic sect and violations of human rights in the specific contexts of the Nigerian Constitution.

1.5 METHODOLOGY AND THEORETICAL UNDERPINNINGS OF THE STUDY

1.5.1 Methods

This research will utilise the law in context approach, which will involve the analyses of the relevant legal text, such as the domestic laws of Nigeria like the Constitution, international instruments relevant to terrorism as well as reports and literature that are relevant to the terrorist activities of Boko Haram and the human rights implications of the activities of terrorists and the response of the government. By implication, Nigeria

⁴⁹ Sneha Bhura, "Can Nigeria's Anti-Terrorism Law Address the Boko Haram Threat?" Institute for Defense Studies and Analyses

must observe certain international norms in line with the UN Charter and other international law treaties that Nigeria is a State Party.

Notable of these international treaties that can be examined in counterterrorism and other human rights treaties includes International Convention on Civil and Political Rights (ICCPR), African Charter on Human and Peoples Right, International Covenant of Socio-Economic and Cultural Rights. Moreover, the rights articulated in the Universal Declaration on Human Rights are well contained in the Nigerian Constitution in Chapter 4 on fundamental rights. Within the framework of Nigeria's Constitution, the right to access the court is allowed in the event of a breach of these rights. Thus Section 6 of the Constitution can be called into question by approaching the court in the course of the breach of these rights. The government can be compelled to exercise its duty to protect the citizens from violating these rights. Therefore, the research will draw its analysis from primary sources of law such as the Constitution of Nigeria as well as international treaties. Recourse will be made to secondary documents from the United Nations and other non-governmental organisations, to obtain facts on the activities of Boko Haram and its violations of human rights, an effort of the government on counterterrorism. The activities of Boko Haram and their operations will be discussed, followed by a review of the group's emergence as terrorists. Further review of human rights and the implementation of UN Security Council Resolution 1373 will be carried out vis-à-vis the operations of the terrorists and responses of the Nigerian government to counter and suppress the operations of Boko Haram.

1.5.2 Theoretical Underpinnings: Policy Oriented Approach

The policy-oriented approach is the framework that guided the conduct of this study. The policy-oriented approach's origin traced its root from the New Haven Academy of International Law in 1953 when Myers McDougal appeared on the stage to present a paper to students.⁵⁰ The motive behind McDougal's choice to deliver his lecture to

⁵⁰ Paul Schiff Berman, 'A Pluralist Approach to International Law' (2007) 32 The Yale Journal Of International Law 301, 301-329.

students was to criticise Kelsen's normative approach to international law. The former contend that the latter's role in the field of international law was remarkable, and as such is expected that his contribution towards policy commitments encapsulated within the procedures and rules of international law should be prodigious.⁵¹ McDougal further criticised Kelsen's normative approach to international law, that as a legal jurist who specialised in interpretation and analyzing the underlying workings of international law, rules and procedure ought to have considered policy commitments than to oppose them. McDougal added that such a position placed Kelsen as an irresponsible legal jurist, and for that, depicting himself as an accomplished analyst of logical interconnections between different legal principles was elusive.⁵²

Regarding the policy-oriented approach, scholars consider the approach to be a single coherent approach to international law because all of the advocates of the New Haven School appear to have divergent opinions on the application of the approach. As one of the New Haven School advocates, Rosalyn Higgins has developed a peculiar model in international law by bringing forward an approach that can quickly address the underlying problems in the field of international law. Higgins's contribution to international law from the 1960s to date seems to focus mainly on the United Nations' role as an umbrella that designs international law and how the international community can effectively apply such laws. In one of her treatise "Problems and Process: International Law and How We Use It," Higgins asserts that international law is a series of norms that control states' affairs. Therefore, she contends that the setting and conceptualization of international law as a series of authoritative decisions should allow the frontline actors in the area of legal interpretation to take cognizance of the dynamic nature of the society and how international law can be applied.⁵³

Higgins challenges observers who perceived international law as just a mere set of rules; to her such consideration can underscore international law's objective and render

⁵¹ M McDougal, 'Law as a Process of Decision: A Policy-Oriented Approach to Legal Study' (1956) *Natural Law Forum* 53-72, 54.

⁵² *Ibid.*

⁵³ *Ibid.*

it ineffective. Higgins argues that international law is designed; it is a process that must involve consideration of the principles that underlie legal provisions.⁵⁴ According to her, such provisions must include the capacity to respond to the dynamic nature of society. She believed that the concept of international law as designed could address any underlying problem emanating between states or individuals. Similarly, Higgins's single coherent approach viewed international law as a self-contained system that does not require modifications of new rules to suit society's changing need whenever problem supervene.

On a contrary opinion some international legal analysts see international law as rule-based approach. To these adherents of international event, such views portrayed international law effective because the application of such rules by states should be impartial and any state that fails to apply the existing rules, would be dealt with by some hegemonic states within the umbrella of the UN. But however, Higgins objected to such views and asserted that if such rules are allowed to supervene, then international law has discarded the general sources of its law within the culture of international relations which would be easier to interpret and apply such laws.⁵⁵ The understanding of Higgins perspective essentially means international law as it stands, cannot and should not rely on following rules only. Instead, the existing rules should be regarded as a key component of the international law function and not the only international law component.⁵⁶

Consequently, it is against this background. Higgins proposed a policy-oriented approach to international law, arguing that international law is a continuous authoritative decision-making process in which a decision-maker should be allowed to handle the complex nature of international law. Higgins declared that decision-makers use their authoritative positions as representatives of people. Any decision they arrive at is considering competing claims of absolute legal validity that would have an impact

⁵⁴ Ibid

⁵⁵ Ibid.

⁵⁶ Ibid.

rather than a parochial normative approach that is believed to be unchanging.⁵⁷ In this disposition, the decision-makers are not trying to change the existing international law rules. It is based on this Higgins draws her concept of a process-based approach to international law.

However, considering the intricacies that decision-makers would find themselves when determining or formulating the rules, Higgins opted to detach her position from the rule-based approach by drawing the decision-makers' attention to distinguish between complementary rules in certain instances.⁵⁸ She critically evaluates these circumstances by looking at the competing rules that would give viable and fulfilling justice. Higgins also contended that in international law, justice's achievement lies solemnly on how the decision-maker analyses and applies the necessary objectives that would lead to the deliverance of justice according to the peculiar nature of the situation. She went further by cautioning the decision-makers to understand that justice is a process that eliminates the barrier of the political and social context of the ongoing issue into consideration.⁵⁹

Viewing from this prism, Higgins asserts that the policy-oriented approach stands as a viable method of solving or analysing international law's core principles because it affords decision-makers various ways to apply when delivering justice. She outlined some instances to back her arguments. For instance, she disseminates the role of apostasy under Islamic law and its relationship with international law.⁶⁰ It is imperative to find an interpretative concept on how such a conundrum could be resolved in this circumstance. Hence using a policy-based approach would avowedly respond to the challenge. The practice of such a concept largely supervened in the majority of Islamic States of the Middle East where if a person renounces his or her faith, a death penalty would be handed to such a fellow. Higgins have used this example by arguing that some scholars of international law have succinctly used the

⁵⁷ Ibid.

⁵⁸ Ibid.

⁵⁹ Ibid.

⁶⁰ Ibid.

concept of apostasy under the Islamic law and maintained that because of the Islamic legal system in such states, international human rights was not applicable, and hence should not be applied to all states. These scholars further argue that the concept of international human rights as designed has not taken into account such aperture on whether human rights instruments could work in a particular region. Further, they maintained that if the human rights instrument is not uniform across the board, this position underscores international human rights law's general principles.⁶¹

On a contrary view, Higgins rejected these scholars' perspectives arguing that international law does not rest on analysis of practices that violate it and the consequences of those violations.⁶² According to her, such analysis rests on the general practice of states that are party to a particular instrument. Higgins maintains that despite flouting social policies by some states in the Middle East on the concept of apostasy, to her under the rule-based approach such can be protected. Similarly, as contended by Higgins the policy-based rules can correct the flouted policies of such laws as apostasy. She went on to give an account of how the controversial conventions being utilised by scholars and commented that it is imperative to look at the socio-religious backgrounds of some member states that were party to such conventions, for instance, Middle East states where the vast majority are of Islamic background.

Furthermore, in arguing the veracity of the concept of a policy-oriented approach, Higgins opted to analyse the position of expropriation under such a concept. Higgins believed the concept of expropriation under international law has not adequately given protection to foreign multinational investments, especially in oil and gas as they face serious risk of expropriating their investments.⁶³ This development happened in some oil producing states like Iran, Venezuela, and Libya. On this, she argues that in some countries under the general principles of international law, there is not a single law that permits the industrialised world to protect its corporation or intervene if a dispute arises. If such law was proffered under international law, it means states'

⁶¹ Ibid.

⁶² Ibid.

⁶³ Ibid.

independence, especially the developing ones, will be severally threatened, which violates international law. On expropriation, she pointed out that investors should seek a worthy compensation of their investment and the overall earnings of anticipated deals once such happens.⁶⁴ However, she alluded to the fact that getting compensation may be impossible mainly because there was no underlying law compelling states' perpetration of such act.

Correspondingly, she surmised that the absence of laws to cover corporations from state unlawfulness because of recognition of state's legal sovereignty under international law, hence the unlawful position of expropriation has no consequence on its status. So, even if an investor is seeking compensation, such corporation rights do not confer any remedy under any law.

The peculiarity nature of the policy-oriented approach to international law presented itself as a viable rule-based approach to solving legal problem as such, this thesis will follow it proponent's lead and analyses Nigeria counterterrorism strategy in the light of resolution 1373. This will allow the researcher to assess the underlying considerations that led to the adoption of the strategy. The approach would further enhance the capacity of the author in breaking down the latter resolution. It would also analyse the range of choices available to Nigeria and the United Nations Security Council. The quest to unravel the Nigerian Counterterrorism Strategy and Resolution 1373 will give the author more impetus by assessing the two choices' legality. The approach will essentially guide the author to discover how Nigeria's counterterrorism connects to Resolution 1373 and how such approaches have protected the human rights of the citizens.

⁶⁴ Ibid.

CHAPTER TWO

2.1 REVIEW OF RELEVANT LITERATURE

Terrorism has generated an extensive analysis from scholars and researchers of various fields such as political science, international relations, criminal law, human rights law, and international humanitarian law. Scholars have responded to the development in the field of terrorism from divergent perspectives. However, international law has attracted a great deal of scholarship because the activities of terrorists have taken much of a global outlook in recent times. This has manifested in the fact that there is a growing network among terrorists receiving support from similar groups abroad. More so, the September 11 attack on the United States witnessed a new dimension in taking matters of terrorism seriously with the need for cooperation.

2.6.1 The Concept of Terrorism and the Labeling of Boko Haram as a Terrorist Group

An attempt to define the concept of terrorism certainly puts oneself in a difficult situation mainly because the latter has become a controversial term in policymakers' and academics' eyes. The concept emerged during the French revolution under Jacobin's reign in 1793-94⁶⁵, ascribed or known as “reign of terror.” In the late eighteenth century, the method of intimidating citizens was employed by most European States to prevent anarchy and ensuring that society-maintained peace and order. Hence the word terrorism was coined.⁶⁶ It was also adopted as a tactic in strengthening political power by Russian anarchists in the 19th century. According to Rapoport, the Russian rebels alluded themselves against the term guerilla as often used in the 19th century to wage war against the state or commit a crime.⁶⁷ After that, the concept was used by private groups and organizations as a method of unleashing mayhem to humanity. However, this notion has been wallowing for a long period

⁶⁵ A Ali, *Combating Terrorism: Saudi Arabia's Role in the War on Terror* (Oxford University Press, 2009) 3

⁶⁶ *Ibid.*

⁶⁷ David C Rapoport, 'The Four Waves of Terrorism', in Audrey Kurth, Cronin and James ML Ludes, *Attacking Terrorism* (Georgetown University Press, 2004) 51.

within states and the international community to arrive in finding an acceptable meaning to the concept.

Definition of terrorism remains a massive task for the international community to address, particularly within the scope of international law. Scholars such as Higgins contend that there is no international crime of terrorism and, therefore, cannot be implied that terrorism is a crime against humanity.⁶⁸ Higgins and other scholars' position on this subject matter is important because the concept has defied an acceptable definition. The difficulties in the definition allow other sub-field within the mainstream discipline of international law to address the crime of terrorism such as international human rights law, international humanitarian law, international criminal law, and refugee law, which is referred as an inductive approach.⁶⁹ Under this approach, Higgins observed that some scholars only defined certain acts of terrorism such as kidnapping, suicide bombing, hoaxes, and hostage-taking and others, but, not a broader definition of the concept.

The verity so to say, that any literature on the concept starts by discerning the definitional quagmire is inevitable.⁷⁰ Thus, the only unanimity amongst the policymakers and academics is that terrorism has no single accepted definition. Although, Bondi contends that lack of definition is deliberate by the United Nations since Resolution 1373⁷¹ that redefines global politics after September 11 avoided the definition.⁷²

As observed that the phenomenal concept of terrorism remains the subject of debate within academics and international legal jurisprudence, it is indeed important to view former's definitions and contributions to the existing literature in this field of endeavor.

⁶⁸ R Higgins and M Flory, *Terrorism and International Law* (Routledge Press, 2003) 15.

⁶⁹ U Sozubir, *Conceptualizing the Definition of Terrorism in the light of Development in the Fields of Academics, History and Legislation* (MA Thesis, Bilkent University 2005) 22.

⁷⁰ See Ninian Stephen, 'Toward a Definition of Terrorism', in Coady and Michael P Okeafe (eds.), *Terrorism and Justice: Moral Argument in the threatened World* (Melbourne University Press, 2002) 1.

⁷¹ Loretta Bondi, *Legitimacy and Legality: Key Issues in the Fight against Terrorism* (The Fund for Peace, 2002) 25.

⁷² *Ibid.*

Some have suggested that states should follow the definitions contained in the International Convention for the Suppression of the Financing of Terrorism adopted under resolution 1276 and the definition under Resolution 1566 for reference as lots of elements in such definitions can help solve criminal acts of terrorism. Although acts of terrorism vary as such states deal with acts of terrorism differently.

However, in his contribution to the field, Young contends that the international community must define terrorism because once is not clearly defined, the implication is so overwhelming. He argues that as a legal concept, its functions are not just a mere phrase for moral condemnation as it has been accepted as a legal term, should be accompanied by a legal definition.⁷³ He further asserts that when states are crafting or framing the definition of terrorism, they should also take into cognisance both legal and justifiable reason of core international definition of the concept, although, his summary of the definitional concept does not wangle within the purview of customary international law.⁷⁴ His view about the legal concept was in contrary to Higgins concept. Higgins opined that the concept of terrorism has no legal significance since it is a way of alluding to activities, and as such, the relevance of finding an acceptable meaning not necessary. She further contends that the concept of terrorism has not been regarded as a branch under international law. However, she does posit that states should continue to explore any existing mechanism under international law to address the crime of terrorism in their states. Higgins believed that the difficulties in definitions are objective and not just subjective.⁷⁵ She maintained that the technical problems of definition are enormous.

Furthermore, Randall observed that because of the negative connotation of terrorism, state actors, academics, and legal experts use the concept pejoratively and normatively

⁷³ Young defined terrorism thus: "The serious harming or killing of non-combatant civilians and damaging their property with a public use of carrying economic harm done for the purpose of intimidating a group of people or a population or to coerce government or international organization." See Reuven Young, 'Definition of Terrorism: The Evolution of Terrorism as a Legal Concept in International Law and its Influence of Definition in Domestic Legislation' (2006) 29 Boston College International & Comparative Law Review 23, 23-106.

⁷⁴ Ibid.

⁷⁵ R Higgins and M Flory, *Terrorism and International Law* (Routledge Press, 2003) 15.

as a moral judgment for crime, intrinsically immoral.⁷⁶ Ben Saul contends that the rationale behind defining the concept of terrorism is that terrorism undermines individuals' cardinal rights, threatens the sovereignty of the state, and transmits its venom to international borders. To him, this calls for an expeditious definition of the concept.⁷⁷ He further notes; that lack of working definition is not just merely of conjectural interest because the phrase “terrorism” and “terrorists” have been legally buttressed after the September 11 event that culminated in the adoption of the UN Security Council resolution 1373 which, intensively captured and criminalised terrorism acts of any sorts. He, therefore, supports the crafting of an acceptable meaning of the concept.⁷⁸ Dean and Alexander listed ten factors that would trigger future terrorism due to lack of working definition such as disagreement as to the causes of terrorism, regionalization of politics, and exploitation of media. He further asserts double standard of morality, the weak punishment of terrorists, complexities of modern societies, the high cost of security in democracies, violation of international law by, and promotion of, terrorism by some states, and loss of resolve by the government to take effective action against terrorism.⁷⁹ Williams observed that if the concept of terrorism is not thoroughly defined, states' powers might exacerbate very far.⁸⁰ English opined that since the concept cannot disappear in both the academic and policymaking world, it is, therefore, useful to retain our commitment to establishing a precise, coherent definition rather than merely jettisoning it.⁸¹

However, Schmid notes that having a defined and comprehensive definition of terrorism by states will help maintain the principle of dual criminality. He further

⁷⁶ Randall D. Law *Terrorism: A History* (Polity Press, 2009) 2.

⁷⁷ B Saul, *Defining Terrorism in International Law* (Oxford University Press, 2006) 7.

⁷⁸ Saul Ben defined Terrorism thus: “any serious violent criminal act intended to cause death or seriously bodily injury or to endanger life, including by acts against property where committed outside an armed conflict for a political, ideology, religious or ethnic purposes and for where intended to create extreme fear in a person, group, or the general public and seriously intimidate a population or part of a population unduly compel a government or an international organization to do or abstain from doing any act.” See Saul Ben, ‘Definition of Terrorism in the UN Security Council. 1985-2004’ (2005) 4 Chinese Journal of International Law 141-166.

⁷⁹ Dean C Alexander and Yonah Alexander, *Terrorism and Business. The Impact of September 11, 2001* (Brill–Nijhoff, 2002) 195.

⁸⁰ Ben Golder and Williams George, ‘What is Terrorism-Problems of Legal Definition’ (2004) 27(2) University of New South Wales Law Journal 270-295.

⁸¹ R English, *How to Respond to Terrorism* (Oxford University Press, 2009) 21.

stated: “It is widely agreed that international terrorism can only be fought by international cooperation, in the field of mutual legal assistance, one of the basic principles of judicial cooperation in general and extradition, in particular, is the principle of dual criminality an act must be a crime in both countries involved. If states disagree on whether an act constitutes terrorism, hence chances of interstate cooperation are diminished.”⁸² He also contends that lack of definition would systematically encourage future terrorism. This view was similarly shared by Ramiraj where he commended the adoption of UN Security Council Resolution 1373 by contending that “*vertical dimension of the global anti-terrorism law*.”⁸³ This means that a terrorist cannot escape justice irrespective of where the terrorist acts were committed, by and large, application of the universal jurisdiction would prevail.

Similarly, Schmid argues that terrorism can barely be understood only regarding the violence perpetrated on the society, the other way of understanding it is through propaganda. Violence and propaganda, however, have much in common. Violence aims at behavior modification by coercion while Propaganda aimed at the same persuasion. His view regarding the propagandist way of unleashing mayhem to society can be adjudged with the modus operandi of Boko Haram acts in northern Nigeria. The sect had succeeded in adopting that approach and tactics for a very long time. In one instance, they claimed to have taken over the Nigerian army's security formation situated in the epicentre of the insurgency. They also claimed to have taken control of Maiduguri metropolis, which is the capital of Borno State.⁸⁴ With such propaganda, they instill fear in the security forces that counter their nefarious acts much less of the vulnerable civilians that live within the community. However, this has veraciously attuned with what Richard observed that terrorism is concerned with communicating the message that would not otherwise be heard “were if not for violence.” Similarly,, this part of the chapter argues, that such tactics are to attract the general populace’s

⁸² Alex Schmid, ‘Terrorism- The Definition Problem’ (2004) 36 Case of Western Reserve Journal of International Law 375-420.

⁸³ Wondwossen D Kassa, ‘Rethinking the Definition of Consensus and the Would Have Been Binding Assumption Pertaining to Security Council Resolution 1373’ (2015) 17(1) Finders Law Journal 127-154

⁸⁴ See e.g. BBC News, Nigeria’s Boko Haram Puts Maiduguri Under ‘Siege’, <https://www.bbc.com/news/world-africa-29155529>, accessed on 12 January 2021.

attention and recruit vulnerable youths into their struggle, especially the restive youths whose government failed by all principles to shelter them due to pervasive corruption.

In his contribution to the field, Richards posits that policymakers' inability to develop a precise definition of the concept has allowed actors and non-state actors to craft a definition of the concept in a manner that suits their interest.⁸⁵ For instance, the US government in its effort to wage war against the terrorists, have had series of debates outside the shore of the United States to examine the implications of lack of agreed definition of the concept, and how especially, the states of the South Asian and Middle East regions react to the fight against terrorism.⁸⁶ Richards also believed that finding a universal and acceptable meaning of terrorism remains elusive in the policymaking world and it also proved to be a problematic phenomenon even within the academic circle. He further maintained that debating so much in finding the definition of the concept within the academic community is tacitly splurged of time. According to him Schmid and Jongman have assiduously crafted various academic and policy-making definitions of the concept.

Similarly, Crenshaw contends that after the September 11 event, terrorists demonstrated their capacity to threaten international peace and stability. On that note, they presumed that most of them working in the field thought that an agreed definition would accompany notorious acts, any discussion on the concept of terrorism.⁸⁷ She also asserts that instead of the enemy's moral character, why not have a neutral definition of the concept that would generally capture all acts of terrorism.⁸⁸ However, one essential point observed that the framers of the proposed definition of terrorism in both academic and policymaking circles failed to distinguish the difference between terrorist acts and other social vices, such as insurgency and others that supervene in the society. For instance, there has been unrest in the Niger-Delta region of the country for

⁸⁵). Anthony Richards, 'Conceptualizing Terrorism' (2013) 37(3) *Studies in Conflict and Terrorism* 213-236, 214.

⁸⁶ Ibid.

⁸⁷ M Crenshaw, *Explaining Terrorism: Causes, Processes and Consequences* (Routledge Press, 2011) 2.

⁸⁸ Ibid.

more than three decades in Nigeria, and this mainly because of the agitations of resource control by the oil-producing community. Ethnoreligious clashes between herdsmen and farmers' and more of such crises have not been duly encapsulated and even if such vices were captured, remains controversial. Although, Crenshaw made a reasonable attempt to distinguish terrorism and other vices in her elucidation on Algerian Front de Liberation Nationale (FLN) against the French.⁸⁹ All these rhymes of violence give room or breed act of terrorism which policymakers tend to ignore. This raises the question: are these forms of violence not sufficient, and enough to create serious unrest within a state territory? Then if they can, why then policymakers not consider such acts as terrorism?

However, the existing crises confronting Nigeria such as herdsmen and farmers tussles, fits the description of acts of terrorism encapsulated under the TPA. This crisis was initially seen as a local uprising between communities, but soon the herdsmen's modus operandi changes considerably as their acts transmogrify. The pragmatic shift in their tactics from trite to modern terrorism had advanced and confirmed that their acts need to be countered before it spread to the other parts of the country.

Viewing from this prism, Carlos Marighela identified four potential targets that terrorists usually focus. (a) On their supporters amongst the general populace, to aspire and build morale (b), they tend to look at their support base to attract supporters and members (c) getting the attention of the international community to attract attention and to buy sympathy for their cause; (d) they easily identify their enemies in their base, to intimidate and instill fear amongst the targeted government institutions and or the general populace.⁹⁰ The gruesome murder of more than 200 people in Kano Mosque in 2011 and UN Building in Abuja 2012, exemplified Boko Haram's psychological impact and its purpose of communicating a message.⁹¹

⁸⁹ Ibid. 21.

⁹⁰ John W. Williams, 'Carlos Marighela: The Father of Urban Guerrilla Warfare' (1989) 12(1) Terrorism 1-20.

⁹¹ See BBC News, 'Abuja Attack: Car Bomb hits Nigeria UN Building', <https://www.bbc.com/news/world-africa-14677957>, accessed 12 January 2021.

As acknowledged in different sections of the text, the complex nature of terrorism makes it difficult to adopt a single coherent definition, which could be due to the negative connotation of the term. The change of strategies and tactics by the terrorists has made it hard to agree unanimously. The definitional challenge is not only limited to decision makers, international legal commentators but academics as well. Various academic scholars crafted the concept based on the compelling circumstances of the terrorist acts, which partly revolved around political and social phenomena. For instance, Hoffman contends that you will find different crafted meanings of the state departments or agencies' concept. In the United States, for example, four state agencies defined terrorism differently.⁹² Guelke unlike some scholars opposed the crafting of definition of the concept and criticises Schmid's understanding of the concept for using the term violence in his definition. The former contends that the term violence is only characterised by the disapproved element and indicate illegitimate. He further notes that the term violence is associated with illegitimacy while 'force' is a representation of legitimacy.⁹³ Erlenbusch queried the reliance of everyday speech, to her, introduced a moral judgment of terrorism as "ignoble" within the academic circle. She vehemently opposed the definition of terrorism pointing that is mostly centred on an "objectionable" term orchestrated by the venom of speeches that is in public domain which to some extent, denies commentators to give an objective and understandable definition. In a similar vein, Merari queries individuals and institutions that devote time and resources trying to craft or define terrorism. Searching for logic-based

⁹² Schmid A, *Terrorism-The Definitional Problem* (36 Case Western Res. Journal of International Law, 2004) 375, 377. These definitions are as follows: The United States House of Representatives Permanent Select Committee on Intelligence in 2002 defined terrorism as "the illegitimate, premeditated violence or threat of violence by subnational groups against persons or property with the intent to coerce a government by installing fear amongst the populace." Secondly, the US State Department in 1984 defined terrorism as "premeditated, politically motivated violence perpetrated against non-combatant targets by subnational groups or clandestine agents, usually intended to influence an audience." Thirdly, the FBI in 1999 defined terrorism as "the unlawful use, or threatened use, of force or violence by a group or individual...perpetrated against persons or property to intimidate or coerce a government, the civilian population or social objectives." Fourthly, the US DOD in 2000 defined terrorism as "the calculated use of violence or threat of violence to inculcate fear, intended to coerce or to intimidate governments or societies in the pursuit of goals that are generally political, religious or ideological."

⁹³A Guelke, *New Age of Terrorism and International Political System* (Tauris Academic Studies, 1997) 20.

definitions of the term that belongs to political and social science, especially with its negative connotation, is a waste of time.⁹⁴

The thesis has analyzed various scholarly definitions of terrorism; it will then evaluate Nigeria's counterterrorism strategy in the light of Resolution 1373. The latter resolution will be analyzed within the scope of Resolution 1566 to help explain the challenges the international community encountered in its efforts to come up with a working definition on the concept of terrorism and how States should respond to the crime of terrorism within their domestic legal statutes.

As observed, the road in finding the acceptable definition of the concept of terrorism was quite winding and dilatory, in response to the international and domestic terrorism and efforts of countering the acts of terror by states, both the United Nations General Assembly and the Security Council have adopted a series of resolutions and conventions in that respect.⁹⁵ Despite the resolutions and conventions not much has been achieved in the fight against terrorism because of the lack of clear understanding of the concept, although, the definition in resolution 1566 is binding on all member states. In 2004 United Nations Security Council adopted resolution 1566 in which, it explicitly defined the concept of terrorism and hence, accepted as a working definition for member states. The adoption of resolution 1373 in 2001 was regarded as a turning point in the fight against terrorism because of its distinctive features.⁹⁶ The

⁹⁴ See A Merari, 'Terrorism as a Strategy of Insurgency', in G Chaliand, A Blin (eds.), *The History of Terrorism: From Antiquity to Al-Qaeda* (California University Press, 2007) 13.

⁹⁵ See, for example, Convention on the Prevention and Punishment of Crimes against Internally Protected Persons, including Diplomatic Agents, Dec. 14, 1973, 28 U.S.T. 1975, 1035 U.N. T.S. 167; International Convention against the Taking of Hostages, G. A. Res. 146 (XXXVI), U.N. Doc A/34/46 (Dec. 17, 1979); International Convention for the Suppression of Terrorist Bombings G.A. Res 52/164 U.N. Doc. A/RES/52/164 (Dec. 15, 1997); International Convention for the Suppression of the Financing of Terrorism, G. A. Res. 54/49, U.N. Doc. A/RES/54/49(Dec.9, 1999); International Convention for the Suppression of Acts of Nuclear Terrorism, G.A. Res. 59/290, U.N. Doc, A/RES/59/290 (accessed 28 June 2018)

⁹⁶ See UN Resolution 1566 adopted on 8 October 2004. According to Javier Ruperez, Executive Director Counter – Terrorism Committee Executive Directorate United Nations: "Strengthening International efforts to eliminate terrorism started year before the United Nations was established. He stated that Terrorism was of concern to the international community as early as 1937, when the League of Nations prepared a draft convention for the prevention and punishment of terrorism. The draft convention defined terrorism as: "All criminal acts directed against a State and intended or calculated to create a state of terror in the minds of particular persons or a group of persons or the

international character of the September 11 event, together with their extreme violence and the mass loss of life forced the international community and stated to reconsider the appropriate responses, and the resolution, unlike its predecessors, is binding on member states. After that, states adopted new and often sweeping counterterrorism legislation in that regard. In ensuring strict adherence to the mandate, the council created a monitoring committee known as the Counter-Terrorism Committee to follow up and corroborate in line with the provisions of the resolution. The effectiveness of the struggle against terrorism could only be possible once there is an understanding of the concept and consensus amongst the policy-making world and academics regarding the acceptable definition of terrorism.⁹⁷ In the author's view, the rigmarole in this development is because the UN was not imperious towards the concept of terrorism from its inception as did by its predecessor the League of Nations. If the UN had committed itself in finding and agreeing to the definition of terrorism before the adoption of resolution 1566 in 2004, the definitional problem, would not have been a subject of debate. Before it came into existence, its predecessor the League of Nations through the Convention for the Prevention and Punishment of Terrorism made a plausible attempt to define terrorism but failed to get the requirement to be ratified.⁹⁸ At first glance, the issues of terrorism came to fore of the UNGA immediately after the Munich Olympic attack in 1972. Mockaitis notes:

The UN has struggled for years to reach a consensus on a common definition of terrorism. Two issues consistently block consensus: inclusion of acts of terror by states and the insistence by the member states that any definition must distinguish between the acts of terrorists and those whom they consider as 'freedom fighters.' Many also expressed the justifiable concern that effort to combat terrorism may erode human rights that the organization has consistently fought to

general public." See Javier Ruperez, 'The United Nations in the Fight against Terrorism', https://www.un.org/sc/ctc/wp-content/uploads/2017/01/2006_01_26_cted_lecture.pdf, accessed 12 January 2021.

⁹⁷Joseph Isanga, 'Counterterrorism and Human Rights: The Emergence of Rules Customary International Law from the UN Resolutions' (2009) 37 *Development Journal of International Law and Policy* 233, 233-255

⁹⁸ *Ibid.*

uphold. Faced with this seemingly insurmountable impasse, the organization continues to expand the legal framework for combating terrorism.⁹⁹

However, unlike the previous resolutions, that diffidently addressed specific acts of terrorism in a particular state, resolution 1373 comparatively laid a clear direction of combating acts of terror at a global level, which as stated above, Ramraj refers as “*vertical dimension of the global anti-terrorism law.*”¹⁰⁰ The adoption of the Resolution emits high plausibility to the Security Council’s effort because the adoption would not be successful if it had gone through the treaty process of the General Assembly. Thus, UN High Panel on Threat Challenges and Change noted that lack of clear definition of the concept of terrorism stained the UN’s image.¹⁰¹ As observed by some scholars, domestic definition of the concept of terrorism should not be broad and large in contents to not conflict with the one contained in the International Convention for the Suppression of the Financing of Terrorism and the definition under Resolution 1566. Scholars have queried this argument that it is a prerogative of the state to accept such definitions or not because it is not binding on states to adopt any definition in their domestic criminal legislation. Others contend that there is no valid recognizable definition adopted by the international community despite decrying the definitions as plausible. States have chosen to adopt a different process in defining the concept by their criminal laws. We could see that of all the UN Conventions that enunciated the concept of terrorism created a decade after the assassination of King Alexandra of Yugoslavia; it is only the International Convention for the Suppression of the Financing of Terrorism that vehemently made an efficacious attempt to define the phenomenal concept of terrorism.

Therefore, it is not wrong to say that finding an acceptable definition of the concept of terrorism is necessary on one hand because authority could hardly identify or

⁹⁹ T Mockaitis, *The New Terrorism: Myth and Reality* (Pentagon Press, 2007) 2

¹⁰⁰ Wondwossen D Kassa, ‘Rethinking the Definition of Consensus and the Would Have Been Binding Assumption Pertaining to Security Council Resolution 1373’ (2015) 17(1) *Finders Law Journal* 127-154

¹⁰¹ Alex Schmid, ‘Terrorism: The Definitional Problem’ (2004) 36 *Case Western Reserve Journal of International* 375-420.

criminalise acts of terrorism if left as vague as it is. Having a clear legal definition, on the other hand, would give states the unambiguous basis of deterrence, retribution, retaliation¹⁰² and severe punishment for those who threaten peace and stability of states.

Given the devastating causes and threats posed by the terrorists, the need for a holistic approach to counter the crime of terrorism calls for a sustained fight against it by the UN Security Council in fall 2001. After September 11 the Security Council adopted resolution 1373 and urges member states to react to the crime of terrorism with tough measures¹⁰³ within the ambit of their domestic laws, but the Resolution avoided the definition of the concept.¹⁰⁴

However, regional organization such as the European Union defines terrorism as; “Offences under national law, which, given their nature or context, may seriously damage a country or an international organization where committed with the aim of seriously intimidating a population, or unduly compelling a Government or international organization to perform or abstain from performing any act, or seriously destabilizing or destroying the fundamental political, constitutional, economic or social structures of a country or an international organization.”¹⁰⁵

Therefore, looking at a broad array of definitions by these institutions, indicate that having a common understanding of the concept is not likely. The all-inclusive approach adopted by the UNSC allows states to proscribe acts of terrorism within their shores.¹⁰⁶ With this opening, some of the hegemonic powers are of the view that crime of terrorism should exclude state actors, and limited only to the private actors, while

¹⁰² Wallace Michael, ‘US National Security Requires a Legally Binding International Definition of Terrorism: Does a Broader Definition of Terrorism Put Us in the Proper Condition to Punish Does Who Challenge Our National Security’ (2012) 3(1) Creighton International and Comparative Law Journal 105-127.

¹⁰³. United Nations Security Council (SC), Resolution 1373, September 28, 2001, available at <http://daccess-dds-ny.un.org/doc/UNDOC/GEN/N01/557/43/PDF/N0155743.pdf?OpenElement>, accessed 12 January 2021.

¹⁰⁴) United Nations Security Council (SC), Resolution 1566, October 8, 2004, available at <http://www.unrol.org/files/n0454282.pdf>, accessed 12 January 2021.

¹⁰⁵) EU Council Framework Decision, 2002/475/JHA (Combating Terrorism), June 13, 2002, 2.

¹⁰⁶) Ibid. at 48.

on the contrary, the south states maintain that both the former and the latter should be included.¹⁰⁷ In a similar vein, another definitional issue that always ensues between the North and South is on some state security forces' activities, on whether it constitutes the acts of terror or not.

Furthermore, within the security circle of any state, the term is categorised as “systematic use of violence with a strong motive to cause fear and personal insecurity amongst people to undermine the state's authority or achieve a political objective.”¹⁰⁸ Elegab summarised the inability of decision-makers to have a consensual meaning of terrorism on the following reasons; (a) terrorism assumes different forms; even though it is often equated with political subversion, sometimes it is employed by governments, and it is utilised as a tool of syndicated crime; (b) the criteria used in defining terrorism is largely subjective because it is primarily based on political considerations; (c) most importantly, terrorism is provoked by a broad range of motives depending on the prevailing ideology and time.¹⁰⁹ Some states' approach to dealing with internal crimes such as terrorism and militancy varies because of political intrigues revolved around. For instance, as indicated above that the Nigerian authority has not labeled the Niger-Delta militancy as a terrorist organization, and this to some extent, is one of the impediments that underscored the work of the United Nations in tackling international terrorism. This organization posed a serious threat to the Nigeria government and the foreign multinational firms operating in that region for a long period. In the UN voting pattern, especially on terrorism, has always been characterised around realpolitik and alliances amongst the member states, and because of that reaching an agreement to have a consensual definition is not likely.¹¹⁰

¹⁰⁷ Georges Abi-Saab, 'The Proper Role of International Law in Combating Terrorism' (2002) 1(1) Chinese Journal of International Law p. 305-315

¹⁰⁸ Dragon Tancic, Nedeljko Debaljak, and Zekic Velimir. 'Problem of Scientific Definition of Terrorism and Political Propaganda' (2015) 5 International Journal of Economics and Law 105-110.

¹⁰⁹ Omer Y Elegab, *International Law Documents Relating to Terrorism*, (Rutledge Cavendish Publishing, 1997).

¹¹⁰ CL Lim, 'The Paradox of Conceptualism in International Law' in C Harding and L Lim, *Renegotiating Westphalia* (Martinus Nijhoff Publishers, 1999) 64.

2.6.2 Radical Islam and the Rise of Boko Haram

The development that is of great significance relating to the emergence of the group is the Sokoto Caliphate's historical antecedence, as indicated above.¹¹¹ In the early 19th century a loose collection of the emirates that comprise the Muslim-dominated states of northern Nigeria was established by Dan Fodio. The caliphate existed up to the early 20th century before it collapsed following the amalgamation of the northern and southern protectorates by the British colonial administration in 1914.¹¹² In most of his preaching, Yusuf cites Dan Fodio's versed and convincing knowledge of Islam. During its peaceful struggle, the group made use of legacy of the Islamic Kanem-Bornu Empire, which formed part of the Sokoto Caliphate.¹¹³ The impression by Boko Haram that western ideology is a legacy imposed as a result of colonialism needs to be resisted not only by the Muslim dominated states but including the adherents.¹¹⁴

The style of da'wa employed by these contemporary scholars changed the narratives of Islamic propagation in northern Nigeria which does not seem to fit within the Sunni-Izala doctrine.¹¹⁵ Dr. Abubakar Aminudeen is one of the renowned scholars of this school of thought; he is believed to contact universities in Medina and Makkah. He rejected the idea that he runs an organization because it was not the practice of Salafists' tradition. Also, one of the leading advocates of this group sheik Jafar Adam who was alleged to have been killed by Boko Haram rejectionists¹¹⁶ because he

¹¹¹ Smith Mike, *Boko Haram: Inside Nigeria's Unholy War* (I. B Tauris & Co. 2016)

¹¹² Abubakar Babagana, 'Kanuri Complete', <http://www.researchgate.net/publication/320004428>, accessed 12 January 2021.

¹¹³ Atta Barkindo, "Boko Haram: Ideology, Ethnicity and Identity" The Centre on Religion and Geopolitics, <http://www.religionandgeopolitics.org/boko-haram/boko-haram-ideology-ethnicity-and-identity>, accessed 12 January 2021.

¹¹⁴ Amy Pate, 'Boko Haram: An Assessment of Strengths, Vulnerabilities, and Policy Options: Report to the Strategic Multilayer Assessment Office, Department of Defense, and the Office of University Programs, Department of Homeland Security' College Park MD: START, January 2014., www.start.umd.edu/pubs/START_%20SMA-AFRICOM_Boko%20Haram%20Deep%20Dive_Jan2015.pdf

¹¹⁵ Roman Loimeier, 'Patterns and Peculiarities of Islamic Reform in Africa' (2003) 33(3) *Journal of Religion in Africa* 237-62.

¹¹⁶ The reference to Boko Haram as a rejectionist organization comes from the views expressed by a Nigerian writer Onuoha 2012, in the sense that Yusuf was a long-term Islamic activist, who propagated strict adherence to Islam and promoted a rejectionist or non-conformist group ideology. Rejectionist connotes that Boko Haram under Yusuf did not agree with the views of the government of the day. They challenged

vehemently opposed the teaching of Yusuf the then leader of Boko Haram, was an influential figure of the school. The group's growing influence pushed contemporary scholars of the western world to trace their trajectory with some institutions in the Arab world, specifically Saudi Arabic, that propagate Wahhabi/Salafi in Nigeria. Defending the generous funding of the organization by Saudi Arabia,¹¹⁷ one of the scholars contends that the level of poverty, the condition of the Islamic centers, and support for the clerics as well as the inhumane nature of the mosques across northern Nigeria, necessitated the intervention of Saudi Arabian universities in that regard.

Consequently, we can see from the above narrative that these scholars are in sharp contrast regarding their teaching and understanding of the secular world with some ancient traditional Islamic scholars who inspired Boko Haram to take arms against the state. The fact remains that “Yan Medina” are conformists in their preaching but rejects violence as a style of communication or transmitting the message of Allah and the prophet as Boko Haram believes. In its preaching, the group encourages vulnerable youths to acquire both Islamic and western knowledge to salvation. Additionally, the above narration could be deduced that the existence of the pre- and post-independent Islamic organization movement in Nigeria has enhanced the tendencies and brought Boko Haram into the spotlight.

In the light of the foregoing, the basis on which BH and other rejectionist organizations operate can be traced to the writings of Sayyid Qutb as far back in the 1940s and towards the twilight of the 1960s. Qutb developed his particular version of Islam and a particular model of where Islam was in history. Basically, what Qutb and other brotherhood writers who came before him did as found in his treatise in 1928 was on the understanding that the leadership of Egypt and Muslim dominated states all these leaders were not acting correctly or not real Muslims. Qutb has evolved with a school of thought that there should be the emergence of jihad to fight against “fake Muslims”

everything governmental and were anti-government in their activities. See also Onuoha, F.C, *The Audacity of the Boko Haram: Background, Analysis and Emerging Trend* (Security Journal, 2011), 25(2) pp. 134-151

¹¹⁷ Andrea Brigaglia, 'A Contribution to the History of the Wahhabi Da'wa in West Africa: The Career and the Murder of Shaykh Ja'far Mahmoud Adam (Daura, ca. 1961/1962-Kano 2007)' (2012) 3(1) *Islamic Africa* 1-23

who are leaders in the Islamic world. He particularly emphasised that the new class of Muslim leaders should work towards creating Islamic states to ensure compliance with Sunnah's provisions. The idea that the leadership of Muslim world and secular leaders were not real Muslims at all, and you need to have some form of jihad whether through a violent or political protest was very fundamental to Qutb.

Therefore, the imperative to revisit the governance styles in Muslim states and the leaders in politics should be confronted because of the sins they commit. However, relying on this parochial doctrine, the violent rejectionists adopted and propagated their struggle against the states. Al-Qaeda and Boko Haram have declared on different fora that every Muslim must rise against any state that fails to adopt the laws of Allah and the teaching of the prophet Muhammad. But the violent rejectionists adopted a barbaric system that defies both the doctrine of Islam and secularism. Although not only the rejectionist organizations that have been inspired by Qutb, the Islamic Republic of Iran extol Qutb commitment to Islamist revolution and on that premise the government honored him by issuing a postage stamp showing him while he was in prison after been sentence to death by Nasser regime in 1966.

2.6.3 Political, Economic and Social Impact of the Activities of Boko Haram

Since the law in context approach is adopted for this study, appreciating the political, economic and social impact of the activities of Boko Haram will offer an avenue to assess the approach for addressing the menace as well as understanding the human rights implications of the activities and the measures in place for counter terrorism. The stable political system can only be possible once peace and tranquillity reigns. The notorious acts of Boko Haram and the slow response of the authority at the early stage has increased the fear and apprehension that terrorism is something that Nigerians may have to live with it.¹¹⁸ In as long as there is insecurity in any society, the government of such a state cannot discharge its constitutional duties to the citizens effectively.

¹¹⁸ Perouse De Montclos, 'Introduction', in Marc-Antoine Pérouse de Montclos, *Boko Haram: Islamism, Politics, Security and the State of Nigeria* (African Studies Centre 2015) 1-6.

Furthermore, this is mainly because the state's socio-economic development platform cannot reign without security. The threat posed by BH has led to the breakdown of law and order which seriously affected both government and private sector businesses. The responsibility of providing security of life and property lies with the government and hence, when such security is guaranteed, then have stable political and economic development.

The impact of Boko Haram on the Nigerian economy is so tremendous. The image of Nigeria was largely dented internationally by social media. With that connotation, it prevented the international firm from doing business in Nigeria because of the Nigerian government's negative image at the international level. According to WIR, 2013, there was a huge drop in foreign direct investment to the country from \$8.9 billion in 2011 to \$7 billion in 2012.¹¹⁹ In ensuring that the business environment is conducive, states allocate huge capital in their annual budget to maintain peace and security of their countries which Nigeria has committed itself in that regard. Although, tacitly siphoned by some top security officers and their civilian cronies. This is evident in the ongoing presidential committee probing the procurement of military equipment.

Since the beginning of Boko Haram activities in high propensity, the budgetary allocation of defence has increased substantially especially in 2014, it receives (\$6.25Billion) 2014 against \$625 million in 2010.¹²⁰ Apart from the allocation it receives, external borrowing in the form of military aid and the grant provided by states like the United States. For instance, the United States government has donated the whopping sum of \$2.2 million to construct an infantry unit in Maiduguri and later donated \$6.2 million to procure communication and surveillance equipment for counterterrorism.¹²¹ Human rights watch observed that more than 970 human capital has been lost emanating not because of war or natural disasters but from notorious acts

¹¹⁹ Abraham Orhero, 'Economic and Security Implication of Boko Haram Terrorism' (2015) 10 International Journal of African Asian Studies 6, 6-11.

¹²⁰ Micheal Nwankpa, 'The Political Economy of Securitization: The Case of Boko Haram, Nigeria' (2015) 10(1) The Economic of Peace and Security Journal 10-32

¹²¹ Ibid.

of Boko Haram “between” 2009-2012.¹²² Apart from the number of people who died because of the conflict in the northeast, a mass exodus of settlers has also affected the region's economy and Nigeria.

However, as outlined previously, in maintaining peace and security of the state, massive resources are committed, and in that regard, Borno state government is not left out regarding resources applied. For instance, in 2008-2011 the government committed approximately (\$4,827,925)¹²³ on security alone. In a state where the atmosphere of insecurity worsens, occasioned by terrorism, such a state's budgetary allocation could be channeled to fight terrorism, whereas such fund could be used to develop other sectors of the economy. For instance, President Jonathan has sought the National Assembly's approval to borrow \$1 billion to tackle Boko Haram acts.¹²⁴ Apart from the resource's government is venturing into in countering terrorism, the disruption of business activities is something whose effect on the economy is overwhelming. At the peak of Boko Haram acts, President Jonathan was busy attending World Economic Forum harpooning for investors to the country, but some economic experts have queried such move that it was a waste of the Nigerian resources to attend the forum with a huge delegation.¹²⁵ They contend that Nigeria's insecurity level would not allow any foreign investor to come and invest in the country. They believed that Boko Haram acts is not the only factor hindering foreign direct investment to the country, but lack of prudent utilization of the nation's resources resulting from pervasive corruption sends a wrong signal to any serious investor to Nigeria.

The activities of Boko Haram has led to a distortion of the existing economic patterns and structures, that is, what economists termed the impact of Boko Haram on the Nigerian economy. Before their emergence, Maiduguri's Monday market used to be a commercial hub capital that hosts the neighboring states and traders from Cameroon,

¹²² C Okereocha, 'Heatache for the Economy' (TELL Magazine, May 14 2012).46-47

¹²³ Channel TV News available You Tube

¹²⁴ See Vanguard Newspaper, \$1Billion loan to Procure weapons: Matter Arising, www.vanguardngr.com, accessed 12 January 2021.

¹²⁵ Baiyewu, L., "Boko Haram, Bad Signal to Foreign Investors, Sunday Punch January 29, 2012, <http://www.com/sundaypunch>, accessed 12 January 2021.

Chad, and Niger.¹²⁶ Because of the insecurity that engulfed the state, markets were closed for more than a month. This development has affected every sector of the economy; most commercial banks had to review their working hours from 9 am- 12 against the normal operational hours from 8 am-4 pm. This, in turn, has made the local traders to stockpile their daily cash income in shops and houses. Realizing such loophole, the group resorted in shop breaking and burglaries, which gave rise to attacking banks and renowned companies that keep money in the office.¹²⁷ Last year (2018) Nigeria's army chief said the estimated impact of Borno Haram on the economy of the three states ravaged by the act was \$274 Billion.¹²⁸ According to him the impact on agricultural production alone was estimated at \$3 Billion.

Similarly, reacting to the impact of the conflict on the economy of the region, the former minister of information contends that "terrorism in places like Kano, which serves as the commercial nerve-centre of not only to the north but neighboring states such as Chad, Northern Cameroon, and the Niger Republic is destroying the northern economy. "He further opined that attack on Kano is so significant because the city has always been the commercial centre of Western Sudan for the past 500 years, even before the evolution of Nigeria. So, when you destabilise peace in Kano, you threaten the foundation of the economic and social well-being of the northern region."¹²⁹

However, two heads of trade unions in Kano have confirmed the former minister's assertion regarding the impact of Kano's insecurity. According to Onuoha¹³⁰ who chaired the Iron and Steel Association in Kano says "the Iron and Steel market was known to be the largest in the entire West African sub-region apart from Lagos and Onitsha that compete with, but no longer maintain that status. Owing to the insecurity in the state the volume of trade has mostly declined because traders have stopped

¹²⁶ Nathaniel A Oladayo, 'The Socio-Economic Implications of Boko Haram Insurgency in the North-East of Nigeria' (2014) 11(1) International Journal of Innovation and Scientific Research 144-150.

¹²⁷ Ibid.

¹²⁸ See Punch Newspaper 'The Economic Impact of Boko Haram on northeast Estimated at \$274.5 million,' available at <http://www.punchng.com/economic/impact-of-boko-haram-northeast-estimated-274.5>, accessed 12 January 2021.

¹²⁹ T Suleiman, 'The Wages of Evil,' TELL Magazine, May 14, 2012, 44-51.

¹³⁰ Ibid.

coming to the market. The textile market in Kano used to be the largest in Africa, but the impact of Boko Haram's acts forced the market to be shut down. Also regretted the impact of Boko Haram on the economy of the northern region, Amachree¹³¹ a former President of the Association of Tourism Practitioners of Nigeria, commented that before the emergence of Boko Haram in 2009, people from different part of the divide go to the north for tourism because of the famous and attractive areas such as Yankare Game Reserve, Mambila Plateau, Argungu Fishing Festival, Palace of the Emir of Kano and Othman Dan Fodio tomb amongst others.¹³² The former head of Nigeria's Tourism Board also posited that the board used to generate about N80 Billion Naira (\$28 million) annually before the notorious acts of Boko Haram but, economic activities have halted such.¹³³

Also, the social and political impact has caused serious disaffection between the two dominant religions. The Southerners' notion is that the Boko Haram terrorism was initiated by some disgruntled elements in the northern part because they lost the grip of power at the centre.¹³⁴ However, the group's impact on the nation's politics is unmeasurable. At the build-up of 2015 general election, a gubernatorial candidate of one of the political parties in Borno was assassinated, and the group claimed responsibility of such act.¹³⁵ Series of political assassinations was recorded at that period, and the political instability has pushed the nation's National Electoral Body (INEC) to postpone the scheduled elections to a later date due to the country's insecurity situation.¹³⁶

¹³¹ Ibid.

¹³² Ibid.

¹³³ Ibid.

¹³⁴ I Omipidan, 'Foreigners Involved in Terror Acts in Nigeria,' Daily Sun Newspaper, available at <http://www.dailysun.com>, 12 January 2021.

¹³⁵ D Cook, 'Boko Haram: A New Islamic State in Nigeria, James A. Baker III Institute for Public Policy Rice University 2014, <https://www.bakerinstitute.org/media/files/files/5f1f63c4/BI-pub-BokoHaram-121114.pdf>, accessed 12 January 2021.

¹³⁶ Ibid at

2.6.4 Root Causes to the Emergence of Boko Haram

The Boko Haram's primary motive was to impose an Islamic state in Nigeria with their fundamentalist ideology of Islamic doctrine. The hostility against corruption, poverty, and disproportional state wealth against the majority, is also one of the factors that led Boko Haram to take a violent path against the state.¹³⁷ The few oligarchies' social and economic inequality are also amongst the causes that steered to the emergence of Boko Haram sect.¹³⁸ The impunity by the state institutions such as the police and army that engaged in extrajudicial killings, incessant arrest and unlawful detention too, created a huge gap between those that are supposed to be protected and the security operatives attributed to the emergence of the group.

Many commentators believe that at the embryonic stage of their acts, they believed they were leading an armed struggle against oppression, suppression, and pervasive corruption and dispel the religious tension between the two dominant religions in the country.¹³⁹ But we saw the paradigm shift of Boko Haram acts from the peace movement to a violent one with the capacity of carrying out major attacks including suicide bombings that have never been experienced in Nigeria. Their indiscriminate attacks are devoid of religion, sex, age, and regionalism. They killed security personnel, religious leaders, journalist, teachers, traders, civil servants amongst other.¹⁴⁰ The new tactics applied was using bombs to attack government institutions and the kidnapping of students and teachers. Some disputed the fact that religion is not the core reason why Boko Haram terrorists staged a fight against the government in Nigeria. As contended, there are many reasons attributable to the ongoing fluidity in Nigeria. Such as corruption, poverty, political gimmicks, marginalization, etc.

A Substantial number of Nigeria's population is constituted of the youth, of which a great percentage of it, is either unemployed or underemployed. According to Okafor

¹³⁷ Ibid.

¹³⁸ Ibid.

¹³⁹ Jacob Zenn, Atta Barkindo and Nicholas A Heras, 'The Ideological Evolution of Boko Haram in Nigeria: Merging Local Salafism and International Jihadism' (2013) 158(4) *The RUSI Journal* 46, 46-53.

¹⁴⁰ A Nossiter, 'Islamic Group says it was Behind Fatal Nigeria Attacks', *The New York Times*, 29th August 2011, <https://www.nytimes.com/2011/08/29/world/africa/29nigeria.html>, accessed 12 January 2021.

youth unemployment is a situation whereby young people are living without an engaged work to earn a living.¹⁴¹ According to Olawoyin citing the International Labour Organization, youth unemployment is an entire population of able people living in a society that were supposed to be part of the economically active people but are living without employment and are also willing and available for work.¹⁴² Oduwole in his research documented the percentage of unemployed youths in Nigeria¹⁴³ According to Oduwole in 2008 58.50% of female youths and 41.50% of male youths were unemployed.¹⁴⁴ In 2009, 57.82% of youth female and 42.50% of youth male were not in employment.¹⁴⁵ In 2010, 54.52% of female youths and 45.48% of male youths were not employed in Nigeria.¹⁴⁶ In 2011, 50.85% of Nigerian female youths and 49.15% of its male youth counterpart were unemployed in Nigeria.¹⁴⁷ In 2012, 55.42% of female youths and 44.58% of male youths were unemployed in Nigeria¹⁴⁸ High rates of poverty, especially in the northern part where people live less than \$1 a day is also amongst the factors that led to the emergence of Boko Haram. Owing to the historical legacies of northern Nigeria it can be said that the region is prone to ethnoreligious and communal conflicts. However, when the Christian missionaries penetrated Nigeria to propagate western ideology, unlike the southern part where the missionaries were received with an ebullience, the north did not give them such access to propagate, although it did exist in small part.¹⁴⁹ This development was peculiar to the missionaries' evangelism; even within the country's civil service, such fear of domination by another part of the country existed.¹⁵⁰ For instance, a plan to execute a coup in 1966 by a particular ethnic group from the southern region was countered by their northern colleagues in the military circle. The consequence of that led to bloodshed in the country, which resulted in the death of thousands predominantly from the southern

¹⁴¹ Okafor E.E., Youth Unemployment and Implications for Stability of Democracy in Nigeria (Journal of Sustainable Development in Africa, 2011), 13(1), 358-373.

¹⁴² Olawoyin, O., Nigeria's Unemployment worsens as 18.8% are Jobless (Premium Times, 2017)

¹⁴³ Oduwole, T.A., Youth Unemployment and Poverty in Nigeria (International Journal of Sociology and Anthropology Research) 1(2), 23-39

¹⁴⁴ Ibid

¹⁴⁵ Ibid

¹⁴⁶ Ibid

¹⁴⁷ Ibid

¹⁴⁸ Ibid

¹⁴⁹ Ibid. at 2.

¹⁵⁰ Ibid.

part. Following the conflict, the southeastern part opted to secede, sparking the Biafran war.¹⁵¹

2.6.5 Questions of Human Rights and Boko Haram

Scholars noted that one of the controversial issues in international law is that of the connection between the internal security and human rights law.¹⁵² When dealing with human rights, a state faces a tough task because it is obliged to guarantee that its citizens are fully protected from the scourge of terrorist acts, while in a similar vein must ensure that the cardinal rights and fundamental freedom of vulnerable people are vehemently protected when countering the acts of terror. The necessary mechanism employed in combating terrorist acts should equally be applied to the protection of human rights as clearly defined in regional and international legal instruments to uphold people's rights when fighting terrorism. For instance, some regional courts such as European Human Rights Court and the Economic Community of West African States Court condemned in its entirety the adoption of certain measures by states in fighting terrorism. The EHRC reiterated its position under Article 6 Right to a fair trial, and emphasized that in the determination of cases before it States must respect the right of persons to be entitled to a fair and public hearing within a reasonable time by an independent and impartial tribunal established by law.¹⁵³ The ECOWAS Court of Justice stressed the need for States to respect the human rights of persons and to adhere to the rule of law.¹⁵⁴ Moreover, the UN Special Rapporteur on the promotion and protection of human rights and fundamental freedoms is committed to the transmission of urgent appeals and letters of allegation to Member States on alleged violations of human rights and fundamental freedoms while countering terrorism.¹⁵⁵

¹⁵¹ Ibid.

¹⁵² H Steiner, P Alston and R Goodman, *International Human Rights Law Context* (Oxford of University Press, 2008) 375.

¹⁵³ See Guide to the case-law of the European Court of Human Rights (2020) 31 December www.echr.coe.int/Documents/Guide_Terrorism_ENG.pdf

¹⁵⁴ See Situation in West Africa, Sahel 'Extremely Volatile' as Terrorists Exploit Ethnic Animosity, Special Representative Warns Security Council, 9 July 2020, SC/14245

¹⁵⁵ In April 2005, the Commission on Human Rights, in Resolution 2005/80, created a mandate of a special rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism. The Special Rapporteur is mandated by HRC Resolution 15/15 "To make concrete recommendations on the promotion and protection of human rights and fundamental freedoms while countering terrorism, including, at the request of States, for the provision of advisory services or technical

Since the evolution of human rights, states acknowledged and made explicit provisions for protecting human rights in their constitutions. This trend cuts across civilization. These cardinal rights are also contained in all faith of humanity as well as local cultures and system of beliefs.¹⁵⁶ The hostilities of the Second World War led to the development of the international human rights system. As Leary puts it: “it should not be forgotten that the horrifying activities committed by Nazi Germany were the primary impulsion for the development of an international system for protection of universal human rights.”¹⁵⁷ Suppose a threat posed by an individual would challenge the international community to proffer a viable remedy which led to the development of international human rights. In that case, it becomes necessary again for international policymakers to find a dynamic and working mechanism that suits the evil threats posed by Boko Haram in Nigeria. Viewing the cardinal rights of human being such as the right to life and liberty confirms that terrorism has devastating consequences for the enjoyment of such.¹⁵⁸ This development is not only peculiar to Nigeria but the entire international community.

However, the acts of BH has undoubtedly impacted both the Nigerian government and the residents of North-eastern Nigeria where lives and property, means of livelihood and family ties have been dismantled.¹⁵⁹ Their notorious activities negate everything human rights enshrines, and also in stark contrast to provisions of the Nigerian Constitution, Terrorism Prevention Act, National Counter-Terrorism Strategy (NACTEST)¹⁶⁰ and international human rights law. Amnesty International raised so many allegations against Nigerian security forces bordering on gross violations of all

assistance...“See Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism www.ohchr.org/en/issues/terrorism/pages/srterrorismindex.aspx

¹⁵⁶ A Pollis and P Schwab P, ‘Introduction’, in A Pollis and P Schwab P, *Human Rights: Cultural and Ideological Perspectives* (Praeger, 1979) XIV.

¹⁵⁷ VA Leary, ‘The Effect of Western Perspectives on International Human Rights’ in An-Na’im AA and FM Deng, *Human Rights in Africa: Cross-Cultural Perspectives* (The Brookings Institution, 1990) 15.

¹⁵⁸ OHCHR ‘Human Rights, terrorism and Counter-Terrorism’ (Fact Sheet No 32, 2008), <https://www.ohchr.org/Documents/Publications/Factsheet32EN.pdf>, accessed 12 January 2021.

¹⁵⁹ Amnesty International

¹⁶⁰ See Preamble to the draft NACTEST 2016.

sorts such as extra-judicial killings, destruction of property, arbitrary and unlawful detention, forced eviction and house burning, and denied access to lawyers, family members and medical care amongst others.¹⁶¹ This claim pushed the Nigerian government to constitute a committee to unravel the allegations, which in-turn government acknowledged, but no action taken as at the time of writing this thesis.

CHAPTER THREE

3.0 THE EVOLUTION OF RADICAL ISLAM, EMERGENCE AND OPERATIONS OF BOKO HARAM AS A TERRORIST GROUP

3.1 INTRODUCTION

This chapter analyses the historical evolution of the Boko Haram group in northeastern Nigeria. The chapter systematically discovered the factors that led to the emergence of the group, their threat, and how their nefarious acts impacted the northeastern region and Nigeria's political and socio-economic environment as a whole. The fight against terrorism should take into account the emergence of Boko Haram as whatever measures put in place that fails to consider emergence may not yield the desired result. It assesses the pre-independent Islamic organisation's movement in Nigeria along the lines of Islamic orthodoxy such as Sufi, Salafi-Wahhabism revivalism, contemporary and rejectionist Islamism, and deviant Islamic cultism and how Boko Haram emerged as a terrorist group.

¹⁶¹ A Theophilus "White Paper on Insecurity: Report Links Boko Haram with London Scholar" (3 June 2012) p. 6-7 available at <http://www.dailytrust.com.ng/Sunday/index.php/topstories/11938-white-paper-on-insecurity-report-link-boko-haram-with-london-scholar> (Accessed 17-May, 2018)

3.2 THE EVOLUTION, ANTECEDENTS OF RADICAL ISLAM AS WELL AS THE PROCESS OF RADICALISATION OF BOKO HARAM

The genesis of Boko Haram is both traceable to religious movement that existed in Northern Nigeria as well as the Middle East Islamic intellectual miscegenation. It is fair to say that there is a connection between the Salafi Jihadist and Boko Haram organizations. Boko Haram came into being from been a local grassroots movement that engaged in localized politics and proselytizing into a dreaded terrorist organization. Boko Haram delighted itself in appealing to the da'wa people to accept its view of Islam, and in launching jihadist attacks. Given the modus operandi of the Salafis, Boko Haram believes that its conception of Islam is genuine and similar to the Islamic teachings of the al-salaf al-salih or sanctimonious precursor. The Salafi disapproves some of the identity of the Sunni mainstream Islamic practices and regards core Islamic teachings as applicable to their situation. The Boko Haram maintains the authority to proclaim that Muslim heads are heretics or nonconformist. Boko Haram also were rebellious against states they adjudged infidels, and they employed coercion in the imposition of a puritanical exegesis of Islamic doctrines as well as the Salafi faith on civilians. Regarding the states adjoining the Lake Chad vicinity, Boko Haram was determined on declaring those states an Islamic region. Boko Haram had an antipathy against Israel, European nations, and America, and perceives them as Islam's adversaries. They fed their narrative by invoking the Iraq war and the United States foreign policy in the Middle East as well as the Israeli-Palestinian issue. They preached about an Ummah (Muslim community) that was facing extinction and annihilation, and this became an ideological pitch for them to launch reprisal attacks. Muhammad in his exegetical teaching of the Quran in Hausa language during 2008 Ramadan stated: "Look at what they are doing to Muslims in Guantanamo. Look at the Abu Ghraib prison inside Iraq. The prison was built with the money of the Iraqi people in their own land and property, yet they are the same people that are being incarcerated in the prison. They would put people in as prisoners, and a dog to assault the prisoners, while they were completely naked. They would also force a dog to sleep with the

female prisoners...”¹⁶² The ideology of Boko Haram reflects that of Salafi Jihadist and saw other Salafis as rivals.

The Salafis represents a small group of Muslims. The Sufi orders mainly the Tijaniyya and Qadiriyya have exercised a dominant presence and influence in the current Northern Nigeria spanning two hundred years. Kano and Maiduguri are areas in Northern Nigeria where Sufism thrived and had great influence. But the credo or doctrine of Sufism have come to be questioned since the 1960s by the Salafis in Nigeria. The Salafis are known for their penchant of attracting large listeners using the media as well as their urbanized schools and mosques. According to the Salafi, they are the only sacrosanct and genuine Muslims in an environment that was characteristic of impishness, roguishness, and misbehaviour. There has been a denunciation and condemnation by the Salafi leaders of the mayhem and violence perpetrated by Boko Haram. The genesis of Salafism in Northern Nigeria started with Abubakar Gumi who lived around 1924-1992. Gumi studied Islamic law. It was Gumi’s disciples who established Jama’at Izalat al-Bid’a wa-Iqamat al-Sunna (The Society for the Removal of Heretical Innovation and the Establishment of the Prophet’s Model). This is also referred to as Izala. This large group spearheaded the propagation of opposition against Sufism across Northern Nigeria, which extended to Maiduguri which was the founding place of Boko Haram. The activities of Izala orchestrated serious intellectual polemism between the Salafis and Sufis. This development led to an attempt by the Sufis to hamstring and alienate Salafism. It is interesting to note that the present leaders of Izala are stridently antithetical to Boko Haram. The battle within the Salafi for listeners or followers is what resulted in Boko Haram, and as such it cannot be said that Boko Haram emanated from Izala. This battle for audiences within the Salafi escalated as a result of demographical transformation which occurred. This development gave the youthful Izala proselytes such as Ja’far Mahmud Adam the opportunity to be heard. After studying at Saudi Arabia’s Islamic University of Medina, Ja’far Adam and other young Izala’s came back home only to find out that there was a division or split within Izala following Abubakar Gumi’s demise. These

¹⁶² Bukarti A.B, the West in African Violent Extremists’ Discourse (Hudson Institute, 28 October 2020, <https://hudson.org/research/16467-the-west-in-african-violent-extremists-discourse>)

young Medina graduates established a followership out of Izala and espousing what tenets of what they had studied at Medina which was different from the teachings of Izala. These youngsters carved out a new audience outside Izala and commenced the recruitment of like-minded preachers into their new group. Amongst these new recruits was Muhammad Yusuf who founded Boko Haram.

History had it that Muhammad Yusuf was born in 1970, although his early years are shrouded in obscurity. Yusuf was known as a disenchanted member of Izala, who happen to be an erstwhile Shi'ite, and Adam's protégé. Muhammad Yusuf preached across Northern Nigeria and exercised a great deal of control over numerous Maiduguri mosques. Yusuf became notorious and taught in a more vociferous and raucous tone than his precursors. As arguments became apparent concerning the role of politics in Islam. The ideological fault line of Boko Haram became that of the toleration of violence against Muslims and re-defining who is an ummah imitating ISIS and al-Qaeda terrorists. It was not surprising that violence became the modus operandi of Boko Haram, and they mushroomed into a dreaded and deadliest terrorist organization. In his study Bukarti A.B. of the Tony Blair Institute for Global Change entitled 'Violent Extremism in Sub-Saharan Africa: Lessons from the Rise of Boko Haram' identified the evolution of Boko Haram into five broad periods, namely: the non-violent preaching phase, organization and insurgency, allegiance to ISIS and the declaration of a caliphate, internal schism, and splintering.¹⁶³ Bukarti reported about the Dawah Movement and non-violent phase. At this phase, Yusuf and Shekau and Nur as well as other ideologues embarked on aggressive radicalization and recruitment in Maiduguri and every length and breadth of Northern Nigeria.¹⁶⁴ These ideologues preached that the government of Nigeria was against Islam because of its allegiance with West and the Christians in Nigeria to mistreat and discriminate against Muslims. When Nigeria reverted to civilian rule in 1999 after thirty-three years of military rule and democratic debacles. During this period, the activities of civic associations, private Islamic schools, and media outlets thrived. There was the infiltration of fresh speakers which joined the democratic debates among Muslims as

¹⁶³ Bukarti A.B, Violent Extremism in Sub-Saharan Africa: Lessons from the Rise of Boko Haram (Tony Blair Institute for Global Change) July 2021

¹⁶⁴ Ibid

well as the question of Jihadism and values of the West. Adam of the Salafi movement looked to Abu Mus'ab al-Zarqawi and Osama bin Laden as role models. There was the implementation of full-scale Sharia by state governors of the North post-1999. This led to the introduction of new prison laws with corporal sanctions synonymous with the prescriptions and stipulations of the Quran or in compliance with Islamic statute. This transition to Sharia codes was informed or motivated by the fear among the Muslims of the North that their moral foundations were gradually being wiped out by the exponential social transformation in their states.

Following the disagreements concerning the implementation and/or enforcement of Sharia in Northern Nigeria amongst Northern governors, the Salafis capitalized on this, and entered different ideological and political affiliations. There was a forging of new alliance between the new governor of Borno State and Muhammad Yusuf. Yusuf argued that it was only a full Islamic state that would suffice, and that a piecemeal implementation of Sharia was not enough. A Sharia implementation committee was instituted, and Yusuf was appointed a member of the committee. Later relationship between Sheriff broke down. Muhammad Yusuf began to experience a division in his alliances. A splinter faction emerged in 2003, this breakaway group set up a training ground for jihadist radicalization in Kannama, Yobe state. This Kannama faction engaged in skirmishes with police and villagers, and in 2004, they were eventually defeated. When Yusuf anticipated or foresaw problems or confrontation with the law enforcement agents, he fled to Saudi Arabia. Yusuf was asked to come back to Maiduguri by the government of Sheriff, because of the effect of his absence among his followers. There was a reconciliation between the Kannama faction and Yusuf, and he transformed from a poor preacher to an affluent leader and was admired by his followers because of his attack against the government and his advocating for a Sharia society. Yusuf's obnoxious preaching and teachings which his adherents fancied but which the government abhorred led to his arrest and incarceration by the authorities in Abuja, and this fed into the mentality of his followers that he was being victimized and maltreated. There was an intensification of skirmish between Yusuf and the government authorities in 2009. In the 2009, governor Sheriff's security outfit the 'Operation Flush' skirmished with Boko Haram. There was a denunciation of the state

of Nigeria and the Sheriff government by Yusuf. This resulted in Boko Haram launching an insurrection that affected the five Northern states of Nigeria, and this insurrection was eventually stamped out. This operation led resulted in the death of 1,100 people, and Muhammad Yusuf was among those who was murdered when he was in police detention.

Following the revolt that took place in 2009, Boko Haram went subterranean in its movement and operations with Abubakar Shekau as its new leader. Abubakar Shekau preached together with Yusuf. Shekau elevated Boko Haram to a new ideological position, advocating an all-out promotion of Islam and nothing less. Shekau took Boko Haram to a new dimension of violence, and spearheaded the virulent, violent, and deadly attacks against the government, neighbours, and civilians of Christian origins of Nigeria in Northern Nigeria. There was an emergence of a splinter group from Boko Haram in 2012, and this faction was called the Society of the Defenders of Muslims in the Lands of the Blacks (Jama'at Ansar al-Muslimin Bilad al-Sudan). However, it was a minority of attacks that were undertaken by Ansar al-Muslimin. Shekau targeted Salafis who were antithetical to Boko Haram. The Salafis was implicated in the death in 2007 of Adam. There were other Salafi critics that Boko Haram murdered such as the death in 2014 of Muhammad Awwal Adam Albani. Izala's leaders were also threatened by Shekau. Shekau's violent exclusivism emanates from his invocation of the theological principle of Salafi. Shekau released a video which he titled 'This is Our Creed', and in that video footage, Shekau espoused Salafist orthodoxy, and stated: "Our creed is the creed of our Messenger, may God bless him and grant him peace. And our approach is the approach of our Messenger, may God bless him and grant him peace...And his creed is the oneness of God, may He be glorified and exalted." Concerning Muhammad Yusuf's exegesis of al-wala' wa-l-bara, Shekau focused on increasingly criticizing and attacking the Western powers.

Shekau was vehemently antagonistic to democracy and stated that Muslims should maintain an attitude of disdain and violent opposition to democracy. According to Shekau "Know, people of Nigeria and other places, a person is not a Muslim unless he disavows democracy and other forms of polytheistic unbelief (shirk).¹⁶⁵

¹⁶⁵ Saharatv: Video: Boko Haram Declares A New Caliphate in NorthEastern Nigeria," Youtube video, August 24, 2014, <https://www.youtube.com/watch?v=R141gD--nkg>

However, this segment of the chapter uprooted the coming of Islam to northern Nigeria. Contrary to what some European scholars speculated about Islam's arrival in northeastern Nigeria, Arabic literature or sources confirmed that Islam is an old religious practice in that part of Nigeria as far back as the eleventh century.¹⁶⁶ The faith at inception has traditionally been embraced by petit traders and the early scholars of the time and hence accepted by rulers and their subjects. In 1774 'Uthman Ibn Fodio¹⁶⁷ noticed that Islam has spread widely to the other part and now noted Syncretism of Islam with cultural practices in core Muslim dominated areas and its periphery.¹⁶⁸ Fodio was an ancient scholar of Maliki School of thought and Qadiryah order of Sufism. He was motivated following the increased repression by local authorities, making him engage in the struggle for jihad due to his reformist ideas. Danfodio succeeded in gaining people's confidence and support primarily because of severe deprivation, marginalization, and oppression people face from the unjust leaders. The beginning of the struggle pushed them into exile with his lieutenants. Fodio's followers named him Amir al-Muminin, and by virtue of that title, he became the political and religious leader of his time and perhaps had the power to declare and pursue a jihad. The congruous authority exerted on him, strapped his instinct to form an army and became the commander. Shortly after the uprising that engulfed in predominant Muslim territory in what we have today as northern Nigeria, where Fulani held sway due to the military advantage over their cavalry, the uprising later reinforced by the peasants who felt exploited by their leaders and because of that, Fodio started a jihad in Gobir kingdom in 1804. During this period, Fulani adopted a system of communication to their brethren through trading forts and rivers. With such strategy, the call for jihad covered the core Hausa-Fulani territory and descended to entire northern Nigeria. Few years after the uprising, Fodio had control over what is believed to be the largest state in Africa. His jihad version led to the establishment of many emirates that still exist in Nigeria, giving elaborate authority to the Emirates and

¹⁶⁶ Adamu A Uba, 'The Khalifa in London: Sheikh Qaribullah as Ambassador for Peace', Leadership Newspaper (April, 2015), <http://sufinews.blogspot.com/2008/04/jakadan-zama-lafiya>, accessed 13 January 2021.

¹⁶⁷ Saad Abubakar, 'The Established Caliphate; Sokoto the Emirate and their Neighbors', in Obaro Ikime (ed), *Groundwork on Nigerian History* (HEBN Publishers, 1999) 14.

¹⁶⁸ Ibid.

customary non-sectarianism that invariably gave rise to nonsectarian Islamic conservatism.¹⁶⁹

Thus, both traditional and contemporary Islamic scholars of northern extraction rely solely on Fodio's Islamic traditionalist style. This development makes it explicitly difficult to understand the intricacies of Islamic practices and tautness amongst different Islamic sects that operate in the northern region of Nigeria.¹⁷⁰ Following his peripatetic preaching within the African sub-region, his view about the concept of jihad became attractive which and influenced the emergence of many Islamic organizations in present-day Nigeria although some parts of northern Nigeria rejected his concept of jihad.

In 1811 Fodio retired from active jihad and hence, continued to engage in writings about the virtue of Muslim belief. He authored more than a hundred books on government, religion, and society. He condemned vehemently the role of the African Muslim elites in what he considers as greed, paganism, or violation of Sharia law standards and heavy taxations. Fodio encouraged his followers of both sexes to acquire western and Islamic knowledge, and on that premise, several of his daughters became scholars. After his retirement, some family members include his brother and son continued to consolidate on his teaching by fighting syncretism. Their distinctive writings place them among Sunni traditional Muslim reformers.¹⁷¹ Fodio's jihad centred on establishing an efficient system grounded in Islamic law. The trio reformers adopted al-Ghazali's style of Sufism¹⁷² and commended the pieties of the Qadiriyya Sufis, which eventually led to the fusion of the reformism into Qadiriyya Sufism. It can be seen from this narrative that some Salafi jihadist of Muslim Brotherhood background extol the Fodio's style of teaching and adopted such philosophy to condemn and later launched a jihad against the state of Egypt.

¹⁶⁹ Padeh John N, *Religion and Political Culture in Kano* (California University Press, 1973), P.

¹⁷⁰ JN Padeh, 'Islamic and Democratic Federalism in Nigeria' (Center for Strategic and International Studies, 2002).

¹⁷¹ Ibid.

¹⁷² EG Parrinder, 'Islam and West African Indigenous Religion', <http://www.jstor.org/stable/3269310>, accessed 12 January 2021.

However, as time evolved, Qadiriyya became known and remain one of the strongest sects in Nigeria. Conceivably the most important post-jihad Muslim recognized sect in the Muslim dominated area in Nigeria then was the tariqa (path) of Qadirriyya. When the British colonial administrators conquered Nigerian territory in the early nineteenth century, various Islamic thought and practice supervene, and these sects relate with one another in their preaching.¹⁷³

With British rule in Nigeria, there were economic and political transformations. This transformation posed a significant challenge to Islam and the entire Muslims of northern Nigeria because it has changed the way of life of the adherents of the faith. There is no doubt that the transformation had an impact on Islam with values changing. The general belief amongst the Muslims is that Islam is a complete way of life, and hence it dominates both colonial and postcolonial ways of life. This orientation and environment, without doubt influenced the culture of the people.

3.3 ISLAMIC SPIRITUAL ORDER: TARIQ/SUFISM, QADIRIYYA AND TIJANIYYA

The 19th-century writings on Islamic mystical order refer to Sufi in many Muslim states, known in Nigeria as *Tariq* are to some extent inaccurate.¹⁷⁴ The 14th-century scholars such as Ibn Khaldun describe the traditional conception of Sufism.¹⁷⁵ However, viewing from Ibn Khaldun's narration of the concept of Sufism, it can be asserted that most of the so-called Sufi sects that operate in present-day Nigeria and other Muslim societies conflict with the true understanding of the concept. For instance, Boko Haram claimed severally that they followed the Prophet Muhammad's true teaching and practice and for them, they fall under the class of Sufism. The claim by the rejectionist Boko Haram that they follow and adopted the Salafi doctrine is

¹⁷³ Ibid.

¹⁷⁴ An-Na'im, 'Ahmed, Islam and Human Rights in Sahelian Africa', in David Westerlund and Eva Evers Rosander, *African Islam and Islam in Africa: Encounters between Sufis and Islamists* (Hurst and Company, 1997) 75, 79.

¹⁷⁵ Ibid.

merely an understanding of scripture from ignorance and myopic viewpoints. Like Boko Haram all the existing rejectionist groups that challenged international peace and security formed and consolidated their beliefs as Salafis. While on the contrary, all contemporary Salafi scholars strongly reject and condemn the vicious acts of violence; they allude such violent crimes superintended by these rejectionists as pure criminal activities. To this end, the presumption of nonaggression by some adherents of Sufis and violence among Salafi has no bases as far as Islam is concerned¹⁷⁶

However, tariq in Nigeria has traditionally associated with culture and materialism by its adherents which is contrary to the orthodox Sufism of the 2nd century as conceptualized by scholars like al-Ghazali, Ibn Khaldun and their contemporaries. According to Sufi tradition, any culture that conflicts with Islamic order is considered perfidious. For instance, a Sunni dynasty descendent of the first Songhai king was accused of introducing a doctrine that was contrary to the teaching of Islam by Al-Hajj in 15th century.¹⁷⁷

3.4 ORGANIZATIONS AND MOVEMENTS IN POST-COLONIAL ERA

However, Boko Haram is not the first terrorist group that emerged in Nigeria; a similar group existed in the early 1970s to 1980 known as Maitatsine. The leader of this sect, 'Marwa', migrated from neighboring Cameroon to Kano's city in 1945.¹⁷⁸ Like Yusuf, the founder of Boko Haram he believed that Islamic tenets were corrupted by advancements in technology and the formation of the contemporary world.¹⁷⁹ His attack on established institutions became unbearable to the authority, and that led to his expulsion from the city. But after the demise of the paramount ruler of Kano in 1966,¹⁸⁰ he again found himself back to the city and continued with his manipulative

¹⁷⁶ Muhammad Sanusi II, Boko Haram: 'Manifestation of State Failure; Not the Nature of Islam', premiumtimes.com, accessed on 13 January 2021.

¹⁷⁷ Ibid.

¹⁷⁸ ND Danjibo, 'Islamic Fundamentalism and Sectarian Violence: The Maitastine and Boko Haram Crises in Northern Nigeria (Peace and Conflict Studies Paper Series, 2009) 1-21

¹⁷⁹ A Walker 'What is Boko Haram?', United States Institute of Peace Available at http://en.wikipedia.org/wiki/Islamist_insurgency_in_Nigeria, accessed 13 January 2021.

¹⁸⁰ Ibid. at 1

preaching and acts of lawlessness against the state, which eventually led to his imprisonment. The elements of terrorism have been raging in northern Nigeria since then, and this notion made some commentators believe that the Maitatsine sect is an extension of the Boko Haram sect.¹⁸¹ Surprisingly at the twilight of his death in 1980, it was discovered that Marwa was not even a Muslim and that laid to rest the notion that he wanted to Islamize Nigeria as perceived by some Christians.¹⁸²

The first Islamic organization that emerged after colonialism is known as *Jama'atu Nasril Islam* (JNI), being an organization was established by learned Muslim scholars of the highest eminence who acquired both western and Islamic knowledge.¹⁸³ The organization was and still non-sectarian body. Sheikh Mahmud Gumi was the first head of the organization by virtue of his position as grand khadi of the northern region, although, he proposed the idea of its formation. The body aims to encourage jihad through sensitization and production of Islamic literature in both Arabic and English languages across the northern states and ensuring that it forms part of the school's curriculum. Aside from that, it also targets constructing mosques and Islamic learnings hubs across the country. In other to have a backing of authority, it appointed Ahmadu Bello, the premier of the northern region, as its grand patron, who was a grandson of Fodio. Consequently, the premier by his position, suggested to the organization members that the presidency of the body should be vested in the office of the sultan of Sokoto who a direct descendant of Fodio, while renowned scholars hold positions such as secretary-general.

Many groups have emerged propagating different Islamic ideologies. Notable of these include the Shi'a's Islamic Movement of Nigeria (IMN) or Muslim Brothers led by Sheikh El-Zakzaky as well as its splinter group known as the Jamat al-Tajdeed al

¹⁸¹ Ibid at 24

¹⁸² Salihi Mohammed and Moh'd Salleh, 'The Impact of Boko Haram Insurgency on Nigerian National Security' (2015) 5(6) International Journal of Academic Research in Business and Social Sciences 254, 254-266.

¹⁸³ Abubakar Gumi and IA Tsigu, *Where I Stand* (Spectrum Books, 1992) 108.

Islami , (JTI); the Nasrul-Lahi Fathi Society of Nigeria (NASFAT); Ansar al Deen, Nawairrudeen, Nurudeen, Umarudeen and Ahmadiyya among others.¹⁸⁴

Boko Haram emerged with its own ideological view and later became violent in its approach. Educated and Arabic adherents of *wahhabism* and *salafism* exist and it can be seen to have sharpened the ideological position of Boko Haram. The adherent of this movement known as ‘Yan Medina’ acquired both the western and Arabic knowledge from the University of Medina and Makkah, respectively; their common characteristics include above average in speaking and understanding Arabic vernacular. It is believed that because of the opportunity, some of them had studied abroad, especially in Medina and Makkah that gave them an opportunity to establish contacts internationally. In addition to their contact outside the shore of Nigeria, they ensured the knowledge acquired, including religious, social, and political, is transmitted to their adherents, making them *imams* in secluded mosques where elites and petit bourgeois observe salat. Owing to their vast knowledge and exposure in both western and Arabic spheres, they attract more excellent followership from the youth and hence exercise substantial influence on them.

3.5 EMERGENCE OF BOKO HARAM AS A TERRORIST GROUP

The term Boko Haram is more of an identity than an appellation.¹⁸⁵ The original group’s name is jama’atu Ahlis Sunna Lidda’awati Wal-Jihad known as Boko Haram meaning western education is sinful.¹⁸⁶ The group emerged in early 2002 as a peaceful Salafi Islamic movement whose primary aim was propagating Islamic doctrine ‘dawah¹⁸⁷’ and helping the fewer privileged people. Following the crackdown on its followers by the government security operatives which led to the killing of their spiritual leader Mohammed Yusuf belief to be inspired by some radical Islamic

¹⁸⁴ Medinat A Malefakis, ‘Religion and Religious Fundamentalism in Nigeria: Boko Haram's Claims to Truth’ (WZB Discussion Paper, No. SP VI 2019-102) 7, <https://www.econstor.eu/handle/10419/205231>, accessed 12 January 2021.

¹⁸⁵ Elimma Ezeani, ‘Responding to Homegrown Terrorism: The Case of Boko Haram’ (2017) 22(1) Annual Survey of International and Comparative Law 1, 1-32.

¹⁸⁶ Uyo Salifu and Martin Ewi, *Boko Haram and Violent Extremism Perspectives from Peacebuilders* (Institute of Security Studies, 2017) 1.

¹⁸⁷ S Umar, *the Discourses of Salafi Radicalism and Salafi Counter-Radicalism in Nigeria: A Case Study of Boko Haram*. (Northwestern University Press, 2011) 156

scholars such as Ibn Taymiyyah,¹⁸⁸ the modus operandi of the group changed and resorted to a violent approach especially towards security formations, and later the general populace which left a score of people dead. This part of the thesis would unequivocally look at the sect's peaceful movement before eventually transmigrating to a full-blown terrorist group that is regarded as one of the deadliest terrorist organizations in the world vis-a-vis the lack of a legal framework to address their acts at embryonic stage.

The founder of the sect, Mohammed Yusuf who was well known to be a radical Islamic preacher in Maiduguri, sets up a religious complex called Markaz,¹⁸⁹ when he suddenly had a truce with some fellow clerics that share a different opinion with him. The complex suits Mosque and Islamic school 'Islamiyah' where fewer privileged people from different parts of the divide, including neighboring countries like Cameroon and Chad send their children to acquire Islamic knowledge.¹⁹⁰ Unknown to the authority, the complex had a hidden political motive to create a state within the state and impose Sharia laws.¹⁹¹ The centre had astonishingly become a recruiting centre of future Jihadist that would unleash mayhem to both the state and the populace. Also, Yusuf, in his interpretation, believed that modernization is contrary to Islamic doctrine. To him, globalization has embosomed a matter contrary to the provisions of Islam and therefore not only sinful to take the path of westernization but also forbidden to support, operate, and acquire western knowledge.¹⁹² In some of his preaching, he usually criticises how colonialism corrupted the northern Muslims' minds by applying the pure western style of leadership and the position of Muslim and Islam in the current political environment. Yusuf curiously believed that Muslims should cease imbibing western culture and accept to be ruled by Allah's laws, which is the Quran and follow the Sunnah of the prophet Muhammad.

¹⁸⁸ Ibid.

¹⁸⁹ F Clothia, 'Who are Nigerian Boko Haram Islamist?' (BBC News May, 20th 2014) <http://www.bbc.com/news/world-africa-13809501>, accessed 13 January 2021.

¹⁹⁰ Ibid.

¹⁹¹ Ibid.

¹⁹² Ibid at 32.

Undoubtedly, one of the factors that led to the emergence of Boko Haram could be attributed to the inspiration derived from the Taliban. This has influenced the ascendancy of Boko Haram especially after the event of September 11, which made the group adopt the name “Nigerian Taliban.”¹⁹³ This has been demonstrated by their first attack on police station and private properties in some remote areas of Yobe state in 2003. After such an attack, the group foisted the flag of Afghan Taliban in the captured towns.¹⁹⁴ In 2009 Mohammed Yusuf categorically said in one of his sermons that the Nigerian Taliban as a group has yet to commence operating as a core Sunni sect that will take on ignorance and secularism. The existing Sunni sects we have across the globe are Taliban and Al-Qaeda.¹⁹⁵ Soon after his sermon, selected members of the group had resumed training in Taliban camp in Afghanistan, which Shekau was presumably amongst them.¹⁹⁶

The initial name of the group was Shabaab Muslim Youth Organization under the leadership of Mallam Lawal.¹⁹⁷ Lawal proceeded to Medina, Saudi Arabia, to further his education, which subsequently saw Yusuf's emergence as the new leader of the group. With Yusuf's emergence, the group change their mode of operation considerably by involving in state affairs as it was in record that the sect signed a pact with the then Governor of the state “Ali Sheriff” who was believed to have trotted on the influence of the sect to get re-elected for the second term as governor in 2007.¹⁹⁸ Under Yusuf's watch, the group operated as a peaceful sect for the period of seven years.

In 2009 the crisis ensued when the state government's enacted legislation over wearing the helmet for motorcycle riders in Maiduguri metropolis.¹⁹⁹ To enforce the use of helmet, Borno state government ordered police to arrest and prosecute anyone found

¹⁹³ Shaykh Muhammad Yusuf, T'arihin Musulmai (History of Muslims)' available on YouTube.

¹⁹⁴ US Fwatshak, 'Radical Islam in the Lake Chad Basin, 1805-2009: From the Jihad to Boko Haram' (Armed Forces Command and Staff College, Jaji, Nigeria 2010).

¹⁹⁵ Ibid.

¹⁹⁶ 'Boko Haram Trained in Algeria and Afghanistan,' (ThisDay, 1 September 2011)

¹⁹⁷ Ibid at 8.

¹⁹⁸ 'How Modu Sheriff Sponsored Boko Haram', saharareporters.com/.../09/40/how-modu-sheriff-sponsored-boko-haram, accessed 12 January 2021.

¹⁹⁹ H Habila, *The Chibok Girls: A Control, Lucid and Deeply Felt Account* (Colombia Global Report, 2016) 23

to have violated the law, and on that premise, an attempt to arrest some members of the group by police after violating the law resulted in the confrontation between them and the police which led to the death of four of their members and some sustained degree of injuries.²⁰⁰ After this barefaced incident, the sect leader communicated to the Nigerian government in an open letter addressed to the President of Nigeria that if within forty days the government does not respond with the view of finding a lasting solution between them and the government, then certainly the sect would launch a jihad in the country which no one can tell the gravity and how long the operation would last.²⁰¹ However, the government ignored the warning, which pushed the sect to deploy strategies and planned to make the state ungovernable.

The group's violent act was first recorded in December 2003 when they attacked police facility and private properties in the remote areas of Yobe state. After such attack, the group foisted the flag of Afghan Taliban in the captured towns for several days, until the arrival of the security forces that repelled and killed some of their members and many sustained injuries.²⁰² Similarly, some group members who were fortunate to escape from the crackdown were said to have dispersed to other parts of Nigeria and continued with their struggle. For instance, the Bauchi attack of July 26th, 2009, was said to have occurred because of the migration of the members to the city. However, in September 2004, they launched a devastating attack on the police station in Bama local council, and in such attack, many officers killed and carted away arms and ammunition. Three years after such attacks, the group re-strategized and attacked another police formation in the outskirts of Kano city in September 2007, killing 13 officers. With these unprecedented acts, the Nigerian security forces staged a well-organised clampdown on the group where more than 20 members of the group have been killed.²⁰³

²⁰⁰ Ibid.

²⁰¹ Ibid.

²⁰² Ibid. at 7.

²⁰³ A. Adesoji, 'The Boko Haram Uprising and Islamic Revivalism in Nigeria' (2010) 45(2) Africa Spectrum 95-108

Still, in Kano, the group emerged stronger with more than 250 members and raided a police station in Wudil local council moving within the town carrying different sophisticated weapons, although they were repelled by the security forces and some of them, including the Amir of Wudil were arrested. The Amir was relatively lenient amongst them because of his antecedence before he joined the group.²⁰⁴ The case of Danja police station attack in Katsina state was different from others because they were repelled and fled leaving their weapons which they planned to destroy the station. In their continuing assault on the government establishment, the group in July 2009, attacked and burnt government agencies in Maiduguri and at the same time attacked a mobile police station and prison headquarters and freed the inmates.

This according to Danjibo:²⁰⁵

“Members of the sect in Maiduguri were dressed in military fatigue, armed with RPGs, AK 47, Dane guns, bow and arrows, sword, matches, knives, petrol bombs and catapults. Their large numbers and operation mode made the security forces encounter initial difficulties in dealing with them. They mounted roadblocks and confronted the security for three days until reinforcement of troops was brought from Jos and Bauchi.”

Following the attacks on these institutions, then President Yar’Adua directed the armed forces hierarchy to use all resources at their disposal to nip the group instantly. Hence, this led to the emergence of the Special Security Unit, drawn from all security agencies of the government and later incorporates local youths who were privy to the grand plan of the group because of their communal interactions.²⁰⁶ In their first presidential assignment, the task force encountered a problem due to the group members' hideout or location. With the help of local intelligence (CJTF), the task force identified the location that was regarded as their headquarters and housed Yusuf and

²⁰⁴See ‘Nigerian Police Station Bombed in Boko Haram attack’, Guardian Newspaper, August 10th 2009.

²⁰⁵ ND Danjibo, ‘Islamic Fundamentalism and Sectarian Violence: The Maitastine and Boko Haram Crises in Northern Nigeria (Peace and Conflict Studies Paper Series, 2009) 1.

²⁰⁶ The Hidden War, Nigeria’s War against Boko Haram, Documentary. Available on Channel TV on You Tube (2014).

his companions within the railway station terminal.²⁰⁷ The thorough surveillance of the area made the residents relocate to the other part of the metropolis and hence, became accessible to the security forces to nip them instantaneously. With the myth and strength of the security operatives, it took them only six days to destroy all the existing structures in that area. Some of the items recovered in the headquarters include arms and ammunition, medical equipment, and foodstuff.²⁰⁸ Another incidence of a police station raid was witnessed in major cities of Yobe state, that is, Damaturu and Potiskum, in July 2010. In these attacks, not many casualties were recorded because the members concentrated in freeing inmates from the prison, which they believe will join their notorious campaign against the state.²⁰⁹

The early confrontation between the sect and the security forces resulted in the death of at least 1000 people before escalating to some states such as Kano, Jigawa, and Yobe. Several dead bodies were said to have been found around police headquarters in Maiduguri, and quite a lot flee their homes to avoid being caught off by the mayhem.²¹⁰ The confrontation resulted in Yusuf's extrajudicial killing and eventually contended the situation for a short period. Their nefarious acts pushed the government to set up a quasi-counter-terrorism team that comprises security agents from all establishments "Joint Task Force" in 2009.²¹¹ The deployment of the security forces appeared to have added salt to an injury because the security forces were not different from the enemies they were confronting as a result of gross abuses of the peoples' rights. This development made the victim's lost the trust of their protectors; hence, created an avenue for the youths to be incorporated into the sect's struggle.

Consequently, Yusuf's death weakened the group's acts before they eventually regrouped stronger in 2010 under the leadership of Abubakar Shekau. The notion after the death of Yusuf was that the government has effectively defeated Boko Haram. The

²⁰⁷ Ibid.

²⁰⁸ See Report on Board of Inquiry Investigating the Involvement of the Nigerian Army Troops in Boko Haram Crisis, 2010.

²⁰⁹ Ibid. at 16.

²¹⁰ Ibid. at 6.

²¹¹ Ibid at 17.

group resumed its notorious act in 2010 by carrying out an attack on a prison facility in Bauchi state freeing more than 700 inmates, including their sects.²¹² After the Bauchi prison attack and followed by persistent horrendous attacks on security agents, government institutions, places of worship, schools as well as the general populace. In 2011 the sect carried out their first suicide bombing at the Nigerian police headquarters, and two months later orchestrated similar attack at the United Nations Building in Abuja; many people were reported dead, and scores sustained fatal injuries. The attack was believed to be engineered by Al Qaeda, and Al Shabaab trained Cameroonian terrorist Hamman Nur.²¹³

Since the assumption of Shekau as head of the group in 2010, the rates of the attacks increased in frequency and strength, especially towards security formations, one of the deadliest attacks orchestrated by the group was in Kano in 2012 where a score of people numbering 180 including security agents have lost their lives.²¹⁴ The attack is believed to be one of the worst in a single day. As pointed out in the preceding analysis, these attacks became continually the practice by the group. In 2013, the group's acts pushed the Nigerian government to react with stringent measures by declaring a state of emergency in three states where their acts were much in prevalence. Although there was the subsisting emergency rule in some parts of the affected states,²¹⁵ the government's declaration of the emergency rule indicates that all matters concerning security and political decision of the affected states lies with the federal government. Their acts' intensity has tremendously changed as their tactics transmogrify between 2013 and 2014, resorting to kidnapping and attacking banks.²¹⁶ The continuing fierce fighting between the security forces and the sect pushed the group to relocate to a tick forest, "Sambisa," a remote area in Borno State where they continue with their onslaught.

²¹² Ibid.

²¹³ Ibid at 19

²¹⁴ Ibid.

²¹⁵ LP Blancard, 'Nigeria's Boko Haram: Frequently Asked Questions' CRS Report for Congress, Congressional Research Service Vol. 10, (2014), https://digital.library.unt.edu/ark:/67531/metadc306560/m1/1/high_res_d/R43558_2014May28.pdf, accessed 13 January 2021.

²¹⁶ M Nicholas, United Nations Committee Blacklists Nigeria's Boko Haram, Reuters Report, May, 2014.

Abubakar Shekau was known as lieutenant or deputy to Mohammed Yusuf the first leader of the notorious Boko Haram group.²¹⁷ Unlike Yusuf under whose leadership focused their struggle against the western ideology and pervasive corruption of the Nigerian system, which to him rendered youths unproductive but the former opted to wage jihad against the government. Shekau desired to see Nigeria as an Islamic state but followed a wrong path of actualizing that, even though not realistically possible whichever path he followed. His principal had exhibited a little decency at the beginning of his campaign, which was why he could attract even those who have acquired western knowledge.²¹⁸ Following the death of Yusuf in 2009, Shekau emerged as the leader of the group. Under his watch, the acts of the group changed considerably and became ruthless and ambitious in their struggle. This was demonstrated by the group's adoption of suicide bombings to eliminate targets.²¹⁹ Their unending acts against the authority and general populace under his leadership are evidence that Boko Haram is one of the deadliest terrorist organizations in history. His leadership was marked by the persistent use of media to disseminate their campaign of violence against the authority and civilians. The tactic employed by the group under his watch, especially the suicide bombers or a martyr of jihad, was evident that the group can go to any length to actualise their aims.²²⁰ Shekau uses his convincing messages to attract the vulnerable youths into their struggle, especially after their training in Afghanistan with some of AQIM members hitherto to the formation of Boko Haram in 2009. These members see Shekau as a martyr because at the beginning of his notorious leadership, he boasted to wage war against western states like the United States and England.²²¹

However, because of his desire to destroy the federal establishments, he wittingly chose to use innocent children and women as suicide bombers. This development is a problem to the Nigerian authority and the international community as a whole.²²² For

²¹⁷ BA Raji, Roles of the Armed Forces in Combating Terrorism, delivered to participants of EX HASKE BIYU 2011 at AFCSC on 11 March (2011)

²¹⁸ Ibid at 22

²¹⁹ Ibid.

²²⁰ DM Adeniji, *Boko Haram and National Security* (Garamond Projects Limited, 2014).

²²¹ Mathew Hassan Kukah, 'Boko Haram: Some Reflections on Causes and Effects,' Unpublished Article, (2009) 1-2

²²² Ibid.

instance, the first suicide bombings was witnessed in Nigeria in 2010 on the UN building and police headquarters.²²³ These incessant acts, primarily in the northeast region of the country, prompted the then president Jonathan to re-instate the existing emergency rule imposed in three states of the northeast.²²⁴ Subsequent upon that, followed the deployment of security forces to the affected states to ensure the implementation of the emergency rule. Despite the imposed rule, the group continued their onslaught on the authority and the innocent citizens, which according to observers of the event resulted in the death of more than 2000²²⁵ people within the first five months of 2012. Their unprecedented notoriety led the United States and the UK to label them an International Terrorist Organization in 2013.²²⁶ In 2012 the group made different attempt to kill top northern traditional leaders through coordinated attacks. Some of the leaders include the Emir of Kano whom assassination attempt was made on his life, the Emir of Fika, Shehu of Borno as well as the Sultan of Sokoto, although they succeeded in killing the Emir of Gwoza.²²⁷ For instance, after the Sokoto attack, the group, through Shekau platform of communication, warned Sultan that he should order his members' immediate release who were arrested following their coordinated attack on the government building in Sokoto.²²⁸

By 2014, the group became fortified and challenged the Nigerian government after capturing some local government councils and foisted their flag and declared the areas as Islamic Caliphates. According to BBC News, the captured areas are as big as the size of Belgium.²²⁹ The group became prominent following the kidnapping of 275 schoolgirls in Girls Secondary School Chibok in April 2014 and replicated same by

²²³ SE Liolio, *Rethinking Insurgency: A case Study of Boko Haram of Nigeria* (MA Thesis, American University in Cairo 2016).

²²⁴ Daniel E. Agbibo, 'Peace at Daggers Drawn? Boko Haram and the State of Emergency in Nigeria' (2014) 37(1) *Studies in Conflict & Terrorism* 41-67.

²²⁵ Amnesty International Country Report 2013.

²²⁶ *Ibid.* at 26.

²²⁷ 'Emir of Gwoza Killed after Abduction by Boko Haram' available at <https://www.premiumtimesng.com> accessed 7 November, 2018.

²²⁸ 'North Insists on Amnesty for Boko Haram Members' *ThisDay* 30 March 2013.

²²⁹ See BBC News, *Boko Haram Crisis: How Have Nigeria's Militants become so Strong*, Available at <http://www.bbc.com/news/world-africa-30933860> accessed on 4th September, 2018)

abducting over 200 in Girls Secondary School Dapchi in Yobe state in January 2018.²³⁰ A campaign to Bring Back our Girls was launched in Nigeria, and some countries including the United States mounted immense pressure on the government to facilitate the release of the girls and ensured their safe return to their families.²³¹ Thus, the Nigerian government's ambivalent nature does not allow it to take appropriate action to rescue the girls and hence, remain in captivity until 2016 when the Buhari administration came on board and negotiated their release. Although some of them died while in captivity, and some were married off to the group members, according to online videos which emanated from Shekau.²³² Furthermore, with the continuous suicide bombings witnessed in some affected areas, the kidnapped Chibok schoolgirls have received training from the group and eventually used them for suicide bombing.²³³ This account can be viewed from a series of suicide bombings launched in Kano, Maiduguri, Damaturu, Abuja, Yola, Mubi, and Kaduna, amongst other cities. Also, in 2014, the group carried out a deadly attack on Kano central mosque resulting in the deaths of more than 100 people and several sustained degrees of injuries.²³⁴

As indicated, the incorporation of the local vigilante groups known as Civilian (CJTF) into the joint task force has effectively helped counter the group's acts.²³⁵ This was demonstrated by their unflinching efforts in confronting the group members openly. After the first incidence of the kidnapping of the schoolgirls, the United Nations Security Council blacklisted the group and described it as an international terrorist organization that has linked with Al-Qaeda and the organization of Al-Qaeda in the Islamic Maghreb.²³⁶ The Nigerian government and the UN have put a gory number of people killed by the group between 2013 and 2014 at 15000, and more than six million

²³⁰ See BBC News of 14th April, 2014 and 18th January, 2018 respectively, <http://www.bbc.com>, accessed 4 September 2018.

²³¹ J Zenn, *Boko Haram and the Kidnapping of the Chibok School Girls* (Combating Terrorism Centre, 2014).

²³² See Shekau, 'I Abducted your Girls says Boko Haram Leader' available on You Tube

²³³ See Vanguard Online Newspaper, 'Chibok Girls Fingered as Suicide Bombers', <https://www.vanguardngr.com>, accessed 25 October, 2018.

²³⁴ Ibid.

²³⁵ Ashionye Ogene, 'Nigerian Vigilantes aim to rout Boko Haram: In North-eastern Nigeria, the Civilian Joint Task Force Patrols Streets with Guns, Matches and even Bows and Arrows', <https://www.aljazeera.com/indepth/features/2014/nigeria>, accessed on 4 September 2018.

²³⁶ Ibid.

were affected while 1.5 million have been displaced.²³⁷ Indeed, the acts of the group questioned the sovereign status of Nigeria as a state of political independence, as these acts have been ongoing intermittingly, especially from 2008-2015

However, when carefully anatomised the notorious acts of Boko Haram under the classification of irregular warfare, the one that had similar coloration with the former is a Malayan war of 1948-1960. Some analysts regarded this war as the classic counterterrorism success for the British government, and it allies and hence becomes a point of reference for counterinsurgency and counterterrorism afterward.²³⁸ Like Boko Haram insurgency, the latter's war has lasted for 12 years, and the same modus operandi adopted by the Nigerian military in its quest to defeat Boko Haram, which was employed by the British army, involved the application of brute force. Again, just like a Malayan war where the deployed tactics of using the geographical environment to attack their opponents, Boko Haram uses the same tactics in their notorious acts, especially after its relocation to Sambisa Forest as a weapon against the security operatives who do not know the terrain. In all the fight against the Malaysians, no open confrontation between them and the British army was recorded. Instead, they usually hid in the jungles and ambushed the army, and this practice made it strenuously difficult for the British army to know whether they have defeated the fighters or not.²³⁹ In the fight against Boko Haram, a similar problem is facing the Nigerian security operatives who have no knowledge or conversant with the northeast's geographical environment, especially the famous Sambisa Forest. A soldier who was born and raised in the other part of the country never travels to any part of the divide is sent to fight Boko Haram in a terrain that is not known to him that will be hard to have a positive outcome from such fight. The group always take advantage of such weaknesses and stage an ambush against the security operatives.

²³⁷ See Lansana Gberie, 'Terrorism Overshadows Internal Conflicts', African Renewal (2016), <http://www.un.org>april-2016>terrorism>, accessed on 19th October, 2018.

²³⁸ James Flints, 'Assessing the British Counter-Insurgency Efforts in Malaya, the World Leading Access to Students and Scholars of International Politics', <http://www.e-ir.info/2015/02/11/assessing-the-british-counter-insurgency-effort-in-malaya>, accessed on 25th November 2018.

²³⁹ Ibid.

The similar nature between the two is logical. During the Malayan war, the British forces destroyed the hideouts and other structures believed to be aiding the insurgents, and they equally engaged in extrajudicial killings of civilians' who tries running away during the operation.²⁴⁰ This method was still a practice of the Nigerian security forces against Boko Haram and the host communities.

However, some years after the defeat of the Malayan insurgents, Field Marshall Montgomery contends that "a clear action and a fit-for-purpose man to execute the plan was needed for victory in the Malayan war. He further asserts that we must have a congruous plan, and we must have a man, when we have a plan and a man, we shall succeed: not otherwise."²⁴¹ By 1952, the British authority wasted no time and subscribed to Montgomery's advice and designed comprehensive counterinsurgency and counterterrorism strategies under General Templer's able leadership by sharing intelligence with the civilian population and hence defeated the Malayan insurgents.²⁴²

The relocation of the group to the thick forest of Sambisa because of its physical characteristics confirmed that they are not ready to surrender their notorious campaign. The forest covers approximately 60,000sq linking four states in the northeast region.²⁴³ The forest's physical characteristic makes it difficult to have a clear vision of 200 meters; it is also not easy to penetrate and can accommodate a large number of people that cannot be detected easily.²⁴⁴ However, since their relocation to the Sambisa forest, they established full control of the communities under their so-called caliphate by exercising authority on the residents, such as collecting taxes and restricting their movement. Before the build-up of the 2015 general elections, substantial parts of Borno, Adamawa, and Yobe were under their control until Nigeria's joint military forces and its counterparts from Cameroon, Chad, and Niger chased them from the captured communities under their control. Following some success in nipping their acts in the bud by the security forces, Shekau boasted that the

²⁴⁰ Ibid.

²⁴¹ Alexandra Alderson, 'The Validity of British Army Counterinsurgency Doctrine after the War in Iraq 2003-2009', <https://dspace.lib.cranfield.ac.uk/bitstream/handle/18526/4264/100126-Anderson-PhD%20Thesis.pdf?sequence=1>, accessed 25 November 2018.

²⁴² Ibid at 4.

²⁴³ See Nigerian Guardian Newspaper, (2014)

²⁴⁴ Ibid.

Nigerian government could not withstand them because of their alliance with ISIS and Al-Qaeda, who provides them with all the myths needed to confront the government.²⁴⁵

The group's numerical strength and capacity to challenge the mighty Nigerian army, who are regionally known to be strong and powerful, suggested that they have allies either outside or within Nigeria who provide them with sophisticated weapons and logistics. The attack on Giwa Barracks Maiduguri has confirmed the above assertion.²⁴⁶ The deadliest attack ever recorded since the emergence of the sect was in Baga, a local council in Borno state, where more than 2000 people were reported to have been killed.²⁴⁷ Amnesty International described it as the worst attack in the history of the terrorists' attack in the world.

The fact is that if Nigeria wants to defeat Boko Haram and other terrorist groups such as the herdsmen and others, a comprehensive overhaul of the counterterrorism strategy should be carried out to include a civil-military coalition, sharing of vital security information to some critical civilian elements within the community. Although, the army created a department related to that, and a unit exists at the Office of the National Security Adviser to the President. However, the reality is that such units exist only by name as the security operative in the field doesn't relate with the civilians to have the first-hand information from the community relating to security threats.

However, the deteriorating situation in Nigeria and the effort in ensuring that the acts of the group have not spread to another part of West African states necessitated the Paris Colloquium in 2014, where the leaders of Niger, Chad, Cameroon and Nigeria unanimously agreed to expand and strengthen the capacity of the Multinational Joint Task Forces to respond to the threat posed by the group effectively.²⁴⁸ Similarly, on 30th November 2018 Nigeria's president met with his counterparts from the Sahel region

²⁴⁵ See Shekau Online Video. Available at You Tube

²⁴⁶ Ibid. at 31.

²⁴⁷ M Mark, 'Amnesty International: Baga Massacre, Deadliest Boko Haram Attack', <http://mg.co.za/article/2012-01-25-boko-haram-bombers-trained-by-alqaeda-says-niger>, accessed 17 October 2018.

²⁴⁸ 24th African Union Summit-African Union-Peace and Security Department (May, 2015).

and discussed how Boko Haram and other terrorist organization operating in the region would be decimated. President Buhari had observed that Boko Haram using uncrewed aerial vehicles (UAVs) for surveillance activities and its mining strategy has indicated that the group is still strong.²⁴⁹ He, therefore, called for renewed and urgent measures to eliminate remnants of the group. The leaders believed that poverty and shrinkage of Lake Chad are two refueling elements.

Nigeria's government made an effort to negotiate the Chibok girls' release by entering into a ceasefire agreement with the group in October 2014 that the agreement would take effect immediately. The group representatives agreed in their first meeting with the government officials, but a few days later, an online video released by Shekau told the government that those that attended meeting with them were imposters, not members of his group.²⁵⁰

We can also see how the inspiration of the Afghan Taliban has impacted positively on Boko Haram. The latter has adopted the former's notorious tactics by shutting down the nation's telecommunication firm mars to prevent the security forces from tracking and tracing their whereabouts. They also instilled fears in the residents, warning them not to cooperate with the authorities, and deployed the tactics of extorting taxes from the local traders.

The organization sees itself as an established security institution of the government because they are well organised. Following the emergence of the group, Mohammed Yusuf became both the spiritual and political leader of the group and had two assistants who channel his directives to a designated head or representative of the group in each of the local government of Borno State.²⁵¹ The group just like the military council, the highest decision body of the military, had its council known as "Shura²⁵² Committee" which advised the top commanders of the group on action to be

²⁴⁹ See 'Nigerian President Meets Leaders of Lake Chad Region', <https://www.yenisafak.com> accessed 1 December 2018.

²⁵⁰ Special Report, Nigeria's Boko Haram Insurgency Increased Scope of Militancy Disapproves Ceasefire; Group's Para-Military Tactics to Challenge Security Forces. Max Solution Limited (November, 2014)

²⁵¹ Henry Jackson Society Briefing, Terrorism in Nigeria The Threat from Boko Haram and Ansaru. The Henry Jackson Society (June, 2014)

²⁵² Ibid

taken. The group had police, soldiers, DSS, and prison amongst its folks.²⁵³ Because of the abject poverty resulting from corruption, the group has conveniently succeeded in recruiting restive youths into their struggle. Apart from the estranged youths who joined the group, many graduates have equally joined their struggle because they neglected them after completing school.

However, the perception is that what is the essence of acquiring knowledge if in return, the government that is saddled with the responsibility failed in all ramifications to provide job security to its teeming youths? So, this unpalatable stance by the government is the acknowledgment that acquiring western knowledge is of no use in Nigeria. The estimated number of the group as at 2012 was 280,000²⁵⁴ drawn from all the states of the northern Nigeria and the neighboring countries. The group resorted to extortion, bank robbery, kidnappings, collection of taxes from its members and others as sources of their funding.²⁵⁵ Although, key personnel of the government was said that have been contributing monetary wise.²⁵⁶

3.6 THE JIHADIST IDEOLOGY AND BOKO HARAM

In the mid-twentieth century, jihadism that emerged believed to be inspired by Sayyid Qutb arrowhead of Muslim Brotherhood seen as the influential Egyptian ideologue of Islamism²⁵⁷ took a violent path and ideological extremism, especially against the state. The ideology is rooted in the days of Sayyid Qutb. It is believed that the writings of Sayyid Qutb as well as other Islamic scholars such as Abul Ala Maududi and Hassan al-Banna, elicited the intellectual rationalizations and ratiocinations underpinning Islamism. Qutb writings have been described as a synthesis of strict and unacceptable Islamic orientations that involve groups from both the Sunni and Shia sects of Islam with extensive techniques and objectives.²⁵⁸ Qutb equally incorporates the Islamist

²⁵³ Ibid.

²⁵⁴ Ibid at 47.

²⁵⁵ Ibid at 38.

²⁵⁶ Ibid at 17.

²⁵⁷ See J Calvert, 'Sayyid Qutb and the Origins of Radical Islamism' (Hurst & Co. Publishers, 2010) 1.

²⁵⁸ Ibid.

pedagogy of Maududi and al-Banna laced with the polemics of Sayyid Qutb, which formulates justifications for armed jihad to further the advancement of Islam as well as other brutal and ferocious stratagems employed by modern militants.²⁵⁹ Qutb encapsulates an Islamist ideology with proclivities for the justification of terrorism and advocates violence against both unbelievers and dissenters and heretics alike with a view to establishing God's rulership. Elkmeier notes that it was Qutb that incentivised men like Osama bin Laden, Abdullah Azzam and Ayman Al-Zawahiri to build terrorist networks and converted or translated such an ideological Islamism into a global force.²⁶⁰ Elkmeier adumbrated the four core beliefs which Qutb espouses. Qutb believes that Muslims have digressed from pure Islam and must come back to pure Islam as previously practiced during the period of Prophet Muhammad.²⁶¹ Qutb equally believes that the route to true Islam is only via a strict and literal interpretation of the Hadith and Islam and the concomitant actualization of the commands of the Prophet Muhammad.²⁶² Qutb believes that Muslims should individually interpret the original sources and not be slavishly bound to Islamic scholars' interpretations.²⁶³ Qutb believes that any interpretation of the Quran from a historical and contextual view is unethical, so the totality of Islamic history and its classical jurisprudential tradition is mere sophistry.

Observers, journalists and scholars attributed Qutb as formulating the theoretical bases of Islamism in the post-colonial Sunni Muslim World.²⁶⁴ It has been suggested that no other Islamist ideologue achieved the feat of Qutb save for Abu I-A'la Mawdudi.²⁶⁵ The precursor to Qutb was the Islamist Hasan al-Banna, who founded the Egyptian Muslim Brotherhood and laid the foundation for what became a movement aimed at tackling attacks against Islam that emanated from the external Abode of Islam, mainly the Western nations and Israel.²⁶⁶ There is no extensive theoretical work to provide an

²⁵⁹ See DA Elkmeier, 'Qutbism: An Ideology of Islamic-Fascism, <https://apps.dtic.mil/dtic/tr/fulltext/u2/a485995.pdf>, accessed 13 January 2021.

²⁶⁰ Ibid at p.87

²⁶¹ Ibid at p.87

²⁶² Ibid at p.87

²⁶³ Ibid at p.87

²⁶⁴ Ibid p.1

²⁶⁵ Ibid p.1

²⁶⁶ Ibid p.1

explanation of al-Banna's views coherently and logically.²⁶⁷ Al-Banna in 'Between Yesterday and Today' presented a historical analysis of the Muslims, Egyptians, and Arabs. But his historical view loses sight of the pre-Islamic Egyptians and Arabs entirely. Al-Banna commenced with a depiction of the first Islamic Caliphate and the golden age existence and mythologies. The golden age alluded to by Al-Banna are Muslims and not Arabs and consistently refers to Islamic *umma* and the Islamic state.²⁶⁸

Al-Banna's perception of history is highlighted in his perspective of the history of Europe. Al-Banna construed Europe as one of the *umma* until the Reformation and acted in a collective will be analogous to Islam's enemy. According to Al-Banna, Europe, having been exposed to Islam's cultural superiority through Spain and the Crusades in the East capitalized on the opportunity and benefitted from it. Al-Banna notes that Europe became united under the umbrella of the Franks in the land of Gaul.²⁶⁹ Al-Banna recognised the role played by ethnic divisions in understanding Europe's political actions. But he did not see national unity as the reason for European states' creation but believe that the Reformation played a powerful part in the emergence of nationalities in Europe.²⁷⁰ In Al-Banna's teleological perception of history, the issue of Islamic *umma* came to the fore because of European involvement and the part played by colonialism. Al-Banna asserts that the Muslim people's awakening is because of the extirpation by the Europeans of the Islamic *umma*. Al-Banna asserted that when the Islamic Caliphate is re-constituted, the question of national sentiments among Muslims will abate.²⁷¹ Al-Banna's view is better reproduced here for the purpose of this discussion. He stated thus: "Although [European colonization of the Muslim world] led to the development of local nationalism, with each nation demanding its right to freedom as an independent entity, and while many of those who worked for this revival purposely ignored the idea of

²⁶⁷ See P Brykczynski, 'Radical Islam and the Nation: The Relationship between Religion and Nationalism in the Political Thought of Hassan al-Banna and Sayyid Qutb' (2005) 5(1) History of Intellectual Culture1, 1-19.

²⁶⁸ Ibid. at p. 5

²⁶⁹ Ibid.

²⁷⁰ Ibid.

²⁷¹ Ibid.

unity, nevertheless the outcome of these steps will be, without a doubt, consolidation and resurrection of the Islamic empire as a unified state embracing the scattered peoples of the Islamic world and bearing its message.²⁷² There is no nation in the world held together by the same kind of linguistic unity, joint participation in material and spiritual interests, and similarity of suffering and hope that hold the Muslims together.²⁷³ According to Al-Banna, nationalism should not be given a conspicuous or prominent role in history. Al-Banna maintains the view that European nationalism was an inimical occurrence, and the individual selfishness it brought about was synonymous to the national selfishness it caused, and this was prevalent in the West's culture.²⁷⁴ Al-Banna asserts that nationalism helped Muslims respond to the West's oppression and played a positive part in unifying Muslims politically.²⁷⁵ Al-Banna's historical perspective provided an answer for the collapse of the erstwhile Caliphate because of the political transfer of authority to the Turks, Mamluks, Persians, and the Daylamites who could not practice genuine Islam.²⁷⁶ He further said that the Islamic conquest resulted in the Arab cultural conquest. He argued that Egypt salvaged Islam from the conquest of the Mongols and the Crusaders.²⁷⁷ Al-Banna did the best he could to clarify as to the vision of the Muslim Brotherhood and that the Muslim Brotherhood of political Islam was not intended to cause division and disaffection among Muslims and not aimed at splitting its youth organization. Al-Banna stressed that Muslim Brotherhoods' nationalists' objectives were the Muslim states' emancipation from the clutches of European colonialism and the unification of the Muslim countries. He stated that the Islamic emphasis on love is preeminent in Muslim lands. In much of his work, Al-Banna personified a nationalist of the Muslim cause and he stated that "we do not deny that the various states have their own distinct qualities and particular moral characters, for we know that every people has its own share of excellence and moral fibre, and we know too that in this respect the various

²⁷² See Al Banna 'Between Yesterday and Today', 21, https://www.islamicbulletin.org/en/ebooks/resources/between_yesterday_and_today.pdf, accessed 13 January 2021.

²⁷³ Ibid.

²⁷⁴ Ibid at p.21

²⁷⁵ Ibid at p.21

²⁷⁶ Ibid. at p. 21

²⁷⁷ Ibid at p. 18, 21

peoples differ from one another and vie with one another in excellence. We believe that in these respects, the Arabs possess the fullest and most abundant share.²⁷⁸ At the 1938 Congress of the Muslim Brotherhood, Al-Banna stated that the Islamic State would come into existence slowly. He submitted that the Muslim Brotherhood will lay the foundations of the Islamic state in the Nile valley and that it will advance to other Arab nations and in every other Muslim land founded based on the Islamic faith.²⁷⁹ Al-Banna stated that the Muslim Brotherhood would respect its nationalism, which is the central pillar of its revivalist mission. He stressed that the Arab Brotherhood would strive to maintain the Muslim unity which is perceived as the ultimate Islamic vision. Brykczynski submits that regardless of the intellectual split between other secular nationalists and Al-Banna, they accepted the division and the accommodating nature of the identities of the Egyptians and shared similar conceptual frameworks.²⁸⁰ The key plank of Al-Banna's message is that every Muslim owe its allegiance to the Islamic creed and not to any ethnic, civic, and tribal concept of nationalist connection.²⁸¹ John Calvert opines that after Hasan al-Banna, what Qutb did was to shift the emphasis. Essentially following Hasan al-Banna, Qutb changed the narrative and elevated the teachings of Hasan al-Banna to another level. In that era, only a few of the Jihadist maintained their position against the struggle. Ibn Taymiyyah was another precursor of Qutb. Ibn Taymiyyah contended that the contemporary world lives in a Jahiliyya²⁸² period. The term "Jahiliyya" literally means a period before the advent of Islam. Qutb believed that despite the coming and proliferation of Islam, there exist some elements of Jahiliyya amongst the Muslim dominated states. Ibn Taymiyyah argued for the doctrine of tawhid in Islam, which means Muslims should come together for Allah's unity. The concept was based on the movement founded by the Iranian Prophet Mani in a Sasanian Empire, which is an outdated concept that abides by dualism.²⁸³ The doctrine of Tawhid enshrines that Muslims should operate within Allah's defined laws and follow the Sunnah of the prophet Muhammad and distance themselves from any

²⁷⁸ Ibid at p.54

²⁷⁹ Ibid at p. 53

²⁸⁰ Ibid.

²⁸¹ Ibid at p.10

²⁸² See Ibid. John Calvert at p. 11

²⁸³ Abdul Hakim, 'The Transformation of Jihad in Islam and Ideology of Terror,' www.academia.edu, accessed 14 December, 2018.

other doctrine apart from these.²⁸⁴ The notion of this concept is that any Muslim that fails to abide by the doctrine as a way of life falls under the categorization of Jahiliyyah and such person or entity seizes to be a Muslim, and to some extent regarded as Takfir.

In the light of the foregoing, the basis on which Boko Haram and other terrorist organizations operate can be traced to Sayyid Qutb's writings as far back in the 1940s and towards the twilight of the 1960s.²⁸⁵ Qutb developed his particular version of Islam and a particular model of where Islam was in history. Basically, what Qutb and other brotherhood writers who came before him did as find in his treatise in 1928²⁸⁶ was on the understanding that the leadership of Egypt and Muslim dominated states all these leaders were not acting correctly or not real Muslims. Qutb developed two thoughts about this; one is that jihad should be waged against what he called “fake Muslims” who were leading the Islamic world. He particularly emphasised that the new class of Muslim leaders should work towards the creation of Islamic states to ensure compliance with the provisions of the Sunnah. The idea that the leadership of the Muslim world and secular leaders were not real Muslims at all; and you need to have some form of jihad whether through violent or political protest against them was very fundamental to Qutb.²⁸⁷

The second version developed by Qutb is that the existing system of governance adopted by the Muslim states should be remodeled, and the political leaders must be confronted for their sins. Qutb persuaded Muslims to stand up to what he perceived as the institutional, political, and cultural corruptions rooted deeply in the foundations of their respective nations.²⁸⁸ Qutb urged Muslims to work hard to substitute earthly governance with God’s decisions as provided by the Sharia.²⁸⁹ Qutb enjoined Muslims across the globe to be united concerning this cause.²⁹⁰ However, relying on this parochial doctrine, the violent insurgents adopted and propagate their struggle against the states.

²⁸⁴ Ibid.

²⁸⁵ S Maher, *Salafi-Jihadism: The History of an Idea* (Penguin Publishers, 2017), p.

²⁸⁶ Ibid.

²⁸⁷ See Ibid. John Calvert at p. 7

²⁸⁸ Ibid p.1

²⁸⁹ Ibid p.1

²⁹⁰ Ibid p.1

Al-Qaeda and Boko Haram have declared on the different fora that every Muslim must rise against any state that fails to adopt the laws of Allah and the teaching of the prophet Muhammad. But the violent terrorist on their part adopted a barbaric system that defies both the doctrine of Islam and secularism. For instance, Boko Haram's adoption of Chibok schoolgirls and ISIS capturing of Yazidi women in Iraq.²⁹¹ Although, not only the terrorist organizations that have been inspired by Qutb, Islamic Republic of Iran extol Qutb commitment to Islamist revolution and on that premise the government honoured him by issuing a postage stamp showing him while he was in prison after been sentenced to death by Nasser regime in 1966.²⁹²

Qutb vehemently believed that society could only be freed from this barbarism when Islamic law is adopted by all Muslim dominated states as a system of governance rather than western style. Just like Ibn Taymiyyah, Qutb underpinned the declaration and waging war against Muslim states that are not operating according to the dictates of Sharia.²⁹³ He justified his reasons of waging jihad against such states on the basis that once a jihad is launched, such state has no option than to succumb to the establishment of the Islamic law. This concept has been adopted by all terrorist organizations across the board. For instance, Boko Haram uses his Mardin Fatwa concept by declaring Nigerian leaders as infidels. But Taymiyyah's position on this concept has been criticized by some scholars because to them such stance has violated the ijmas of core Sunni Muslims.²⁹⁴ As indicated that Qutb followed and consolidated the doctrine of Taymiyyah and with this chain, the terrorist organizations adopted and followed Qutb teaching and resorted their violent struggle against states that are not even Islamic states such as Nigeria.

²⁹¹ See Ibid. S., Maher Salafi-Jihadism at p.13

²⁹² See Ibid. John Calvert at p. 3

²⁹³ Umar Mukhtar Bunza 'The North African factor in 'tajdeed' tradition in Hausaland, Northern Nigeria' (2005) 10 The Journal of North African Studies 325-338, 327.

²⁹⁴ Tom Heneghan, 'Muslim Scholars Recast Ibn Taymiyyah's Fatwa on Jihad', www.israinternational.com/component/content/article/42-rokstories/318-muslim-scholars-recast-ibn-taymiyyahs-fatwa-on-jihad.html, ccessed 17th December, 2018)

Intrinsically, the contemporary scholars of international political discourse acknowledged Qutb in shaping the theological bases of the terrorists in the post-colonial dominated Muslim societies. This assertion has been ostensibly established and recognised by vast commentators and observers of the event. Unlike Banna, although, consolidated on his ideology, Qutb, transformed the struggle by challenging the established authority of Egypt that Egyptian Muslims should reject secular government instead, it should advocate for the establishment of Sharia law. His call regarding the imposition of Islamic law, should not be restricted to Egypt only, but the entire Muslim world.²⁹⁵

Consequently, the constant security threats hovering within the international community should not come as a shock, mainly because of Qutb's negative preaching and thoughts. For instance, Abdallah Benkirane of Morocco's neo-conservative party al-Tawhid wa al-Islah²⁹⁶ posited that whenever he lays hands on Qutb's literature, he found it so inspiring and overwhelming. He further contends that he began to understand things from a different perspective and that changed his mind entirely. Equally, Qutb's inspirational thoughts influenced the radical Algerian preacher of the Islamic Salvation Front Ali Belhaji²⁹⁷ in fighting the state's party apparatchiks and seizing general in the 1980s and the 1990s.²⁹⁸ Ghannouchi Rashid of Tunisia's Islamism al-Nahda (Renaissance)²⁹⁹ party confirmed how Qutb and other Salafi-jihadist influenced his thinking by resorting to extremism whenever he lay hands on their literature. Qutb's influence on these jihadists is so overwhelming. The then leader of Morocco Islamic Liberation Front, Shaykh Hashim³⁰⁰ admits Qutb's adverse writings about jihad pushed him to instigate and plant the seed of Islamic Revolution in Bangsamoro homeland in the Philippines.³⁰¹

It is apparent to know why Qutb's name became a household name within the dynasties of the terrorist than the other advocates of the Salafi jihadists like Ibn

²⁹⁵ See Ibid. John Calvert, at p. 31

²⁹⁶ Ibid.

²⁹⁷ Ibid.

²⁹⁸ Ibid.

²⁹⁹ Ibid.

³⁰⁰ Ibid.

³⁰¹ Ibid.

Taymiyyah and others. There are three types of Salafism operating across the globe. Salafism has become mainly conflated with terrorism in a great deal of academic and intellectual discussion due mainly as a result of events in Iraq and Syria. In fact, Salafism is a very extensive tradition whereby three ideological strands of thought exist within the same paradigm.³⁰² The three types of Salafism are quietists, political Salafists, and the Jihadists.³⁰³ The quietists believe in purification and education, that is, learning more concerning their faith and purifying their practice of the faith. The quietists are not supposed to be dangerous to people and are not concerned with society.³⁰⁴ This group are self-oriented in approach and busy themselves with personal things such as their communities, families, and themselves. They are concerned with change or the rearrangement of the society. The other group is the political Salafists. This group is state-oriented. The political Salafists employ the apparatus of the state's system to champion reform in the political sphere.³⁰⁵ An example of this group manifested after the 2011 Arab insurrections. The political Salafists prefer revolution rather than evolution and see responsibilities and rights on similar platforms. We also have the group within the Salafists seen as Jihadists. This group is a rejectionist in orientation. They are repugnant to internal institutions of the state as well as global institutions.

However, the Salafi Jihadists seek a violent and radicalized millenarian upheaval. They are smaller than the Quietists and political Salafists.³⁰⁶ Recently, they have been able to establish a sphere of political influence between Syria and Iraq, the ISIS Caliphate or the popularly known as the Islamic State. The Salafi-Jihadism believe that jihad should be waged as a means to implement the provisions of Islam or the Sharia. In other words, the Salafi-Islamism pursues a different ideological objective, which sees their propagation as one of political religion³⁰⁷. Salafi-Islamism show a tendency towards brutal nihilism with its advocate of the use of force or violence to change the

³⁰² T Alexandra, *Boko Haram: The History of African Jihadist* (Princeton University Press, 2018) 2.

³⁰³ Ibid. ibid.

³⁰⁴ Ibid.

³⁰⁵ Ibid.

³⁰⁶ Ibid.

³⁰⁷ See S Maher, *Salafi-Jihadism-The History of an Idea* (Penguin Random House, 2016) 20, 21, 27.

society.³⁰⁸ Salafi-Jihadism believe in making the individual the focus of its position rather than God. Salafi-Jihadism respect the position of their leader and pushes for territorial expansion or conquest at the instruction or command of their leader disregarding what the Sharia provided concerning their actions.³⁰⁹ It is not wrong to say that Qutb's understanding of Islam was in contrast to the other advocates that existed before him because he sees Islam as culturally reliable, a programmatic ideology which is in sharp contrast to the teaching and practice of contemporary Islamic scholars in the Muslim dominated states.³¹⁰ Going by Qutb's belief and philosophy, the Muslim world would have been freed from the bondage of western hegemony if they had opted for the actual teaching of Islam.³¹¹ His writings have provided what is called "lawful bases for the rejectionists" to carry out their struggle in a forceful manner against the dismantled military regimes in all the Muslim dominated states. For instance, according to Maher, in Syria the frontline insurgents like Habib Marwan³¹² and his affiliates campaigned and launched their jihad against the Alawi-dominated Ba'athist Regime in Damascus in the 1970s.

Admittedly, the pattern and overwhelming inspiration derived by the terrorist from the teaching of Qutb led the Egyptian Islamic groups (al-jama'at al-jihad) to attack personnel and institution who were allies of the Mubarak's government.³¹³ This trend has paved the way for the terrorist to adopt some radical approach in changing governments in what we witnessed in the Middle East in (Arab spring) 2011-13. Owing to Qutb influence on the insurgents, today majority of the Middle East states see his idea as a threat to them because overwhelming advocates of jihad cite his writings. For any violence the terrorist commit, always refer to authoritative sources and justifies such actions. Shiraz looks at the intellectual development of Islamism, and what it seeks to achieve. Shiraz focuses on the contemporary evolution of the ideology than the history of the movement. Shiraz Maher opines that these diverging perspective

³⁰⁸ Ibid p.27

³⁰⁹ Ibid p. 39

³¹⁰ See J Calvert, *Sayyid Qutb and the Origins of Radical Islamism* (Columbia University Press, 2010) 4.

³¹¹ See S Maher, *Salafi-Jihadism-The History of an Idea* (Oxford University Press, 2016) 27.

³¹² Ibid.

³¹³ Ibid.

gives explanation as to the demarcation or separation of methodologies between Salafi-Jihadis and the other Muslim organization.³¹⁴ Salafi-Jihadis maintains that the West was the root cause of all suffering in the Muslim world.³¹⁵ The Salafi-Jihadis hold the view that the entirety of the global community as exemplified in international law, The United Nations, banking industry, development aids are agencies of modern colonialism.³¹⁶ This is the position which to all intents and purposes dominates the Salafi-Jihadi global view and represents its most enduring features or attributes.³¹⁷ Shiraz in his academic perspective, notes that Salafists preached progression through regression and advocated a return to the practice of the first three generations of Muslims the Salaf Al Salih, also referred to as the righteous predecessors. Salafism is a modernized response to modernity. Salafism boasts of the quietest and activist strands. However, Shiraz Mahers book focuses on the violent Islamist who have become recently popular. Maher quotes Trotsky's aphorism that war is the locomotive of history.³¹⁸ For example, the wars in Iraq, conflict in Syria, the anti-Soviet war in Afghanistan, the war which emanated from the suspension of Algerian democracy are all hallmarks in the development of Salafi-Jihadism, a movement which is both profoundly reactionary and revolutionary. Mahers defines Salafi-Jihadism from the perspective of the interpretations of five key concepts of jihad, *takkir*, *al-wala' wa-l-bara'* *tawhid* and *hakimiyya*.³¹⁹ These five influences come together to make the Salafists violent in their modus operandi. The key motivations of Salafi-Jihadists are war, and war provides the impetus and catalyst to the rise of Salafi-Jihadism. The area they exercise sphere of influence is in Syria and Iraq. What gave a fillip to the interest in *hakimiyya* or the securing of political supremacy or sovereignty for God was provoked by negative experiences of colonial conquest and forced industrialization.³²⁰

As a result, Islamic cultural renaissance alongside social justice was encouraged and preached by many important Muslim thinkers in British India as well as poet

³¹⁴ See S Maher, *Salafi-Jihadism-The History of an Idea* (Oxford University Press, 2016) 43.

³¹⁵ *Ibid.*

³¹⁶ *Ibid.*

³¹⁷ *Ibid.*

³¹⁸ *Ibid.*

³¹⁹ *ibid*

³²⁰ *ibid*

Muhammad Iqbal and Abul A'la Maududi. The violent Islamist saw democracy as a man-made deity that is truncating and usurping the powers of God. Salafist maintains the view that all Muslim nations have woefully failed to secure divine rule, and as such jihad must be fought. Shiraz Maher offers an explanation regarding the exegetical move which transferred the concept of the eye for an eye law of *qisas*, or equal retaliation to the territory of international relations.³²¹ Salafi-Jihadist justifications for perpetrating terror jettisons theology in some instances. For example, Ayman Al Zawahiri Al Qaeda's leader and other leaders argue that the rules of Islam which govern *tartarus*, that is, human shields are desuetude in the sense that weapons of modern warfare make no distinction between combatants and civilians.³²² Maher posits that asymmetrical warfare through terrorism are prosecuted because Jihadists as non-state actors are compelled to do so. Because of this erroneous and misleading logic, the massive murder of civilians perpetrated by Sunni Muslims is justified and approbated. The facile treatment which classical jurisprudence receives, such as the *Bida* or innovation, is anathematic to the Salafi-Jihadist. In the past, Al Zawahiri's nihilistic tendencies have been challenged and questioned by Salafi-Jihadist's scholar such as Abu Bashir Al Tartusi. Maher postulated that these fault-lines in the movement are mainly ostensible between those who are operationally effective in the field and the theorists who are not active on the field.³²³

However, Qutb enunciated the Islamist vision by using both Marxist and fascist appraisals of democratic capitalism. What Qutb expected to have done was comparing Islamic theology and another religious doctrine, but instead, he succinctly viewed secular ideologies and stages in history.³²⁴ Qutb like Marx contended that the way agrarianism replaced industrial capitalism according to the philosophy of Marxism, so shall Islamism dominate and replace the latter.³²⁵ Qutb ideology is grounded in political Islam which asserts that ideology and global perspective are sources of every change and transformation. Qutb maintains that Islamic faith and belief is the only

³²¹ Ibid.

³²² Ibid

³²³ Ibid

³²⁴ M Chertoff, 'The Ideology of Terrorism: Radicalism Revisited' (2008) 15(1) Brown Journal of World 11-24

³²⁵ Ibid.

religion capable of stopping people from degeneration, abuses, distortions, and anxiety and establishes truth in people's lives. The Sharia law must be used to fulfill the requirement of an Islamic government. The ideological leaning of Qutb espouses that the concept of political Islamism, which manifests hostile attitudes towards every type of intellectualism, sectarianism in Islam, mysticism and adjudges them heretical organizations from non-Islamic dominations.³²⁶ Qutb believes that to lead individuals to the direction of God, there must be the existence of an Islamic system because it is difficult, if not impossible.

Correspondingly, what is interesting about Muslim Brotherhood ideology as developed by Qutb is very puritanical conception and is not about making compromises quite the opposite, to him is about preserving the new class of believers who would form the basis for new society and that anyone who gets in the way of that, is getting in the way of Islam.³²⁷ From the viewpoint of Islamic history, it is a devastating historical result because as far as Qutb was concerned, only the Muslim Brotherhood and their supporters are real Muslim. This means after 1440 of the existence of Islam, is now reduced to a small group of people. What is so critical about that, is how a small layer within the Muslim community began to see themselves as the bearers of the new society and must fight against everything that gets in the way of that either spiritually or possibly with fiscal combat, scholarship, financially depending on the circumstance that would lead to the jihad.³²⁸

Qutb's campaign against the western culture and their system describes his struggle as a radical reformist. Some reformists amongst his rank proposed to seek for the transformation of society on a gradual basis through preaching and intellectualism,³²⁹ but Qutb literature suggested a radical approach calling on leaders to either accept the proposed system or step down from the positions they hold. The step taken by Qutb on imposing Islamic law was regarded as a late decision. Because in his early struggle,

³²⁶ *ibid*

³²⁷ See S Maher, *Salafi-Jihadism-The History of an Idea* (Oxford University Press, 2016) 32.

³²⁸ *Ibid*.

³²⁹ For an analysis of sharia implementation, see Paul Lubeck, 'Nigeria: Mapping a Sharia Restorationist Movement', in Robert Hefner(ed.), *Shari Politics: Islamic Law and Society in the Modern World* (Indiana University Press, 2011) 244-79.

he was a moderate advocate of the Muslim Brotherhood who see politics as the only alternative for the Brotherhood to attaining power.³³⁰ He began his radical struggle against the state when the Egyptian government planned to suppress the Muslim Brotherhood in the mid-1950s. However, scholars and other commentators have failed to situate Qutb in the historical and intellectual milieu or ambiance and have consistently introduced Western-sponsored evaluation of him, which seemed unfair in their analysis. Zimmerman depicted Qutb as one of the architects of contemporary Islamic extremism.³³¹ Zimmerman took a hard view of Qutb and noted that Qutb's writings provided an intellectual justification for extreme sentiment against the West and that Qutb provided an explanation for ousting the entire global governments, which included the states ruled by Muslims, through the use of global holy war.³³² Far from the harsh criticism of Qutb by Zimmerman, other scholars, writers, and commentators were fair in their assessment of Qutb and presented a more balanced view of Qutb than scholars or writers who knew much about Qutb's intellectual pedigree. Calvert opines that Qutb would never have approved the killing of civilians and said that Qutb restrained himself from using the word *kuffar*, meaning unbelievers for the general culture of the age and not individuals in their description who was the common practice of Islamist groups.³³³ Christopher Howarth notes that it is clear that while Qutb's writings to some extent provided the grounds for radical Islamic extremism in the 1980s, 1990s, and 2000s noticeably because of their black and white separation of human societies into Islamic and *jahili*, that is, ignorant and his recommendation of non-defensive jihad against illegal governments, Qutb has been negatively misrepresented by writers since he died.³³⁴ Calvert notes that much of the uninformed and harsh criticism of Qutb stems from the ambiguity surrounding Qutb's works or writings.³³⁵ Calvert noted that one of Qutb's writings entitled 'Milestones'

³³⁰ See J Calvert, *Sayyid Qutb and the Origins of Radical Islamism* (Columbia University Press, 2010) 14.

³³¹ See Zimmerman, J. Sayyid Qutb's Influence on the 11 September Attacks, (2004, *Terrorism and Political Violence*), p.222

³³² Ibid. 223.

³³³ Ibid.15.

³³⁴ See Howarth, C. 'Survey of Academic Literature (2016)

³³⁵ Ibid. 274.

alluded to taking all action necessary to emancipate mankind, and this view gave rise to the emergence of highly radical interpretations of his work.

Bergesen noted that Qutb held this view because of his incarceration, which perhaps hardened him and Qutb's appeal for arms use.³³⁶ Howarth notes that for an understanding of Qutb and what he stood for, there is a need to flash our minds back to some of the earliest works written about Egyptian Islamism.³³⁷ Howarth noted that the starting point would be 'The Prophet and Pharaoh, written in 1984 by Gilles Kepel. Howarth notes that this book kick-started the polemics concerning the interaction between the West and Islam, which influenced succeeding or following conversation of Qutb and his legacy, and commenced a very provocative discussion looking at the work entitled Orientalism by Said, which argued that western countries have from the beginning held perception of Islam with a combination of obsession and abhorrence.³³⁸ Howarth notes that Kepel's objective is intended to take up the challenge to Western categories of thought that the Islamicist Movement presented as a challenge, resulting in an unequal event such as the assassination of President Anwar Sadat in 1981 as well as the 1979 Islamic putsch in Iran.³³⁹ Because of Egypt's significant position in the development of Islamist movements, for example, the Muslim Brotherhood, Kepel chose to commence his discussion with Egypt.³⁴⁰ In his book, Social Justice in Islam Qutb noted that what is Caesar's is to Caesar's and what is to God is to God, and this assertion has been extensively cited in academic works and discussion.

However, what Qutb tried to do was to stress the connection between politics and religion in Islam.³⁴¹ However, some scholars nevertheless animadverted Qutb because of this assertion. Calvert notes that scholars frequently comprehend Islamism by alluding to its effectiveness as an avenue for material disaffection and their failure to accept the religious motivations that steer many, if not most Islamist, and Calvert

³³⁶ See Bergesen, A. J. 'The Sayyid Qutb Reader. Selected Writings on Politics, Religion, and Society' (2008, New York: Routledge) 5.

³³⁷ Ibid at p 3

³³⁸ See Kepel, G. The Prophet and Pharaoh in Rothchild J. (1985, The Thetford Press Ltd, Thetford, Norfolk, UK) p.21

³³⁹ Ibid. 21

³⁴⁰ Ibid. 21

³⁴¹ Ibid. 4

concludes in the world of Qutb, God is genuine and very dear.³⁴² This contradiction emanates from Qutb's own making. For example, writing in *Milestones*, Qutb stated that the detractors or the believers might contemplate changing this struggle into a political, economic, or racial struggle, and they must, however, accept that this is a trick.³⁴³ Calvert notes that such a functionalist interpretation of Islamist movements has value.³⁴⁴ Calvert used a biographical, chronological structure and a lengthy isagogic to identify both the Western and Islamic dominations of Qutb's thought and trace it back to the Jacobins whose insurrectional ideas Qutb inculcated and repackaged in Islamic construction.³⁴⁵ Calvert offered an explanation of Qutb's experiences mainly because of his journey to the US and incarceration, and not for his intellectual influences.³⁴⁶ Calvert opines that Qutb's discussion on the US exemplifies Orientalism in Reverse and *ipso facto* defining the typical Islamic society which responds or reacts to a Western attitude.³⁴⁷ Calvert notes that Qutb's American study adventure was not the turning point in Qutb's career as some commentators have asserted and reinforced and an initiated Islamist predilections.³⁴⁸ Calvert notes Qutb's radical Islamist inclination dates back to 1950 due to his arrest and torture in Egypt.³⁴⁹

Furthermore, a different focus on the life of Qutb came from Musallam.³⁵⁰ Musallam describes Qutb's sojourn in the US as very prominent in Qutb's beliefs and attitude against the West. Musallam notes that what Qutb observed as well as his perception of his trips reinforced his prejudged views regarding the moral decadence of the civilization of the West which before his arrival in the US he had written about.³⁵¹ However, according to the advocates of jihad, especially in classical time, asserts that Muslim scholars and political leaders discarded what the concept of jihad means in Islam; with such castoff, the global community is witnessing a high rise to different

³⁴² See Cavert, J 'Sayyid Qutb and the Origins of Radical Islamism at p.9

³⁴³ Ibid. 5

³⁴⁴ Ibid. 9

³⁴⁵ Ibid. 16.

³⁴⁶ Ibid. 53.

³⁴⁷ Ibid. 153.

³⁴⁸ Ibid. 13.

³⁴⁹ Ibid. 14.

³⁵⁰ See AA Musallam, 'From Secularism to Jihad: Sayyid Qutb and the Foundations of Radical Islamism (Praeger Publishers, 2005) 7.

³⁵¹ Ibid. 118.

jihadists and their splinter groups across the board who have no regard what the consequences of their actions would be on the society.

Similarly, the Iraq invasion by the led government of Bush in 2003 made Salafi-jihadist elements expand the brutal nature of their struggle against the western bloc and some Muslim states that supported the incursion. However, salafi-jihadism started its violent campaign during the Algerian Civil War but became more concrete and coherent during the Gulf War. What comes out after the invasion was the vicarious bondage of private citizens who were punished on account of the shape practices of their government.³⁵² Interestingly, the case of Boko Haram in Nigeria appears to be fascinations of events that happened in some Muslim dominated states and the perception that the western hegemony conspired and controlling the north, especially the Muslim dominated territories, because of the pervasive corruption, impunity, nepotism, and political instability among others not considering the secular and complex nature of Nigeria.

The irony of this erogenous position of the salafi-jihadist is that they denounce or rejected the use of the term salafi-jihadist.³⁵³ For instance, in the words of Omar Haddouchi,³⁵⁴ one of the jihadists that “the imagination of the atheist media, “they coined the phrase Salafi-jihadist to define those that engage in the cause of Allah. He further posits that the negative connotation of the phrase situates them in a debauched spectrum in the society; why not use the phrase to describe true believers like us. According to him, we pray, we perform pilgrimage to Mecca, we perform fasting according to the laid down laws of Allah why would not they coin phrases such as *salafiyya* praying, *salafiyya*- pilgrimage to describe them.³⁵⁵ This group of salafi believe that their struggle is for the cause of Allah. One of the developmental episodes of salafi-jihadist was the identity crisis that followed in Saudi ruling dynasty alliance with United States to repel Saddam Hussein from Kuwait.³⁵⁶ This development led to

³⁵² See S Maher *Salafi-Jihadism: The History of an Idea* (Oxford University Press, 2016) p. 13

³⁵³ See J Calvert, *Sayyid Qutb and the Origins of Radical Islamism* (Columbia University Press, 2010). 21

³⁵⁴ Ibid.

³⁵⁵ Ibid.

³⁵⁶ Ibid.

serious unrest in the Middle East by the supporters of Saddam even within the kingdom of Saudi, some leading scholars were harassed and arrested.

However, salafi-jihadist has been trying to develop their intellectual capacity even before the Second Gulf War for a very long period. Different ideas were said to have developed in reaction to the unrest in which the jihadist's widespread movement at that material time. Under Hassan Al-Turabi leadership, the jihadists regrouped in Sudan and keenly examined how their countries of origin were collapsing in a different way because of incursion of hegemonic bloc and their allies.³⁵⁷ The exigencies of these crises, cruelty, and detention pushed the salafi- sophists to forecast and propound the nature of their future struggle against the enemy and how they intend to realize such.³⁵⁸ Sudan used to be the recruiting centre for the jihadists where they developed their ideology at embryonic stage before transmigrating to Afghanistan and formed what we have today as al-Qaeda.³⁵⁹ With this trend, it was evident that the jihadist moved their base from the Arab states and spread their venom across the globe because of the advancement of communication technology.

However, it is essential to dwelling briefly on the writings of one of the precursors of Qutb, Ibn Taymiyyah. Ibn Taymiyyah was the real founder of salafi-jihadism.³⁶⁰ He was a fourteen-century scholar of Islamic thought. A Turkish by nationality studied both secular and Islamic education and followed the teaching of Hanbali Islamic monotheism.³⁶¹ He lived when Islam was said to be tumultuous in ascension and challenged the Mongol invasion of Syria and Iraq.³⁶² He demanded that Muslims propagate and spread Allah's message (jihad) to the Mongol nation. Taymiyyah challenged the authority to introduce new things that were contrary to the teaching and beliefs of Islam, which created a delinquent between him and the authority.³⁶³ He despised any discursive reasoning to reach any ruling on the innovation that was in

³⁵⁷ Ibid. 51

³⁵⁸ Ibid. 40

³⁵⁹ Ibid.

³⁶⁰ Shaikh Saleem al-Hilaale, 'Misconceptions About the Scholars of Salaf', www.salafipublications.com/sps/sp.cfm?subsecID=MSC06articleID, accessed 20 February 2019.

³⁶¹ Ibid.

³⁶² Ibid.

³⁶³ Ibid.

contrast with the teaching and practice of the prophet and his companions. For instance, some of the innovations he scorned were the visitation by the Shiite adherents to tombs of either companion of the prophet or saints that existed at the time of the prophet.³⁶⁴ This was another form of worshipping idols as practiced by the pagans before the advent of Islam. He, therefore, demanded that Islam should be practiced the way the prophet and his companions practiced and teaches *umma* to do, not to innovate a new thing that contrasts with the teaching and understanding of Islamic theology. His firm belief and disdain to innovations led to his imprisonment, and he later died in 1328 in Damascus.³⁶⁵

Consequently, four centuries after Taymiyyah, a Saudi reformer Ibn Abdul Wahhab expounded on the former's teaching of *salaf* and demanded that society return to Islam's puritanical form as practiced in the days of the prophet and his companions.³⁶⁶ Just like his mentor Taymiyyah, Wahhab had series of trouble with Saudi authority for instance, he sarcastically destroyed the tomb of one of the companions of the prophet on one occasion and spearheaded the stoning of a woman who committed adultery. On that premise, he was banished from the region and hence, met the founder of the ruling dynasty of the kingdom of Arabia Ibn Saud.³⁶⁷ Both Saud and Wahhab formed an alliance and agree that Wahhab becomes the head of religious affairs while Saud becomes the military commander of the region, which subsequently paved the way to the establishment of what we have today as Saudi Arabia governed by the Saud dynasty.³⁶⁸

Thus, it is believed that such an alliance between Saud and Wahhab exist to the present time. The puritanical concept of Wahabbi Islam in Saudi Arabia, enjoys the state patronage and also formed part of the educational curriculum where it sharpens and remains part of daily life of people. For instance, today in the kingdom once a call for prayer is made, it is mandatory for all shops to close for the prayer. Another thing

³⁶⁴ Ibid.

³⁶⁵ Ibid.

³⁶⁶ Ibid.

³⁶⁷ Amir Taheri, 'Saudi Arabia: Between Terror and Reform' (2004) 26 American Foreign Policy Interests 457-465

³⁶⁸ Ibid.

that forms part of the culture is that women are not allowed to move freely without male guardian who must ensure their protection in case of eventualities, though the present leadership in the kingdom has abrogated such stand and opted for the amendment of the royal decree. Banning of drinking and sale of alcohol is prohibited in the kingdom and its environs, even though, such law is also prohibited in Islam. All these formed part of the puritanical conception of Wahhabi.³⁶⁹

However, after Wahhabi austere concept in the Arabia peninsula, his style of Islamic teaching spread and adopted by the founder of Muslim Brotherhood Hassan al-Bana who like Wahhabi was adherent of Hanbali school of thought.³⁷⁰ Bana's new approach was more of militancy because of the Egyptian Revolution of 1919 that made him become perilous in his struggle. The experience he gained during his struggle put him as a nationalist as well as a political figure when he formed the Muslim Brotherhood in 1928.³⁷¹

Muslim Brotherhood began as a charitable organization just like Boko Haram in Nigeria. Unlike the latter group, the former allied with some renowned business empires, associations, and mosques to oppose British domination. He adopted a style of propagating Islam and related to pan-Arabism, Arab nationalism, and anti-colonialism such style makes him reverberate powerfully with the people.³⁷² With such trends of events, Muslim Brotherhood continued to be vibrant and consolidate on their struggle and perhaps posed a threat to the Egyptian monarchy. Following the Palestinian revolt of 1936,³⁷³ the group became popular and reckoned by in Arab republics. The Brotherhood supported Palestine by mobilizing people to fight in the 1948 Arab Israeli war. In 1948 the Egyptian monarchy noticed how stronger the group

³⁶⁹ Ibid.

³⁷⁰ J Calvert, *Sayyid Qutb and the Origins of Radical Islamism* (Columbia University Press, 2010) 23.

³⁷¹ S Maher, *Salafi-Jihadism-The History of an Idea* (Penguin Random House, 2016) 72.

³⁷² Natana J DeLong-Bas, *Wahhabism Islam: From Revival and Freedom to Global Jihad* (Oxford University Press, 2004) 7

³⁷³ J Calvert, *Sayyid Qutb and the Origins of Radical Islamism* (Columbia University Press, 2010) 6.

was and, hence proscribed the movement and Bana assassinated in a dramatic circumstance in same year.³⁷⁴

The issue of religious extremism became prominent to the international community after the 1990s Cold War, notably in the Middle East region. In the words of Huntington, the “clash of civilization.”³⁷⁵ The idea of the concept of jihad perceived by the terrorists came into the spotlight after September 11, although it has never been there in the Islamic catechism since the advent of Islam in 1440 years. The fact about the doctrine of jihad during the early days of Islam is that it did not exist at the embryonic stage; the first jihad that appeared was when prophet Muhammad migrated to Medina thirteen years after Islam's existence that jihad was introduced.³⁷⁶ The introduction of jihad into Islamic doctrine in the early days was done to protect and safeguard territories. But the orthodox scholars of Islamic jurisprudence such as Ibn Hanbal, Ibn Taymiyyah, and Abdul-Wahhab have conceptualized the doctrine and, hence some Islamist adopted it as an idea to perpetrate evil against humanity. For instance, Zarqawi former leader of al-Qaeda contends that, “our ideology is spreading, thank Allah, and all the young people of the *umma* {Islamic states} are receptive to this ideology which is, as we said, the ideology of Islam, not just the ideology of al-Qaeda.”³⁷⁷

However, the jurisprudential stance of Ibn Nuhaas on the concept of jihad contributed to the fiercer nature of the terrorist organizations especially Al-Qaeda. The latter has proclaimed that jihad should constitute an article of faith,³⁷⁸ that is, *Iman*. He further suggested that “if it weren’t for Allah checking the nonbelievers through the believers and giving the authority to protect Islam and break the armies of disbelief would have

³⁷⁴ Ibid.

³⁷⁵ SP Huntington, *The Clash of Civilization and the Remarking of World Order* (Simon & Schuster Ltd., 1996).

³⁷⁶ See Masher, *Salafi-Jihadism: The History of an Idea*. 13.

³⁷⁷ S Simon and A Akil N., *Al-Qaeda and Islamic State's Global Battle of Ideas* (C Hurst & Co., 2016) 131.

³⁷⁸ Ibid.

reigned on the earth, and true religion would have been eliminated. This proves that whatever is in this status that is, jihad deserves to be a pillar of Iman.”³⁷⁹

We could see from the above quotation how his fatwa influenced these fighters. Al Qaeda leaders and their sister organizations such as ISIS and Boko Haram often use this fatwa to consolidate their violent struggle. Abu Musab al-Zarqawi of al-Qaeda contended that after proclaiming Shahada (*Iman*) the next pillar of Islam ought to be jihad.³⁸⁰ He believed that jihad should have included as the second pillar of Islam³⁸¹ because there is nothing more important than waging a jihad against nonbeliever who rejects Islamic faith. Similarly, Abu Qatada one of the arrow heads of al-Qaeda argued that God created human being to worship only, and as such, whoever becomes defiant to God, jihad should be waged against such fellow.³⁸² He opined that jihad is the commandment for the establishment of the religion of Allah for humanity and anything short of that gets to the way of Allah. In his own part, Azzam contended that some see jihad as a new phenomenon under Islamic catechism but the latter has been in existence since the emergence of Islam and as such should be regarded as one of the core fundamentals of Islamic principle and anything out of the ordinary, should be rejected conscientiously.³⁸³ Yusuf al-Uyayri shared a similar view with Zarqawi that jihad is not just a fundamental principle of Islam but rather one of the cardinal features that has been in practice since the emergence of the Islamic faith. Both leaders of these Islamist groups argued that jihad would continue to supervene on the surface of the earth till the time of resurrection.³⁸⁴

Additionally, the Brotherhood was pivotal to the emergence of jihadism in the Middle East. The Brotherhood employed the concept of merging the pan-Arabism and pan-Islamism in their struggle with persuasive anti-colonialism. The group was not unenthusiastic to discourage its adherents to fight in the course of Islam and Arab world whenever the situation prevail itself. The fact that the group has massive support

³⁷⁹ Ibid.

³⁸⁰ See Maher, *Salafi-Jihadism: The History of an Idea*, 41

³⁸¹ Ibid

³⁸² Ibid.

³⁸³ Ibid.

³⁸⁴ Ibid.

and carries heavy weight in the political persuasion of Egypt, makes it explicitly eminent for all governments to maintain the proscription of the group until after the exit of Mubarak's government in 2011.³⁸⁵

Muslim Brotherhood, unlike Boko Haram and Islamist al-Nahda Renaissance Party in Nigeria and Tunisia, has solid charitable and educational facilities due to the significant financial support it enjoyed from Salafi-Wahhabist of the Arab world.³⁸⁶ According to these groups it solidifies its struggle in defending Islam and Arabs worldwide, on that premise the group continued to maintain and believe to be a key player in the political discourse of Egyptian society. Although, they were schemed out of the political events of Egypt³⁸⁷ for a while, until 2011 when the late President Morsi emerged. The sequence of the Brotherhood crusade resulted in imitating them where many Islamists adopted the name in their states. For instance, at the embryonic stage of Boko Haram they adopted the name Muslim Brotherhood of Nigeria.

Consequently, this part of the chapter analyses in brief the central argument of defensive and offensive jihad in order to know the classification that these Islamist terrorists fall under. In the case of offensive jihad, it is generally accepted by both normative Islam and salafi-jihadists that if someone is found culpable of the offence, only established authority such as caliph can sanction such a person while the former has some rules that apply to it because of its reactive nature emanating from external antagonism. From a historical perspective, we can see that defensive jihad has vigorously been utilized during the invasion of Baghdad by Mongol led by Hulagu Khan who led the Mongol to capture Baghdad and killed the last caliph from the descendant of Abbasid. Mongol hurriedly ran and invaded Baghdad following the interval in the appointment of the caliph until the ascension of al-Mustansir who later moved the seat of authority from Baghdad to Cairo. Following the vacuum created after the invasion of Baghdad and subsequent massacre of the people including the caliph, people continued to resist the Mongols with irregular and voluntary campaigns

³⁸⁵ Calvert, *Sayyid Qutb and the Origins of Radical Islamism*, at p. 9

³⁸⁶ Ibid.

³⁸⁷ Ibid.

until the formation of the army by the new caliph al-Muntansir.³⁸⁸ The concept of defensive jihad in Islam became necessary following the circumstances that led to the jihad in the classical era. Some scholars of Salafi background such as Albani thought it was appropriate to address some misconception of the doctrine of defensive jihad within the Salafi community. Like other advocates, Albani does not distance himself from the general concept of jihad³⁸⁹, but intrinsically opined that once there is no leader to declare jihad, then, it should be suspended in all circumstances in the absence of *amir*. Albani's position on this subject is that once there is no leader to preside over *umma* is an indication that the underlying problem would be weighty. This unreceptive tendency was reflected during the early stage of Islam when the prophet Muhammad spread his monotheism message in Makkah before migrating to Medina. The prophet was in medina when he received a divine revelation regarding the concept of jihad.³⁹⁰ Albani reasoned that "to do the jihad we need *amir*, to get this *amir* we must work on the *tasfiya* and *tarbiya*."³⁹¹

Furthermore, when critically examining Albani's concept of declaring jihad in Islam, he is not condemning it but instead arguing that it should be deferred while people strive for better accomplishment. In his words

*"Jihad is, without doubt the pride of Islam and the basis of Islam, and the verses and hadith regarding this are known to everybody inshallah (God willing). But this jihad has its (own) conditions and introductions".*³⁹² Albani viewed the political and sharp drop of Muslims influences emanating from lack of wisdom to realize the benefits of *aqida* through *al-tasfiya wa-l-tarbiya*.³⁹³ He maintained a tacit and constant view and equally issued a contentious fatwa urging the Palestinians to leave the west bank for Israeli because they would not be allowed to practice their deen (faith) correctly. Muqbil bin Hadi al-Wadil'I one of Albani's students contends that the sovereignty of the southern Yemen from the British has no basis, largely because the foundation of the Yemeni

³⁸⁸ Ibid.

³⁸⁹ Ibid.

³⁹⁰ Ibid.

³⁹¹ Ibid.

³⁹² A Thurston, *Boko Haram: The History of An African Jihadist Movement* (Princeton University Press, 2017) 2.

³⁹³ Ibid. 1.

government resulted in producing a communist state that denies Muslim adherents practicing their faith. Although, his view was considered inimical within the Salafi community who see defensive jihad as being routinely authorized once attacked by an enemy.³⁹⁴

3.6 OPERATIONAL MODES OF BOKO HARAM

Boko Haram a terrorist group claiming to operate under the guise of the Sunni Islamic movement, has killed approximately 20-30 thousand people in Nigeria, Cameroon, Chad, and Niger since the beginning of their violent act in 2009 to date.³⁹⁵ Thousands of lives have been lost amid the broader crisis resulting from the acts of the group. People of all faiths, mostly civilians, have fallen victims to hunger and chronic diseases, and over 1.5 million people in northeastern Nigeria now face pliancy.³⁹⁶ The fiercer battle between the group and the government security operatives has aggravated the conflict. The rejection of the group to surrender their deadly and gratuitous struggle against the state, necessitated the classification of the group as one of the deadliest jihadists in the world.

The group has been operating peacefully in Maiduguri, preaching Islamic tenets as a Salafi movement before it eventually turned violent in 2009. Salafi doctrine focused more on the historical period and viciously examined how modern society should be ordered. Salafi is believed to be a movement ascribed to pious followers of the companions of the Prophet (PBUH)³⁹⁷ from the fourth generation. They support full implementation of Islamic law “Sharia” and vehemently opposed any innovation to

³⁹⁴ Ibid.

³⁹⁵ Figures for the death toll are disputed and inexact. Some totals do not distinguish between the violence Boko Haram commits and the deaths inflicted by security forces and civilians’ vigilantes. Most database rely on press reports, meaning that casualty counts can be too high or more likely, too low. Some violence is never reported at all-journalists’ access to combat zones especially to rural north-eastern Nigeria has often been blocked by both Boko Haram and Nigerian Government. Institutions tracking violence include the council on Foreign Relations (<http://www.cfr.org/nig/nigeria-security-tracker/p29483>), John Hopkins University School of Advanced International Studies (<http://www.connectsaisafrica.org/research/african-studies-publications/social-violence-nigeria/>), and the Armed Conflict Location and Event Data Project (<http://www.crisis.acleddata.com/category/boko-haram/>), accessed 12 June 2020.

³⁹⁶ T Alexander, *Boko Haram: The History of African Jihadist* (Oxfordshire: Princeton University Press, 2018) 2.

³⁹⁷ As-Salafi, A. The Principle of Salafiyya, a Brief Introduction to the Salafi Dawah, <http://www.spubs.com/sps/sp.cfm?subsecID=SLF02&article1D=SLF020001&pfriend>, accessed 12 January 2021.

the religion of Islam which is referred to as *bid'ah*.³⁹⁸ Saudi Arabia became a centre of the movement by accepting any transmitter of disseminating Salafis ideology, and on that premise, the founder of Salafi movement in Maiduguri, Lawal truant his way to the kingdom.³⁹⁹ The movement, especially towards the end of twentieth century proliferate globally and in some countries like Nigeria became localized.

The question is that who are the Islamic thinkers that shaped the minds of Boko Haram? This question becomes necessary to analyze the development of modern Islamism, which argued that to be a pure Muslim, you must live in a Muslim-dominated society where Islamic law operates. In answering the above question, we need to view how the development came into being. It began in a modern form in the 19th century with Al-Afghani after the creation of the Muslim Brotherhood. During the 19th century, colonialism became a severe issue for emerging society's especially Muslim-dominated territories, where knowledge in administering societies has declined. By that, Afghani fought for religious and political reforms of the Muslim-dominated states and recommended an interpretation of the original Muslim scriptures such as the Quran and Hadith.⁴⁰⁰ Unlike Qutb, Afghani consolidated his struggle on liberation, unity, and revolution of Muslim territories, and he opposed colonialism despite his apparent interest in politics. His firm position on the unity of Muslim, Afghani called on the understanding and solidarity amongst Muslim brethren especially the shite and Sunni division as their division was not characteristic of Islam. His vehement idea of the liberation struggle against the west and proliferation of Islam to the rest of the world was in contrast to Qutb who believed that jihad be waged against whoever that stand on the way of Islam. The former was diplomatic in his dealings as he opposed any idea of propagating Islam against the people's will.

³⁹⁸ C Bartolatta, Terrorism in Nigeria: The Rise of Boko Haram. "The Whitehead Journal for Diplomacy and International Relations (2011)

³⁹⁹ Ibid. at 75.

⁴⁰⁰ Ali Raza Tahir and Jamal Al Din Afghani, 'A First Glow of Dawn on the Horizons of the Muslim World,' (2012) 4(4) Interdisciplinary Journal of Contemporary Research in Business 256-266.

3.7 BOKO HARAM, POLITICS, AND IDEOLOGICAL COVER WITH RELIGION

Religion and politics in Nigeria are highly contestable and susceptible phenomena. The descriptive power of religion and comprehension of religion on individual belief and faith remains a difficult task for many analysts to examine the jihadist movement's religious content. Some analysts staunchly distance jihadism from the core fundamentals of Islamic doctrine. It is unlikely to rule out that the leaders of Boko Haram and their adherents believe in the struggle of the group despite the leadership concomitant religion ideology. The northeastern region where the prevalence of the acts of Boko Haram is fashionable, happens to be a region where religious circle is pervasive, and youths in their tens acquire such knowledge.⁴⁰¹ Some of these youths joined the violent struggle of Boko Haram with the view of understanding religious issues. In one of the early videos of Boko Haram surfaced online, the erstwhile leader of the group Muhammad Yusuf was seen preaching and responding to questions regarding the subsisting sects of Islam.⁴⁰²

However, at the beginning of Boko Haram violent struggle, the religious ideas of Yusuf and other hardcore leaders of the group caused stern apprehension amongst them,⁴⁰³ and this is mostly because of the former's extremist view about religion. As the movement continues, Yusuf was able to have a grip of the group; hence, all the hardline voices pledged their full loyalty and forged ahead with the movement. The group's early movement's analytical view indicates that the group's hardline voices did not embark on this struggle for power's sake but rather to fight one of the most powerful state in the African sub-region with the view to imposing sharia law.⁴⁰⁴ Indeed, Boko Haram's struggle has marked with series of tangles, especially long existing hatred among the brethren residing in the same community, and so much eventualities that looks incongruous to treat each other as rational actors who could laid-back the consequences of their actions.

⁴⁰¹ Ibid.

⁴⁰² Ibid.

⁴⁰³ Ibid.

⁴⁰⁴ Ibid. at p. 7

Compassionately, religion has become part and parcel of jihadism in the vernacular of the Islamist. In reference to notoriety of Islamic States, Hamid Shadi contends that “religion matters a great deal to jihadists:” “It inspires supporters to action; it affects the willingness to die (and, in the case of ISIS, the willingness to kill); it influences strategic calculations and even battlefield decisions.”⁴⁰⁵ As one study of jihadists in Pakistan has established, “religious ideals can influence individual and collective choices” when those ideals have “moral or practical appeal for the believer” and “when the prescribed beliefs were repeatedly seen to help address the everyday realities of life.”⁴⁰⁶ This development is similar to how the defiant Boko Haram recruit the vulnerable youths into their struggle. We have noted a while that the recruitment process of all the Islamist movements involves finances and other degrees of coercion.⁴⁰⁷ When carefully examined the role of religion, not just apprises the Islamist pomposity but enthusiastically shapes the jihadist modus operandi and it is not necessarily mean that their actions represent Islam as a religion. Boko Haram’s ideological cover with religion, and its messages needs to be analyzed in this segment of the chapter. After carefully listening to hardline leaders of Boko Haram messages emanating from social media platforms, it is not wrong to say that their messages are well structured speeches. Analyzing such messages is an indication of what the group’s movement is all about and how it understands the concept of jihad vis-a-vis translation of Islamic literatures.

In the northern part of Nigeria, owing to the educational backwardness, Boko Haram has been able to occupy a complicated niche because of the vacuum created by the government to deal with them squarely at the early stage of their struggle. Tracing religious fragmentation in northern Nigeria especially from the 1970s to date, and the fragmentation of scared authority, paved the way to the emergence of Boko Haram

⁴⁰⁵ Shadi Hamid, ‘Does ISIS Really Have Nothing to Do with Islam? Islamic Apologetics Carry Serious Risks’, Washington Post, 18 November 2015, <https://www.washingtonpost.com/news/acts-of-faith/wp/2015/11/18/does-isis-really-have-nothing-to-do-with-islamic-apologetic-carry-serious-risks/>, accessed 27 April 2019.

⁴⁰⁶ Masooda Bano, *The Rational Believer: Choices and Decisions in the madrasas of Pakistan* (Cornell University Press, 2012), 8-9.

⁴⁰⁷ Mercy Corps, ‘Motivations and Empty Promises: Voices of Former Boko Haram Combatants and Nigerian Youth’ April 2016, 14 https://www.mercycorps.org/sites/default/files/motivations%20and%20Empty%20Promises_Mercy%20Corps_Full%20Report.pdf, accessed 13 January 2021.

and other social vices confronting Nigeria today.⁴⁰⁸The initial messages of the group were considered less marginal especially by the northern states. Oftentimes, a less marginal movement begins with a support from mainstream religious authorities, as study has found in Saudi Arabia with Juhayman al-Utaybi,⁴⁰⁹ but at the same time such dissidents can lose support of the religious authority when they opted the road to violence. For instance, Boko Haram's early struggle fits into this classification.

However, this chapter drives two aspects of politics suiting Nigeria's system of politics. People struggle for political positions to control resources, resource flow and decision making, which entails who gets what, when and how.⁴¹⁰ This type of politics involves exerting effort by political actors in the same political platform or coming into alliance by other forces in ensuring that a government is formed. The pervasive corruption of the Nigerian system turned the political structure as do or die affair. For instance, at the build-up of 2007 general elections, president Obasanjo has sarcastically vowed that his political party's candidate must win the election either by hook or by crook.⁴¹¹ This type of expression coming from the president is believed to be one that gave birth to Boko Haram, and it accompanied by unambiguous questions, like who emerge victorious in the elections, and who lost in the exercise, and who were the elements used during the politicking? It is essential to critically outline the factor of who gets what to situate or illuminate the characteristics of northern Nigerian politics. However, as observed from the above analysis that politics and religion are interconnected, looking at the struggle to define a society's values, either through consensus or adoption, again, from this perspective we could see that the hardline voices of Boko Haram are political figures not for the purpose of controlling people and territory where they occupy, but also because they want to redefine what it means to operate and in an island where they feel they can institutionalize Islamic law. Boko Haram wanted

⁴⁰⁸ Ousmane Kane, *Muslim Modernity in Postcolonial Nigeria: A Study of the Society for the Removal of Innovation and Reinstatement of Tradition* (Brill, 2003) 41-67.

⁴⁰⁹ Thomas Hegghammer and Stephane Lacroix, 'Rejectionist Islamism in Saudi Arabia: The Story of Juhayman al-Utaybi Revisited' (2007) 39(1) *International Journal of Middle East* 103-122.

⁴¹⁰ Harold Lasswell, *Politics: Who Gets What, When How* (Whittlesey House, 1936) 15.

⁴¹¹ See 'Obasanjo Explodes-April Polls Do or Die Affair for PDP', (11 February 2007) available at <http://allafrica.com/stories/200702110015.html>, accessed 19th April 2019.

to appropriate the Islamic literature (Quran and Hadith) and the teaching and understanding of the early scholars of Islamic theology of the northern Nigeria.⁴¹² Boko Haram's vehement refusal and recognition of Nigeria's constitution and national symbol, fixation of politics indicates at the early stage that they plan to remake the symbolic landscape of Nigeria and its close neighbor.⁴¹³

Admittedly, the group's modus operandi remains huge concern to authority largely because of incessant killings and kidnappings in the northwestern region of the country. Some analysts believe Boko Haram has transmogrified to something else, although, still perpetrate their notoriety in the northeast region. The groups' financial sources, recruitment strategies remain impervious to the authority.

3.8 IDEOLOGY AND PRACTICES OF BOKO HARAM

In 2011 Boko Haram acts exacerbated in high propensity raising questions about their capacity and strength. The question that comes to mind again about this development is what kinds of ties do Boko Haram established with the other terrorist groups; and were these groups really influences Boko Haram and its hardline voices? Boko Haram early struggle was peaceful as indicated in the preceding piece. Although, official report surfaced later from the authority that the group had a limited contact with al-Qaeda in Pakistan and Afghanistan.⁴¹⁴ Before it became full-blown terrorist group in 2009, the government of Borno state under the leadership of Ali Sheriff stated that the erstwhile leader of the movement Muhammad Yusuf had received financial inducement from Bin Laden with the view to launch a devastating war in Nigeria.⁴¹⁵ But such fund according to the state authority stopped coming in, on the suspicion that

⁴¹² Atta Barkindo, 'How Boko Haram Exploits History and Memory' African Research Institute, 4 October 2016, available at <http://www.africaresearchinstitute.org/newssite/publications/boko-haram-exploits-history-memory/>. Barkindos' contention, accessed 21 March, 2019, that Boko Haram was peaceful until 2009, however, is inaccurate

⁴¹³ The quotation is from Jonathan Declares State of Emergency in Borno, Yobe and Adamawa States' Channels Television, 14 May 2013, <http://www.youtube.com/watch?v=3Gg1Rw0urlw>, accessed 9 February 2019.

⁴¹⁴ International Crisis Group, 'Curbing Violence in Nigeria (11): The Boko Haram Insurgency,' 3 April 2014, 23 available in [http://www.crisisgroup.org/~media/files/africa/west-africa/nigeria/216-curbing-violence-in-nigeria-ii-the-boko-haram-insurgency.pdf](http://www.crisisgroup.org/~/media/files/africa/west-africa/nigeria/216-curbing-violence-in-nigeria-ii-the-boko-haram-insurgency.pdf), accessed 9 February 2019.

⁴¹⁵ Ibid.

Yusuf was considered unreliable.⁴¹⁶The said funds usually channeled through Muhammad Ali who was believed to be one of the vicious disciples of Yusuf who met Bin Laden in Sudan around 1992 to 1996.⁴¹⁷According to international Crisis Group the disbursement of the funds to Muhammad Yusuf transpired around 2002, and this claim corresponds with the Borno state government assertion.⁴¹⁸The disbursement of the funds between Muhammad Yusuf and his disciples' stern trouble resulting in the fractionalization of the group. The leader of the factional group Abu Usamatul Ansary confirmed receipt of the fund from top echelon of al-Qaeda to Muhammad Yusuf via Muhammad Ali in the late 1990s to early 2000s.⁴¹⁹ Ansary claimed that Muhammad Yusuf did not channel the funds to its primary purpose (*Jihad*), instead he absconded from jihadism. He further contends that it is highly regrettable that such huge amount of money went into the hands of people who were not committed to the cause of jihadism and vehemently opposed *Mujahidin*.⁴²⁰

Ibrahim Harun a national of Republic of Niger was another Boko Haram's contact with al-Qaeda. Harun was a forefront member of al-Qaeda movement who received training in Afghanistan and Pakistan around 2001-2003. After his notorious training, he fled back to West Africa and began to establish link with Boko Haram with the view to coordinate an attack against Nigeria. Harun's plan was halted stunningly, however, his ally was arrested by the Pakistani authority when he tried to communicate with al-Qaeda in 2004 and immediately Harun left Nigeria to Libya where he was later arrested in 2005.⁴²¹Another Boko Haram's contact during the reign of Yusuf with al-Qaeda North African Affiliate was in 2006. Al Qaeda Islamic Maghreb fused with al-Qaeda in 2006 and adopted the name al-Qaeda in 2007. Boko Haram continue to draw inspirations from their activities and operations.

⁴¹⁶ Ibid.

⁴¹⁷ Ibid.

⁴¹⁸ Ibid.

⁴¹⁹ Ibid

⁴²⁰ Abu Usamatul Ansary, 'A Message from Nigeria' Al Risalah 4 (January 2017) 18-21.

⁴²¹ United States District Court, Eastern District of New York, 'United States of America against Ibrahim Suleiman Adnan Harun: Government's Memorandum of Law in Support of Motion in Anonymous and Partly Sequestered Jury' 8 April 2016, <http://www.courthousenews.com/wp-content/uploads/2017/02/Harun.pdf>, accessed 21 February 2019. See Jacob Zenn, 'Before Boko Haram: A Profile of al-Qaeda's West Africa Chief Ibrahim Harun (a.k.a Spinghul)' Jamestown Militant Leadership Monitor, March 2017.

Furthermore, the Boko Haram commanders joined by some jihadists covenanted their support and allegiance to Muhammad Yusuf.⁴²² Abu Zayd one of the hardline voices of GSPC conveyed a letter from Shekau to AQIM's chief Amir, Abd al-Malik-Droukdel after Boko Haram's first attack against the authority in 2009. Thereafter, three top members of Boko Haram Abu Muhammad Amir al-Masir, Khalid al-Barnawi, and Abu Rihana were sent by Shekau to meet with Abu Zayd to harmonize the evil acts of Boko Haram and AQIM. Amongst the request put forth, was consistent communications between the two movements via different platforms, weapons; funds, intercessor who shall be stationed in Niger Republic as well as providing training for two hundred jihadists and massive recruitment into the movement.⁴²³ The content of Abu Zayd's letter has indicated that hitherto to the first acts of Boko Haram in 2009, AQIM has long known the existence of the former. In the letter Zayd acknowledged the potent role of Muhammad Yusuf and Muhammad Ali in shaping and providing the leadership require of any jihadist movement. Although, Zayd has not clearly stated whether he interfaced with the duos like the three mentioned who received training with his battalion.⁴²⁴ Despite the plea of Boko Haram to Zayd to assist them with funds and logistics, there are no substantial proof to demonstrate that AQIM played any role in masterminding Boko Haram's acts of 2009.

Additionally, the pivotal role of Muhammad Yusuf leadership of Boko Haram, makes him to be regarded as martyr amongst the leaders and adherents of the Islamist groups in Africa especially AQIM. This has been confirmed by the group's condolence message after the event of August 2009 where they described Yusuf as martyr.⁴²⁵ After

⁴²² Letter from Abu Muhammad al-Hawsawi el al. to Abu al-Hasan al-Rashid al-Bulaydi, 2011 reproduced in *Nasa'ih wa-Tawjihah Shariyya min al-Shaykh Abi al-Hasan Rashid li-Mujahidi Nayjiriya*, edited by Abu al-Numan Qutayba al-Shinqiti (Mu'assasatal-al-Andalus, April 2017), available at <http://azelin.files.wordpress.com/2017/04/shaykh-abucc84-al-hcc3asan-rashicc84d-22sharicc84ah-advice-and-guidance-for-the-mujacc84hidicc84n-of-nigeria22pdf>, accessed 3rd April, 2019.

⁴²³ Ibid. 35.

⁴²⁴ Ibid.

⁴²⁵ Letter from Abd al-Malik Droukdel to Boko Haram, September 2009, reproduced in *Nasa'ih wa-Tawjihah Shariyya min al-Shaykh Abi al-Hasan Rashid li-Mujahidi Nayjiriya*, edited by Abd al-Numan Qutaybal al-Shinqiti (Mu'assasat al-Andalus, April 2017), 3 available at <https://azelin.files.wordpress.com/2017/04/shaykh-abucc84-al-hcca3asan-rashicc84d-22asharicc84ah-advice-and-guidance-for-themujacc84hidicc84n-of-nigeria22.pdf>, accessed 4th April 2019.

the death of Yusuf, a well-established link started between Boko Haram and AQIM. Abu Zayd in an explicit statement contend in his letter to Droukdel, from now henceforth regular communication between the two groups will commence and intermediary will be positioned in Niger to make jihad easier for us.⁴²⁶He further confirmed to Boko Haram leadership the nature of training their members will receive from his battalion.⁴²⁷With his prerogative powers, Droukdel considered and approved the initial request of Boko Haram seeking funding and training for its members, but warned that jihad should not be waged against the Nigerian state immediately until after studying the atmosphere.⁴²⁸Droukdel came out publicly in February 2010 to declare that we are ready to train your sons (*abna'ikum*) on how to deal with weapons and how to help you however we can, whether with men, weapons, supplies or equipment, to enable you defend our people in Nigeria.⁴²⁹Afterward his public announcement was followed by training of the Boko Haram members in 2010, and two hundred thousand Euros (200,000) was released to the movement in July 2010.⁴³⁰This declaration succinctly laid an incredible foundation for Boko Haram resurgence, and from there henceforth its key members began to threaten authority with fiercer battle. These members boasted that the group will do all it takes to free their incarcerated members who were jailed following the first attack in Maiduguri and will proceed to receive training from their allied AQIM.⁴³¹ One curious question that comes to mind is that, did the training received by the members of the movement had any impact on their oddity and trajectory? Because the nature of attacks the group engaged in doing around 2010-2011 was score settling and assassinations. When it became apparent that their subsisting style of assassinations was known to the

⁴²⁶ Ibid.

⁴²⁷ Ibid.

⁴²⁸ Ibid.

⁴²⁹ 'Khubara' Yahdhurun min Khatar Tahaluf (al-Qa'ida) fi al-Maghrib wa-Taliban Niyjiriya' AFP/Al-Riyadh, 15 June 2010, <http://www.alriyadh.com/534835>, accessed 6 April 2019. See also 'Hal Tahalaf al-Qa'ida ma'a Buku Haram' Al Jazeera, 16 June 2010, <http://www.aljazeera.net/new%accessed> 6th April 2019.

⁴³⁰ See Nasa'ih wa-Tawjihat Shari'yya, 6

⁴³¹ Abdulbasit Kassim, 'The Initial Source of Boko Haram Funding Explained' Medium, 16 May 2017, available at <http://medium.com/@61/the-initial-source-of-boko-haram-funding-explained-1b142fd5a672>, accessed 7 April 2019.

authority and public, Shekau informed Droukdel and Abu Zayd their plan to change their mode of attacks to guerilla warfare⁴³²

However, at the twilight of 2011 to early 2012 various kidnappings and assassinations occurred in which Boko Haram and AQIM were said to have played a varying role in planning the acts. AQIM's kidnappings of the expatriates in Niamey Niger Republic 2011 through the help of the former and latter intermediary based in Niger,⁴³³ marked a watershed of kidnappings in Nigeria. Series of kidnappings by the groups followed afterwards; the kidnappings of European engineers in Birnin kebbi, northwest Nigeria, and the abduction of their German counterpart in Kano. In confirming their notoriety to the world, AQIM released a video of the abducted German national in 2012, demanding the release of al-Qaeda member who was arrested while he was soliciting funds to the group in Germany. The content of the video did not mention the involvement of Boko Haram in the kidnapping saga despite taking place in Kano.⁴³⁴ Many questions have been asked about the identity of the kidnappers on whether they are terrorist or another group taking undue advantage of the terrorist acts. The combined efforts of Nigerian security operatives and its counterparts of French and Germany yielded no result in their rescue mission as all the abducted people died in the hands of the kidnappers, and no ransom was demanded from the Nigerian government nor the countries of their nationalities.⁴³⁵ Assuming the two terrorist groups involved in the kidnapping saga, the early result of the acts achieved nothing despite AQIM's using the tactics for so long in kidnapping Europeans in the Sahel region that fetched them million dollars in ransoms.⁴³⁶ This trend was viciously adopted by almost

⁴³² See Abu Zayd's Letter above.

⁴³³ 'Une piste nigeriane dans l'enquete sur la mort des deux otages francais enlevés au Niger' RFI, 14 November 2011, available <http://www.rfi.fr/afrique/20111113-une-piste-nigeriane-enquete-mort-deux-otages-francais-enlevés-niger>, accessed 19 April 2019.

⁴³⁴ Both the video and the statement are available at <http://jihadology.net/2012/03/23/al-andalus-media-presents-a-new-statement-and-video-message-from-al-qaidah-in-the-islamic-maghrif-to-the-german-government-if-they-release-umm-sayf-allah-al-an%B9%A3ari-then-we-will-re/>., accessed 19 April 2019.

⁴³⁵ See Andrew Walker, 'What is Boko Haram.' United States Institute of Peace Special Report 308 (June 2012), 10-11, available at <http://www.usip.org/sites/default/files/SR308.pdf>, accessed 20 March 2019.

⁴³⁶ Wolfram Lacher and Guido Steinberg, 'Spreading Local roots: AQIM and its Offshoots in the Sahara', in by Guido Steinberg and Annette Weber, *Jihadism in Africa: Local Causes, Regional Expansion, International Alliances* (Stiftung Wissenschaft und Politik, 2015 70, <http://www.swp->

all criminal element groups in Nigeria today, travelling by road transportation in Nigeria has become a nightmare as a result of the kidnapping and other insecurity elements.

Furthermore, when the group's financial capacity began to condense, full-fledged kidnappings became their lifeline. From 2013-2014, many people were kidnapped, and ransom paid especially in some remote corners of northern Cameroon where they share boarder with northeastern Nigeria. Boko Haram's bombings of UN Building and Police Force Headquarters in 2011 confirmed its link to AQIM. Because the brazen assault on these gigantic buildings requires well planning and skills, where in the view of many observers the former lacked the capacity to carry out the assault along. One cannot rule out that AQIM's involvement, because the latter group have done similar assault on the UN Building in Algiers Algeria in 2007.⁴³⁷ Although neither the AQIM nor Boko Haram issue statement of any involvement.⁴³⁸

The existing relationship between the two movements became frosty because Shekau turned out to be irrepressible exerting his supreme power over Boko Haram. Shekau demonstrated this by sending a diffusive message to AQIM's leadership appreciating their assistance to Boko Haram and further posits that "we see no difference between our group and your group and between our jihad and your jihad"⁴³⁹ but remained my own man. It can be viewed that from this letter that Shekau was uninterested to comment on Abuja bombings. Shekau's interest in waging war in the northeastern region seem not to have gone well with some of the hardline voices of his group as well

berlin.org/fileadmin/contents/products/research_papers/2015_RP05_sbg_web.pdf, accessed 6 March 2019.

⁴³⁷ Ansary's message from Nigeria, does not mean the Abuja bombings, nor are mentioned in a significance piece of AQIM internal correspondence from 2012 where one subject being debated was whether the organization had succeeded or failed. Had AQIM masterminded the bombings, one might have expected the leadership to raise them as an example of its success. See Letter from AQIM Shura Council to the Shura Council of the Veiled Men Battalion, 3 October 2012, available at http://hosted.ap.org/specials/interactives/_international_pdfs/al-qaida-belmoktar-letter-english.pdf, accessed 22 March 2019.

⁴³⁸ Ibid.

⁴³⁹ Letter from Abubakar Shekau to Abd al-Hamid Abu Zayd, 7 October 2010, reproduced in Nasa'ih wa-Tawjihah Shar'iyya, 8.

as AQIM leadership, mainly because majority of the casualties were Muslim brethren. The disagreement between Shekau and some of his lieutenants seem to have deteriorated which led them reporting him to the leadership of AQIM.

They accused him of expropriating money from people especially Muslim civilians and practicing (*takfir*) (declaring some Muslims as apostates) for not believing in his movement. Indeed, Shekau also alienated some frontline members of his movement for not agreeing in his leadership skills, and these members described Shekau's arrogance as defiance and excess (*al-inhiraf wal-ghuluww*).⁴⁴⁰ The members further asserts that Shekau insisted that no member of the movement should question his authority, anyone posed a challenge to him faced expulsion or threat to his life. This ongoing tension between Shekau and his lieutenants necessitated the intervention of AQIM leadership notably Abu Zayd and Droukdel, but tension remain unresolved, and that led to factionalization of the group.⁴⁴¹

In winter 2011, a faction of Boko Haram was formed rejecting the style of Shekau's leadership. The movement, Ansar al Muslimin fi Bilad al Sudan (the Defenders of Muslims in the Land of the Blacks). This group was formed primarily to checkmate Shekau and to reduce the number of Muslim casualties from the acts of Boko Haram and vowed not to apply takfir (accusation of unbelief) "unless there is proof and unless all the conditions of such case are existent."⁴⁴² The group categorically held that after getting approval from the Algerian brothers in the Sahara, referring to AQIM, we decided to make it known to the world that we aim to declare jihad against Western interest and the Nigerian government who we believe do not act according to the laid down rules of Allah and the prophet. This development shows that Shekau's relationship with the leadership of AQIM has not been resolved. Reports indicate that after the formation of Ansar in early 2012, its members and AQIM conspicuously

⁴⁴⁰ Letter from Abu Muhammad al-Hawsawi et al., reproduced in Nasa'ih wa-Tawjihah Shari'iyah, 12

⁴⁴¹ Ibid.

⁴⁴² English Translation of the character of jama'at Ansar al-Muslimin fi Bilad al-Sudan, (2013), available at http://azelin.files.wordpress.com/2013/04/jamc481_at-ane1b9a3c481r-al-muslimc4abn-fi-bilc481d-al-sc5abdc481n-e28009c-the-character-of-jamc481_at-ane1b9a3c481r-al-muslimc4abn-fi-bilc481d-al-sc5abdc481ne2809d.pdf, accessed 8 March 2019.

controlled northern Mali about 2012-2013.⁴⁴³The statement also claimed that fliers of Ansar al-Muslimin were found in a compound belonging to one of the top commanders of AQIM Mokhtar Bel-mokhtar in Gao, Mali.⁴⁴⁴ When thoroughly examining this development, one meets a series of questions that do not give positive answers or clear the doubt on why members of Boko Haram received training in Mali despite Shekau's loggerheads with AQIM's leadership. Another question again, was there reconciliation between AQIM leadership and Shekau for his members to have gone to Mali to be trained by AQIM?

However, in a related development, we noticed a significant watershed of Boko Haram's activities following its romance with ISIS in 2014. The former observed the notorious acts of the latter, and hence found some important catalyst and source of motivation which the Boko Haram adopts for control of territory. Previously the strength and capacity of Boko Haram does not fit-in in capturing a small territorial cubicle nor was a village, all it does at embryonic stage, hit and run attacks. But considering how ISIS had succeeded in controlling some areas such as Tikrit, Mosul and other Sunni territories impelled Boko Haram to adopt such style.⁴⁴⁵In August 2014 Boko Haram released a video in which it declared the establishment of Islamic state with headquarters in Gwoza local government of Borno state.⁴⁴⁶This development coincided with the ISIL declaration few months before Boko Haram's own. Observers believe it was indicative that ISIL had influenced Boko Haram to shift from its initial tactics of hit and run to occupation and control of territory.⁴⁴⁷ Such strategy yielded positive outcome for the movement. This is largely because they were able to occupy and control large territories in Borno, Adamawa, Yobe States, and some parts of northern Cameroon.

⁴⁴³ Andrew Hinshaw, 'Timbuktu Training Site Shows Terrorist Reach' Wall Street Journal, 1 February 2013, available at <http://www.wsj.com/articles/SB100011424127887323926104578278030474477210>, accessed 12 March, 2019.

⁴⁴⁴ Jade Hameon, 'Au Mali, dans la maison du jihadiste Mokhtar Belmokhtar', L'Express, 9 February 2013, available at http://www.lexpress.fr/actualite/monde/afrique/exclusif-au-mali-dans-la-maison-du-dijihadiste-mokhtar-belmokhtar_1218712.html, accessed 1 April 2019.

⁴⁴⁵ S Simon and AN Akil, *Al-Qaeda and Islamic State's Global Battle of Ideas* (C Hurst & Co., 2016) 131.

⁴⁴⁶ Ibid.

⁴⁴⁷ Ibid. 34

Admittedly, Boko Haram's acts became interesting to the leadership of ISIL especially when the group abducted 278 schoolgirls in Chibok. One of the top commanders of ISIL, al-Baghdadi commended the group knowing that the latter group had done similar notoriety of kidnapping Yazidi women. Some strategies adopted by Boko Haram from ISIL such as media propaganda, confirmed the overwhelming influence of the latter on the former.⁴⁴⁸ It used social media such as twitter to propagate its teachings and activities. Since the launching of the twitter handle, their acts have been awash in social media platforms. When carefully examined, the media production, the videos and choreography of the jihadist anthems that symbolizes jihadism, replicate ISIL's campaigns.⁴⁴⁹ Another strategy adopted by Boko Haram from ISIL, was using of different languages in their emerging video messages including English, Arabic, Hausa, and French amongst others.

There was a point that the Boko Haram adopted the name *Wilayat West Africa*, Islamic State West Africa Province (ISWAP). The romance between the groups raised concern not only for Nigerian government and its neighbors but including the UN Security Council.

3.9 INTERNATIONAL PERCEPTION OF BOKO HARAM

Any state that is politically independent takes its relationship with all member states of the United Nations in high regard, mainly because it determines the quality of respect that state earns from fellow state and other critical stakeholders at the international level. For a state to gain respect amongst the comity of nations, such state most shows the core values it holds domestically, especially towards the effective management of its citizen's interest and its contribution to the international peace and security.⁴⁵⁰ Nigeria is known for all this, especially its regional role of ensuring peace and stability. But unfortunately, the acts of Boko Haram have dented Nigeria's image internationally.

⁴⁴⁸ Ibid. 35

⁴⁴⁹ Ibid.

⁴⁵⁰ See Kehinde, in Adefuye, A., Nigeria: Boko Haram and Alamiyesaigha- Effect on Nigeria- U. S. Relations, British Journal of Arts and Social Sciences vol. 111 (2013); p.11

The acts of the dreaded Boko Haram have seriously affected Nigeria's external relationship expressly after the U.S, UK and Canada blacklisted the group as one of the deadliest terrorist organizations in the world. The implication is that most nations have advised their citizens not to travel to Nigeria under any circumstance, particularly the northeast region and Abuja where the acts of Boko Haram was fashionable in propensity. Such warnings came after two European citizens of Britain and Italy lineage (Chris McManus and Franco Lamolinara) were abducted and killed by Boko Haram.⁴⁵¹ The emergence of Boko Haram, and its categorization as an international terrorist organization has not only dented the image of Nigeria, but Nigeria is now in the class of the countries that have a high prevalence of terrorism in the world alongside countries such as Yemen, Libya, Pakistan, and Afghanistan, and this is largely because of the unprecedented notorious acts of the terrorists. The problem created by Boko Haram implies that Nigeria's desire to maintain its initial position as a giant of Africa and a global player is now dented because it hosts one of the deadliest terrorist organizations that ever existed on earth.

However, the implications are too numerous to point out. However, one that is commonly regarded as infuriating is Nigeria's citizens' negative image at international airports in some countries, the security, and other unwarranted checks they go through before being allowed to board the flight.⁴⁵² Recall during a state visit to Ghana in 2016, the then US president Obama has openly said to the gathering crowd that, African countries should emulate Ghana's style of governance. Many Nigerians were not pleased by that statement as in the first instance; he chooses to visit Ghana instead of Nigeria, knowing the latter's capacity wise and its laudable role in developing peace and stability in the continent. The abduction of the Chibok and Dapchi schoolgirls has also spotted Nigeria as a quasi-state because it failed to provide the security of life and property to its citizens, as a result, portrayed it negatively at the international level. Bariledum observed that the implications of Boko Haram acts on Nigeria's external

⁴⁵¹ See The Guardian Newspaper online, Chris McManus Killed by Kidnappers minutes after Rescue Mission Beagn, Available at <http://www.theguardian.com>, accessed 11 October 2018.

⁴⁵² Ibid at 89.

image are too tremendous as some small countries in the continent are competing favorably with Nigeria because of the terrorism issue. For instance, when the position of African Development Bank presidency became vacant on two occasions, Nigeria indicated interest to occupy but lost to Morocco and Rwanda.⁴⁵³

Furthermore, the high-handedness and arbitrary abuse of people's rights, including that of the terrorists by the security forces, has also affected Nigeria's external image. In several instances, Amnesty International and Human Rights Watch have vehemently condemned the Nigerian security forces handling of the Northeast's security situation, which is against the provisions of all international and regional human rights instruments. Furthermore, Nigeria is regarded as a state that violates the provisions of the UN Security Council Resolution 1373, which mandates states to respect human rights when combating terrorism. In a similar vein, the military institution that is supposed to defend the country from external aggression has demonstrated a lack of capacity to do that because the terrorists have shown that they are more equipped and have the wherewithal than the former.⁴⁵⁴ The CNN news of January 15, 2015, has corroborated the above assertion. However, the Nigerian government has refuted that claim. Such media reportage emanating from CNN has negatively impacted the image of the government. Also corroborating the news, Layinan Princeton⁴⁵⁵ has opined that the Nigerian government needs to demonstrate its capacity as a giant of Africa by contending Boko Haram, or it risks becoming a hotbed of international terrorism like Afghanistan.

3.10 CONCLUSION

From this chapter, Boko Haram is a deadly terrorist group. The development of radical Islamic ideologies was intended to form the basis of Muslims' relationship with persons

⁴⁵³ Kia Bariledum, 'Ethnic Terrorism as a Political Tactic in Nigeria: Implications for Nigeria's External Relations' (2013) 15(1) *Asian Journal of Humanities and Social Studies* 325-336.

⁴⁵⁴ See CNN News, 'Nigerian Military ill-Equipped in Fight with Boko Haram', Available at <http://www.cnn.com>africa>, accessed 19 October 2018.

⁴⁵⁵ A Thurston, *Boko Haram: The History of an African Jihadist Movement* (Princeton University Press, 2017) 28.

from other religions. However, some groups' dictates and interrelation, thereby finding themselves rejected even among adherents of Islamic religion, resulted in ill feelings that have been translated into terrorism. Within such an environment, the Boko Haram terrorists' group has emerged and is currently causing severe havoc in Nigeria and other neighbouring countries of Chad and Cameroun. The spate of insecurity in Nigeria has affected it in all spheres of human endeavours. The perennial hostilities of violence leading to bombings of a place of worship, schools, and government establishment remains a massive task for authority to address. Therefore, it can be distilled from the chapter that the Boko Haram group's activities tantamount to violations of human rights. The next chapter will examine these rights vis-à-vis the Nigerian government's activities to employ the country's law and policies as counter-terrorism instruments.

CHAPTER FOUR

4.0 BOKO HARAM AND HUMAN RIGHTS VIOLATIONS

The United Nations Global Counter-Terrorism Strategy stipulates that “the promotion and protection of human rights for all and the rule of law is essential to all components of the Strategy, recognizing that effective counter-terrorism measures and the promotion of human rights are not conflicting goals, but complementary and mutually reinforcing.”⁴⁵⁶ There is no gainsaying the fact that terrorism ostensibly presents a serious, and real impact on human rights, with damaging and catastrophic consequences which affects negatively the enjoyment of the right to life, liberty and other important human rights. As stated by the United Nations High Commissioner for Human Rights that respect for human rights and the rule of law must be the bedrock of the global fight against terrorism.⁴⁵⁷ This requires the Nigerian government to develop a domestic counter-terrorism strategies directed at preventing the activities of terrorism, initiate the prosecution of culprits perpetrating the criminal activities, and protecting and promoting the rule of law as well as human rights. Nigeria’s counter-terrorism measures must be aimed at addressing those conditions that births the spread of terrorism, as well as the violations of human rights, the absence of the rule of law. In other words, Nigeria’s counter-terrorism measures must condemn the violations of human rights as well as protect the rights of the victims of human rights violations.⁴⁵⁸

Human rights can be defined as universal values with an enshrined legal guarantee having the objective of protecting individuals as well as groups against the actions and infractions committed by agents of the State which meddles with fundamental

⁴⁵⁶ Office of the United Nations High Commissioner for Human Rights ‘Human Rights, Terrorism and Counter-terrorism’, Fact Sheet No.32, (United Nations Global Counter-Terrorism Strategy/ General Assembly Resolution 60/288, annex)

⁴⁵⁷ Ibid p.2

⁴⁵⁸ Ibid p.2

freedoms, human dignity as well as entitlements.⁴⁵⁹ The totality of human rights encompasses the respecting, protecting, fulfilment of civil, cultural, political, social, economic rights etc. The universalized nature of human rights is indicative that all human beings participate in the enjoyment of the right. International human rights law can be found in customary international law as well as in aspects of core international human rights treaties. The core universally-oriented human rights instruments consist of the International Convention on the Elimination of All Forms of Racial Discrimination, the International Covenant on Civil and Political Rights, the Convention on the Elimination of All Forms of Discrimination against Women and its Optional Protocol, the International Covenant on Economic, Social and Cultural Rights, the Convention on the Rights of the Child and its two Optional Protocol, the International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families, the Convention against Torture and Other Cruel, inhuman or Degrading Treatment or Punishment and its Optional Protocol, the Convention on the Rights of Persons with Disabilities and its Optional Protocol as well as the International Convention for the Protection of All Persons from Enforced Disappearance. In addition to these international human rights instruments, there is also the existence of numerous regional treaties dealing with the protection of fundamental freedoms and human rights.

States have an obligation to respect, protect and fulfil the provisions and enforcement of human rights. This requires States to take steps to prevent any interference to the enjoyment of human rights. States have the responsibility of ensuring that steps are taken to ensure that there is no interference by others to the enjoyment of these human rights. It is incumbent upon States to introduce appropriate measures such as legislative, judicial, educational as well as administrative measures to ensure that the legal obligations provided in these human rights instruments are fulfilled. There is also an onus placed upon States by human rights to ensure that adequate and efficient antidotes are made available where violations have occurred. The fulfilment as well as the enforcement of human rights obligations by States parties are assessed by bodies

⁴⁵⁹ Ibid at p.3

established to monitor whether a State complies with its obligations or not, and to ensure that individuals exercise their right of complaint to international bodies concerning the violations of their rights. There is need to ensure accountability when States take measures to counter the activities of terrorism. This is to ensure that there is the promotion and protection of human rights while countering terrorism. Terrorism exerts a great deal of impacts on human rights and the smooth governance of a country. At the same time, measures taken by States to counter terrorism also exerts enormous impacts on the rights of individuals to the enjoyment of their human rights. Bearing in mind that terrorism has a deleterious and real impacts on the enjoyment of human rights, the measures adopted by States to counter terrorism should be commensurate and proportional to the crime committed. States should adopt effective measures to counter terrorism, and this should not be draconian. The United Nations High Commissioner for Human Rights stated that “effective counter-terrorism measures and the protection of human rights are complementary and mutually reinforcing objectives which must be pursued together as part of States’ duty to protect individuals within their jurisdiction.”⁴⁶⁰

The Security Council moved briskly to strengthen the legal framework for the enforcement of counter-terrorism measures by establishing a monitoring body, the Counter-Terrorism Committee, with the task of supervising the implementation of counter-terrorism measures by States. The need to ensure compliance with counter-terrorism measures informed the establishment of United Nations Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism. The UN Special Rapporteur “affirms the centrality of fair trial to the successful prosecution of terrorist acts; the necessity of maintaining the integrity of civilian trials for offences of terrorism; the balance that inheres in rules of evidence or procedure in national legal systems to the overall protection of fair trials; and the importance of distinct spheres of competence for military and civilian authorities in the

⁴⁶⁰ Ibid at p.19

discharge and operation of the criminal law.”⁴⁶¹ Moreover, the Special Rapporteur “recognizes the significance of fair and human rights compliant trials, the need for professionalism and protection of key actors engaged in the prosecution of acts of terrorism, and the necessary prosecution of acts that constitute serious violations of international law, including international humanitarian law and human rights law.”⁴⁶²

The Human Rights Watch in its Report of July 18, 2018 noted that Nigeria’s prosecution of suspected Boko Haram members was marred by serious legal shortcomings, and the failure of the authorities to prioritize the prosecution of those most responsible for the group’s atrocities.⁴⁶³ According to Anietie Ewang, Nigeria’s researcher at Human Rights Watch submitted that “Nigeria needs to pursue justice for those responsible for Boko Haram’s atrocities and end the prolonged detention of thousands of suspects.”⁴⁶⁴ He went on to report that “however, to achieve justice and deter extremist attacks, the Nigerian government’s overall strategy and trial procedures need to conform with constitutional safeguards and international standards.”

Right from the previous century, human rights have received much attention internationally. Ban Ki-moon, a former UN Secretary-General, once said this about human rights; “No person should go hungry, lack shelter or clean water and sanitation, face social and economic exclusion or live without access to basic health services and education. These are human rights and form the foundations for a decent life”.⁴⁶⁵ Nothing could better describe human rights than as the foundations of basic and enjoyable human living. There are different instruments that have accounted for the

⁴⁶¹ United Nations Human Rights Special Procedures, Special Rapporteurs, Independent Experts, and Working Groups ‘Position of the United Nations Special Rapporteur on the Promotion and Protection of Human Rights and Fundamental Freedoms while Countering Terrorism on the use of “Battlefield” or Military Produced Evidence in the context of Investigations or Trials involving Terrorism Offences’ (April 2021) p.3

⁴⁶² Ibid at p.3

⁴⁶³ Anietie Ewang, Nigeria: Flawed Trials of Boko Haram Suspects, July 18, 2018 @ 2018 Getty Images

⁴⁶⁴ Ibid In June 2019, Human Rights Watch interviewed 32 children and youth who had been detained at Giwa barracks as children. In all the cases investigated, the children’s detention appeared to be arbitrary. None of the 32 children interviewed said they were taken before a judge or appeared in court, as required by law. None were aware of any charges against them. Only one said he saw someone who he believed might have been a lawyer

⁴⁶⁵ Amnesty International, *Human Rights for Human Dignity* (Amnesty International, 2014) 13.

need to promote human rights. These documents remain a major testimony for the propagation of human rights. Some of the documents are binding by their nature, taking the forms of a treaty, while some are primarily soft laws. While some of these nonbinding instruments are expressed in a normative form, one can view them as having the force of law because they are well articulated as customary international law. Human rights law and in particular the rights that are affected during insurgencies and in the attempt of the government to quell terrorism are well recognised in treaties and as customary international law. Remarkably, the rights contained in the Universal Declaration on Human Rights (UDHR) are very important rights that should be taken into account when curbing the menace of terrorism. The African Charter on Human and Peoples' Rights (ACHPR) also seeks to protect the African man's rights in the several States of the African continent. In Nigeria, the Constitution of the Federal Republic of Nigeria, 1999 specifically makes provision for the protection of her citizens' rights. These rights are well provided in Chapter II (Fundamental objectives and directive principles of State policy) and Chapter IV (Fundamental Rights) of the Constitution. Section 13 of the Constitution, which begins chapter II, expressly states that:

It shall be the duty and responsibility of all organs of government, and of all authorities and persons, exercising legislative, executive or judicial powers, to conform to, observe and apply the provisions of this Chapter of this Constitution.⁴⁶⁶

Considering the number of Laws seeking to protect the rights of every human on the international, continental, and national levels, it is safe to say that human rights is of utmost importance to government authorities all over the world and any act that derogates those rights are frowned upon. Unfortunately, terrorism, through the deadly Boko Haram group has launched a massive attack on majority of the basic and fundamental rights of Nigerians, especially Nigerian's resident in the northern region. The infringed rights, because of these acts of terrorism, include the right to life, the right to own property, the right against inhuman and degrading treatment, the right to

⁴⁶⁶ Constitution of the Federal Republic of Nigeria 1999

religion, the right to reside in any part of the country as anyone pleases and the right to education amongst several others.

4.1 RIGHTS IMPLICATED IN TERRORISM

3.1.1 Right to Life

Right to life is internationally recognised and all sovereign nations are required to take necessary steps in ensuring that no man is denied this right except as may be justified in international law or the constitution of the land. Section 33(1) of the Nigerian Constitution recognizes the right to life as a cardinal human right. It stipulates that: 'every person has a right to life, and no one shall be deprived intentionally of his life, save in execution of the sentence of a court in respect of a criminal offense of which he has been found guilty in Nigeria'. There are certain human rights that are considered basic such as the right to life, which no circumstance can justify their derogation. In fact, the right to life is the foundation of all other human rights; it is the root from which all other rights spring from. Article 3 of the Universal Declaration of Human Rights 1948 expressly enshrines the right to life, stating that 'Everyone has the right to life, liberty and security of persons.'⁴⁶⁷ The African Charter on Human and Peoples' Rights 1981 under article 4 acknowledged the same right, also stating that 'Human beings are inviolable. Every human being shall be entitled to respect for his life and the integrity of his person. No one may be arbitrarily deprived of this right'.⁴⁶⁸ The International Covenant on Civil and Political Rights (ICCPR) also provides in article 6 thus 'Every human being has the inherent right to life. This right shall be protected by law. No one shall be arbitrarily deprived of his life'.⁴⁶⁹

⁴⁶⁷ Universal Declaration of Human Rights 1948

⁴⁶⁸ African Charter on Human and Peoples' Rights 1981

⁴⁶⁹ International Covenant on Civil and Political Rights 1966

Both the Criminal Code Act,⁴⁷⁰ applicable to the Southern States of Nigeria and the Penal Code Act,⁴⁷¹ applicable to Northern States of Nigeria, prohibits unlawful killings. The Penal Code which is the operative law in the areas affected by Boko Haram terrorists defines the offence thus:

Whoever causes death:

- (a) By doing an act with the intention of causing death or such bodily injury as is likely to cause death; or
- (b) By doing an act with the knowledge that he is likely by such act to cause death; or
- (c) By doing a rash or negligent act, commits the offence of culpable homicide⁴⁷²

With the advent of terrorism in Nigeria, the average Nigerian northerner, particularly in the Northeast Region live in the constant fear that his right to life may be taken away at any point in time, no matter where he may be, in his home, in the market, on a journey, in his farmland or place of work. The fear is constantly there and has resulted in the steady migration of many residents to other regions of the country considered safe.

At the Thirtieth Session of the Human Rights Council, the United Nations High Commissioner for Human Rights gave a report on the 'Violations and abuses committed by Boko Haram and the impact on human rights in the countries affected'. In his report, he stated that there has been decadence in the enjoyment of the fundamental rights of northern Nigerians because of the Boko Haram activities. He expressly stated that:

In Nigeria, Boko Haram intentionally killed and maimed civilians in attacks throughout the State of Borno and in parts of the States of Adamawa and Yobe. Many witnesses reported that Boko Haram shot

⁴⁷⁰ Criminal Code Act 1916 CAP C38 LFN 2004, s. 315

⁴⁷¹ Penal Code 1960, s. 220

⁴⁷² Ibid s. 220

civilians that tried to escape during attacks in Askira Uba, Baga, Bama, Damasak, Gombi, Gwoza, Kwajafa, Madagali, Maiduguri, Michika and Mubi. The killings were often preceded by death threats or an invitation from Boko Haram “inviting” men and boys to join them in “the work of Allah”. Those who refused to join were killed, and their bodies often left to rot in the streets, in wells or riverbeds.⁴⁷³

Further in his report, the commissioner stated that:

The increasing recourse of Boko Haram to suicide bomb attacks on soft targets, such as markets, has led to more deaths in the first half of 2015 than in the latter half of 2014. Between May and July 2015, these attacks resulted in more than 800 deaths in Nigeria alone. On 11 July, in N’Djamena, Chad, a man disguised as a woman detonated a bomb in a marketplace, killing 15 civilians. In July 2015, in Maroua, Cameroon, in two separate incidents, girls were used for the first time to detonate bombs, one in a market and another in a residential area, killing some 20 people.⁴⁷⁴

The menace of the Boko Haram group has adversely affected many with thousands having been deprived of their right to life. On April 14, 2014, on a usually busy Monday morning, many Nigerians were shocked to the bones when a bomb blast rocked the Nyanya bus park at Abuja, the Nation’s capital, at a time when many were on their way to their places of work and the park was crowded and bustling with its usual activities. The blast resulted in secondary explosions as fuel tanks of about 40 vehicles at the Bus park caught fire and increased the carnage. Over 70 people lost their lives with over 100 having various degrees of injuries. At the time, this attack was

⁴⁷³ Human Rights Council, *Violations and abuses committed by Boko Haram and the impact on human rights in the countries affected* (Human Rights Council 2015) para 22

⁴⁷⁴ *Ibid* para 28

considered the deadliest in the country.⁴⁷⁵ In the same year, 27 villagers were killed in two separate attacks in the North-East region with Boko Haram claiming responsibility for the attacks.⁴⁷⁶ On 16th June 2019, a Sunday night that was promising to hold a lot of fun, while many were assembled at a football viewing center in a market at Konduga, Borno State, three suicide bombers detonated their bombs, killing 30 and injuring another 42.⁴⁷⁷ Just very recently, in one of the most heinous attacks on civilians in the year 2020, 110 farmers were slaughtered while working on their rice farms in a village in Maiduguri, the capital of Borno State.⁴⁷⁸ The attack which took place on Saturday, 28th November 2020, has been tagged the Zabarmari massacre.

In an effort to curb the activities of Boko Haram, the members of the Nigerian Armed forces have been deployed to weak security areas of the country to battle the insurgents. However, almost every week, there are reports of ambushes and attacks on the military barracks and their convoys, resulting in the loss of lives of many brave soldiers. In November 2018, over 100 soldiers were killed in a single attack on a military barrack in Metele, Borno State.⁴⁷⁹ In another attack in March 2020, Boko Haram members set up an ambush on a convoy of Nigerian military men, killing 70 of them while they travelled near Gorgi village in Borno State.⁴⁸⁰ These attacks have not been limited to ordinary working class Nigerians and military men as even the convoy of the executive governor of Borno state, Governor Babagana Umara Zulum was

⁴⁷⁵ Freedom C. Onuoha, 'Boko Haram and Nyanya Bomb Blast' (*Aljazeera*, 29 April 2014) <<https://studies.aljazeera.net/en/reports/2014/04/20144299643486571.html>> accessed 30 November 2020

⁴⁷⁶ 'Nigerian violence: 'Boko Haram' kill 27 in Village Attacks' (*BBC*, 21 May 2014) <www.bbc.com/news/world-africa-27498598> accessed 30 November 2020

⁴⁷⁷ Ismail Alfa, Ruth Maclean, 'Bomb attack on busy market kills 30 people in north-east Nigeria' (*The Guardian*, 17 June 2019), <https://amp-theguardian-com.cdn.ampproject.org/v/s/amp.theguardian.com/global-development/2019,jun/17/nigeria-bomb-attack-konduga-suicide>, accessed 30th November 2020

⁴⁷⁸ Agence France-Presse, 'At least 110 dead in Nigeria after suspected boko haram attack' (*The Guardian*, 29 November 2020) www.theguardian.com/world/2020/nov/29/Nigeria-attack-boko-haram-farm-workers-killed, accessed 30 November 2020.

⁴⁷⁹ Jason Burke, 'Nigerian Islamists kill scores of soldiers in military base attack' (*The Guardian*, 23 November 2018) <https://amp-theguardian-com.cdn.ampproject.org/v/s/amp.theguardian.com/world/2018/nov/23/nigerian-islamists-kill-scores-of-soldiers-in-military-base-attack>, accessed 30 November 2020

⁴⁸⁰ 'At least 70 Nigerian soldiers killed in jihadist ambush: Military sources' (*Economic Times*, 24 March 2020) <https://m.economictimes.com/news/defence/at-least-70-nigerian-soldiers-killed-in-jihadist-ambush-military-sources/articleshow/74792149.cms>, accessed 30 November 2020

attacked two times within a space of 3 months (July to September 2020). Many lost their lives in both attacks with the governor barely escaping death by the whiskers.⁴⁸¹

With the increasing record of attacks on citizens of Nigeria, it seems only natural that the ancient proverb of 'he who lives by the sword dies by the sword' should apply in the treatment of the Boko Haram insurgents. It could be argued that the Boko Haram insurgents have a right to life too and so should not be killed in any attempt to counter their attacks. However, there is a principle commonly used in Law that states that for every rule, there is an exception. The exception to the right to enjoy life is provided for in section 33(2) of the Nigerian Constitution. The section states that:

A person shall not be regarded as having been deprived of his life in contravention of this section, if he dies as a result of the use, to such extent and in such circumstances as are permitted by law, of such force as is reasonably necessary –

- (a) for the defense of any person from unlawful violence or for the defense of property;
- (b) in order to effect a lawful arrest or to prevent the escape of a person lawfully detained; or
- (c) for the purpose of suppressing a riot, insurrection or mutiny.⁴⁸²

It, therefore, follows that those involved in acts of terrorism like the Boko Haram sect can be deprived of their own rights to life if they continue to infringe on the right to life of others. However, the deprivation of their own rights is hinged on the provisions of the subsection 2 as stated above. Either or all of the three conditions must be present before anyone can cut off the right to life of an insurgent. The first condition is that it must be done in self-defense of a person's life or property; the second is that it must be a measure taken to effect a lawful arrest or ensure that an attempted escape by a

⁴⁸¹ 'Nigeria: Casualties reported following attack on governor's convoy in Borno state' (*Garda*, 26 September 2020) www.garda.com/crisis24/news-alerts/383451/nigeria-casualties-reported-following-attack-on-governors-convoy-in-borno-state-september-25, accessed 30th November 2020

⁴⁸² Nigerian Constitution.

lawfully detained person is aborted; the third and final condition provided for is that it must be a step taken only for the lawful purpose of suppressing a riot, insurrection, or mutiny. In addition, section 33(1) that establishes the right to life of every Nigerian also provides an exception. As provided in the section, everyone has a right to life except 'in the execution of the sentence of a court in respect of a criminal offense of which he has been found guilty in Nigeria'. While section 33(2) provides three conditions for which a person may lose his right to life immediately, he commits a specified act, section 33(1) stipulates that a person may lose such right after being properly tried in a court of proper jurisdiction. In the absence of any of these exceptions, any act done by anyone, whether civilian or military, to deprive a terrorist of his right to life is an extrajudicial killing and is punishable under the relevant laws of Nigeria.

Article 6(2) of the International Covenant on Civil and Political Rights provides that:

In countries which have not abolished the death penalty, sentence of death may be imposed only for the most serious crimes in accordance with the law in force at the time of the commission of the crime and not contrary to the provisions of the present Covenant and to the Convention on the Prevention and Punishment of the Crime of Genocide. This penalty can only be carried out pursuant to a final judgment rendered by a competent court.⁴⁸³

A crime against life is the most serious offence known to humanity; it becomes worse when it affects children and women, especially pregnant women. Thus, following from the provisions of article 6(2) of the ICCPR, the death penalty is a worthy punishment for the insurgents but only if the penalty is carried out in accordance with a final judgment of a court of appropriate jurisdiction. However, worthy of note in the acts of these terrorists is that these militants forcefully conscript children into their sect. They

⁴⁸³ ICCPR, emphasis added

handguns over to them and teach them to use it in destroying lives of people. Sometimes, young boys and girls are strapped with Improvised Explosive Devices (IED), instructed on how to detonate them, and lured into public places to wreak havoc on lives and properties around the area. In the 16th of June 2019 incident, which resulted in the death of 30, a fourth suicide bomber, a young girl, was caught by security operatives while still struggling to detonate her device⁴⁸⁴. In a situation like this, the stand in law worldwide is that no one under the age of 18 should be punished with the death penalty. The ICCPR provides that ‘Sentence of death shall not be imposed for crimes committed by persons below eighteen years of age and shall not be carried out on pregnant women’.⁴⁸⁵ The Penal Code of Nigeria does not even consider any criminal act as an offence if it is done by a child less than seven years old or by a child who is above seven years but not yet twelve years of age provided that he has not “attained sufficient maturity of understanding to judge the nature and consequence of that act”.⁴⁸⁶ With the death penalty still in force in Nigeria, terrorists are most likely to be punished by death, however, only if the necessary conditions have been observed and of course it must exclude children who have not attained the age of maturity as well as pregnant women.

The Police Force Order on the use of firearms⁴⁸⁷ seeks to expound the circumstances that would lead to the use of firearms. Section 3 outlines five circumstances under which a Police officer is allowed to use his firearms. These circumstances include self-defense, dispersing or preventing rioters from committing an offence, arresting, or preventing the escape of an already arrested person. However, section 6 provides that in the case where a riot needs to be suppressed, the leaders should be singled out and the firearms should be targeted at their knees and not over their heads. Sections 3(e) and 9 empower a Police Officer to shoot at a fleeing person who is trying to evade arrest ‘provided the offence is such that the accused may be punished with death or

⁴⁸⁴ Ibid n. 13

⁴⁸⁵ International Covenant on Civil and Political Rights 1966, Article 6(5)

⁴⁸⁶ Penal code, s. 50

⁴⁸⁷ Police Force Order 237: Rules for Guidance in use of Firearms by the Police 2019

imprisonment for 7 years or more'.⁴⁸⁸ The Police officer must first issue a warning to the fleeing person 'that unless he stops and surrenders he will fire upon him.'⁴⁸⁹ Abimbola Ojomo,⁴⁹⁰ a former deputy Inspector General of Police, vehemently condemned this provision that provides such an empowerment of the use of lethal force which does not align with the general provisions of international human rights law. To her, since the Nigerian legislation defined in clear terms that once someone evades arrest, such a person when arrested will serve a jail sentence of 7 years, the use of firearms in trying to arrest such an offender is too grave a step.⁴⁹¹

This indicates that the security forces that are saddled with the responsibility of halting the activities of Boko Haram do not have sufficient legal documents on rules of engagement that guide their modus operandi or regulate their conduct. Where they do have such a document, much reliance is not placed on it as the security forces act on impulse. This gives them the opportunity to rationalize the extra-judicial killings against Boko Haram members wherein they rely on the provisions of sections 33 (2) and 45 of the Constitution.

3.1.2 Right to Dignity of the Human Person

The act of terrorism can truncate or affect the right to dignity of persons owing to the level of inhuman and degrading treatments that may be received by persons in captivity of terrorists or persons who have been attacked. Generally, dignity of a person includes any and every quality such a person possesses that is worthy of honour, respect and value. The breach of this right includes any act that tends to cause shame to the victim. Such an act ranges from slavery to rape, from inhuman treatment to a homeless state, from poor standard of living to forced marriages. The list goes on.

⁴⁸⁸ Ibid s. 3(e)

⁴⁸⁹ Ibid s. 9

⁴⁹⁰ Abimbola Ojomo 'Historical Reflections on Internal Control Systems in the Nigeria Police Force, Enhancing Accountability Systems in the Nigeria Police Force' (2010) 8 CLEEN Foundation Monograph 30.

⁴⁹¹ Ibid

There is no strictly defined limit to acts that can infringe on a person's right to dignity. If such an act makes the victim feel less equal than other humans, he has been deprived of his right to dignity. The Universal Declaration on Human Rights, African Charter on Human and Peoples' Rights, International Covenant on Civil and Political Rights and the Nigerian Constitution all recognize this right as one of a human being's basic rights.

The African Charter on Human and Peoples' Rights provision on human dignity is that:

Every individual shall have the right to the respect of the dignity inherent in a human being and to the recognition of his legal status. All forms of exploitation and degradation of man particularly slavery, slave trade, torture, cruel, inhuman or degrading punishment and treatment shall be prohibited.⁴⁹²

This provision is very similar to the first article of the UDHR, which stipulates that 'All human beings are born free and equal in dignity and rights. They are endowed with reason and conscience and should act towards one another in a spirit of brotherhood'.⁴⁹³ The supreme legislation guiding legal operations in Nigeria also states that 'Every individual is entitled to respect his person's dignity'.⁴⁹⁴ These laws that establish a person's right to human dignity have outlined certain treatments that can degrade a person and consequently breach his right to human dignity. The Nigerian Constitution, under section 34(1), in defining what could qualify as a breach of human dignity outlined that '(a) no person shall be subject to torture or inhuman or degrading treatment; (b) no person shall be held in slavery or servitude, and (c) no person shall be required to perform forced or compulsory labor'.⁴⁹⁵ Under the Nigerian Constitution, an infringement on human dignity includes inhuman treatment, slavery,

⁴⁹² ACHPR 1981, Art. 5

⁴⁹³ UDHR 1948, Art. 1

⁴⁹⁴ Nigerian Constitution 1999, s. 30

⁴⁹⁵ Ibid s. 34(1)(a)-(c)

and compulsory labour. These degrading qualities are quite similar to what obtains in the ACHPR,⁴⁹⁶ the UDHR⁴⁹⁷ and the ICCPR.⁴⁹⁸ Almost on a weekly basis, sometimes, multiple times a week, there are reports of Boko Haram attacks on villages in the North-East and the North-West regions. Apart from many losing their lives, many of the survivors also lose their rights to dignity. Many of the survivors, mostly women, and children, are kidnapped and taken to unknown locations. Some of the women (including young girls) are then sold and forced to work as slaves,⁴⁹⁹ some others are forcefully married off to Boko Haram commanders for procreation, and the other women have the responsibility of cooking and performing cleaning duties in the terrorists' hideouts while the male children are conscripted to join them in their jihadist fight. Many others who manage to escape death and kidnap must travel miles to Internally Displaced Persons (IDP) camps where they live no better than refugees in their own country. As at the end of 2019, there were almost 3 million Internally Displaced Persons scattered in IDP camps across the northern region.⁵⁰⁰ At the IDP camps, with thousands of people cramped into each of the ill-equipped facilities, there are less than enough supplies to cater for all. These people, who once lived what they considered comfortable lives, now must live as less privileged people. The lens with which they view the world then sees others living outside the camp as more equal to life better than they would ever be.

Article 25 of the UDHR provides that:

Everyone has the right to a standard of living adequate for the health and well-being of himself and of his family, including food, clothing, housing, and medical care and necessary social services, and the right

⁴⁹⁶ ACHPR 1981, Art. 5

⁴⁹⁷ Art. 1 stipulates equality in dignity and rights; Art. 4 is a provision against slavery and the slave trade; Art. 5 is a provision against torture and cruel, degrading or inhuman treatment

⁴⁹⁸ Art. 7 is against torture, cruel and inhuman treatment; Art. 8 states the prohibition of slavery and slave trade

⁴⁹⁹ Jide Adeniyi-Jones, 'The Lament of the Boko Haram 'Brides'' (27 August 2017) www.npr.org/sections/goatsandsoda/2017/08/27/545912049/the-lament-of-the-boko-haram-brides, accessed 2 December 2020

⁵⁰⁰ Internal Displacement Monitoring Centre www.internal-displacement.org/countries/nigeria, accessed 2 December 2020.

to security in the event of unemployment, sickness, disability, widowhood, old age or other lack of livelihood in circumstances beyond his control.

Article 11 of the International Covenant on Economic, Social, and Cultural Rights (ICESCR) 1967 has a similar provision. These instruments make provision for some of the most vital needs of a man. In elementary school, every child in Nigeria is taught that there are three basic needs: food (which includes water), clothing, and shelter/housing. The average Nigerian child grows up to know that without these needs, a man cannot survive. These basic needs are what these internally displaced persons must struggle for daily. Charity organizations provide medical care and other necessities, but they are not enough to go round the thousands of those in each camp who long for a good meal. The UN reported that ‘an increasing number of women and girls in newly accessible areas of Borno State have resorted to high-risk coping strategies like transactional sex in exchange for money or food in order to feed their families.’⁵⁰¹ In an IDP camp in Bauchi, some children had to resort to eating Onion leaves to quell the pangs of hunger.⁵⁰² At the 2 designated camps managed by the Nigerian government at Adamawa State in the North East, IDPs protested the shortage of food supply, stating that they ate only once a day.⁵⁰³ In November 2020, about 7200 were left without a shelter to lay their heads after a fire incident destroyed about 1200 tents in an IDP camp in Borno.⁵⁰⁴

The standard of living in a major part of Northern Nigeria, especially the villages, has always been unreasonably low, and it has now been worsened by the atrocities

⁵⁰¹ ‘Women in displacement camps in Nigeria resort to transactional sex for survival’ (*UN News*, June 2016) www.un.org/africarenewal/news/women-displacement-camps-nigeria-resort-transactional-sex-survival, accessed 2 December 2020.

⁵⁰² ‘Nigeria: Acute hunger-outrage as IDP Children feed on onion leaves’ (*Vanguard*, 22 April 2019) <https://allafrica.com/stories/201904220313.html>, accessed 2 December 2020

⁵⁰³ ‘Displaced by Boko Haram, hungry IDPs protest food shortage’ (*Premium Times*, 7 March 2018) www.premiumtimesng.com/news/headlines/260994-displaced-boko-haram-hungry-idps-protest-food-shortage.html, accessed 2 December 2020.

⁵⁰⁴ Joe McCarthy, ‘Fires in Nigeria Camp Leave 7200 Displaced People without shelter’ (*Global citizen*, 4 November 2020) www.globalcitizen.org/en/content/fires-nigeria-internally-displaced-people-camp/, accessed 2 December 2020

committed by Boko Haram with the raiding of farmlands and the destruction of means of livelihood. Everyone has the right to a comfortable means of livelihood to support the standard of living he desires to have. Article 23 of the UDHR provides that 'Everyone has the right to work, to free choice of employment, to just and favorable conditions of work and to protection against unemployment.' Article 15 of the ACHPR and Article 7 of the ICESCR also support favorable conditions of work. It is next to impossible for the average man in these terrorist-ravaged communities to think of sourcing for a job of his choice. He is usually left with the option of farming, fishing and menial jobs and he does not even have the total liberty of enjoying the proceeds with his family. There are reports of farmers who have to pay levies to Boko Haram before they can get the authorization to work on their farms or fish in the rivers.⁵⁰⁵ In 2018, it was reported that livestock farmers were taxed ₦2500 and ₦1500 for cows and smaller animals respectively.⁵⁰⁶

In war-torn and terrorist-ravaged areas all over the world, women are usually the worst affected. Even though many women are spared from death unlike their husbands, brothers and fathers, they have to face a different level of harassment and inhuman treatment. Women have always been seen as sex tools by wagers of war. In Boko Haram attacks, they are forcefully taken away from their families to Boko Haram hideouts. Unlike other armed conflicts cases around the world, the terrorists desist from sexually assaulting the women until they marry them according to Islamic rites. The Commanders have the liberty to choose whichever of the women they please and sometimes the younger insurgents are given the women in marriage when they are thought to be of the age to get married and begin procreation. Survivors who have either escaped or been rescued have reported that they are forcefully married to the insurgents and raped repeatedly, until they become pregnant after taken to the camps. On Monday, 14th April 2014, while Nigerians were still reeling from the last shock,

⁵⁰⁵ Ahmad Salkida, 'How Boko Haram sustain operations through international Trade in smoked fish' (*Premium Times*, 26 April 2020), www.premiumtimesng.com/news/headlines/389916-how-boko-haram-sustain-operations-through-international-trade-in-smoked-fish.html, accessed 2 December 2020.

⁵⁰⁶ Samuel Ogundipe, 'Boko Haram now collecting taxes from Nigerians in Borno, Yobe' (*Premium Times*, 30 April 2018) www.premiumtimesng.com/news/headlines/266636-boko-haram-now-collecting-taxes-from-nigerians-in-borno-yobe-report.html, accessed 2 December 2020.

Boko Haram attacked a Girls Secondary school in Chibok, Borno State, and kidnapped 276 girls who were preparing for their exams. A few escaped captivities, while it took the Nigerian government 3 years to negotiate the release of about a hundred of them. A few of the girls shared their experience of forced marriages and childbirth while in the forest hideouts of the terrorists.⁵⁰⁷ This clearly negates the provision of the UDHR, which states that ‘Marriage shall be entered into only with the free and full consent of the intending spouses’⁵⁰⁸ Apart from the fact that young girls are married without their consent, they are usually married off as minors contrary to Human rights laws that provides that they should be of full age.⁵⁰⁹ Even after their escape from the captivity of the terrorists, many of these girls, some of them with babies, face stigma from their communities. One such survivor was called ‘Boko Haram wife’ and ‘wife of a killer’ while her son was referred to as ‘Boko Haram baby’.⁵¹⁰

The activities of Boko Haram have series of reports and testimonies confirming that the people have been subjected to inhuman and degrading treatment. The United Nations Human Rights Commissioner in his annual report of 2015 stated that ‘Since 2009, Boko Haram has subjected women and girls to widespread and severe forms of abuse, including sexual slavery, sexual violence, forced marriages, forced pregnancies’.⁵¹¹ His report also stated that ‘a Nigerian refugee woman in the Niger was abducted in Damasak, State of Borno, on 28 November 2014, and raped by 40 men’.⁵¹² ‘Many are unwilling to return to their communities, fearing that they will bring dishonour to their families and be rejected by their communities’⁵¹³ - this is one statement that clearly represents what the Human rights laws advocating for human

⁵⁰⁷ Lesley Stahl, ‘The Chibok Girls: Survivors of kidnapping by Boko Haram share their stories’ (CBS, 17 February 2019) www.cbsnews.com/amp/news/the-chibok-girls-survivors-of-kidnapping-by-boko-haram-share-their-stories-60-minutes/#app, accessed 2 December 2020.

⁵⁰⁸ UDHR 1948, Art. 16(2)

⁵⁰⁹ UDHR 1948, Art. 16(1); ICCPR 1966, Art. 23(2).

⁵¹⁰ Jide Adeniyi-Jones, ‘The Lament of the Boko Haram ‘Brides’’ (27 August 2017) www.npr.org/sections/goatsandsoda/2017/08/27/545912049/the-lament-of-the-boko-haram-brides, accessed 2 December 2020

⁵¹¹ Human Rights Council, *Violations and abuses committed by Boko Haram and the impact on human rights in the countries affected* (Human Rights Council, 2015) para 38

⁵¹² Ibid para 41

⁵¹³ Ibid para 43

dignity are fighting against. No one should go through so much inhuman treatment that he feels ashamed to return to his family for an act that he was a victim of. The ACHPR states that 'The family shall be the natural unit and basis of society'⁵¹⁴ and the ICCPR provides that 'no one shall be subjected to arbitrary or unlawful interference with his privacy, family, home or correspondence, nor to unlawful attacks on his honour and reputation'.⁵¹⁵ Everyone has the right to belong to a family and share in the warmth and love provided by his family members and any circumstance that deprives him of this right is a breach of his fundamental human rights.

Despite the clear provisions of these human rights instruments, Nigeria's security forces violate the rights of the already shaken people of the communities ravaged by Boko Haram terrorism. In that regard, a series of complaints have been forwarded to the elected representatives of such communities on the gross violation of their rights to dignity.⁵¹⁶ All this attest to a violation of the right to personal dignity, which Nigeria has codified under section 34 of the constitution.⁵¹⁷ Even suspected terrorists still have a right to dignity and should not be deprived of it. However, there are usually instances where they are subjected to inhuman and degrading treatment due to severe torture meted out on them, as well as brutal and extreme measures adopted when taking them into custody. No human should be arbitrarily arrested or detained.⁵¹⁸ Everyone is entitled to his liberty and should not be deprived of this right on the discretion or impulse of another. The ACHPR states under article 6 that 'Every individual shall have the right to liberty and to the security of his person. No one may be deprived of his freedom except for reasons and conditions previously laid down by law. In particular, no one may be arbitrarily arrested or detained.'⁵¹⁹ It is essential that in trying to curb the menace of terrorism, the members of the sect should be disarmed and taken into custody however that should be done in consideration of their own rights.

⁵¹⁴ ACHPR 1981, Art. 18; UDHR 1948, Art. 16(3)

⁵¹⁵ ICCPR 1966, Art. 17

⁵¹⁶ See among others E Alemika and Chukwuma 'Police-Community Violence in Nigeria', Centre for Law Enforcement, and National Human Rights Commission, available at <http://www.cleen.org/police-violence>. Pdf, accessed on 27 May 2018.

⁵¹⁷ Jacob A Dada, 'Human Rights under the Nigerian Constitution: Issues and Problems' (2013) 2(12) International Journal of Humanities and Social Sciences 33-43.

⁵¹⁸ UDHR 1948, Art. 9.

⁵¹⁹ ACHPR 1981, Art. 6.

Notwithstanding the fact that the terrorists have deprived others of their rights, the Nigerian authorities have to keep their emotions in check when taking them into custody. There are reports of the captured insurgents been assaulted and killed by the Nigerian armed forces while in their custody.⁵²⁰

Many of these insurgents are misinformed and fed with lies of heavenly rewards by the Boko Haram commanders. Technically, they are also victims who have been robbed of their childhood and innocence and lived rugged lives, most times, before they became teenagers. One of the escapee Boko Haram ‘brides’ forcefully married while in captivity has this to say of her terrorist ‘husband’ – ‘He told me joining Boko Haram meant a direct route to heaven, so anybody living with them in the forest would surely go to paradise’⁵²¹ When a person grows up on such a theory, he fights for the cause of terrorism believing that he is doing the right thing. In recent times, there has been a high record of repentant Boko Haram members turning in their arms and going through rehabilitation courses created by the government. Afterwards, they are allowed to return to the society, but this move has been strongly criticized by Nigerians who believe that it a decoy by the Boko Haram terrorists to gain more access to the other parts of the Country that they have not yet captured. With the insufficient amount of funds been approved to take care of the Armed forces risking their lives to battle these insurgents, it seems like a slap on their faces to rerelease them into the society in a ceremonious gathering where food and drinks are served, clothes and sandals are bought for the repentant terrorists, and government officials are present. While terrorists also have the right to liberty, it is crucial that they are incarcerated, taking through psychological classes, and monitored to ensure that they have been purged of the insurgency mindset they grew up with.

⁵²⁰ ‘Nigeria: No justice for the 640 men and boys slain by military following Giwa barracks attack two years ago’ (*Amnesty International*, 14 March 2016) www.amnesty.org/en/latest-news/2016/03/Nigeria-no-justice-for-the-640-men-and-boys-slain-by-military-following-giwa-barracks-attack-two-years-ago/, accessed 2 December 2020

⁵²¹ J Jide Adeniyi-Jones, ‘The Lament of the Boko Haram ‘Brides’ (27 August 2017) www.npr.org/sections/goatsandsoda/2017/08/27/545912049/the-lament-of-the-boko-haram-brides, accessed 2 December 2020.

4.1.3 Right to Property

Property of persons can be adversely affected in the course of attacks or even when attempts are made to counterinsurgency. Article 17 of the UDHR and Article 14 of the ACHPR recognizes this right as key to human rights.⁵²² In a similar vein, section 43 of the Nigerian constitution vests in every Nigerian the right to own immovable property in any part of the country while Section 44 (1) declares that:

No moveable property or any interest in an immovable property shall be taken possession of compulsorily and no right over or interest in any such property shall be acquired compulsorily in any part of Nigeria except in the manner and for the purposes prescribed by a law⁵²³

This is one of the rights that Nigerians affected by Boko Haram attacks have been deprived of. Both moveable and immovable properties have been forcefully taken from their legitimate owners who surrender them without struggle or risk death. The UN Human Rights Commissioner reported that:

Entire villages, such as Lassa, in State of Borno, Nigeria, were burned down during attacks in December 2014. The extent of such destruction was recounted by numerous witnesses who had escaped and returned after attacks. Many described how Boko Haram fighters had appropriated and resided in their homes and stole their possessions and food.⁵²⁴

In Cameroon, it was also reported that ‘some 322 houses had been set on fire by the insurgents in villages in the far north region and estimated that 1,922 cattle had been

⁵²² GA resolution 2200A (XXI) 16 December 1966 available at [http: www.ohchr.org/EN/ProfessionalInterest/Pages/CESCR.aspx](http://www.ohchr.org/EN/ProfessionalInterest/Pages/CESCR.aspx) (Accessed on 27, May 2018)

⁵²³ Nigerian Constitution 1999, s. 44(1)

⁵²⁴ Human Rights Council, *Violations and abuses committed by Boko Haram and the impact on human rights in the countries affected* (2015) para 51

stolen'.⁵²⁵ The government is also not left out from these acts of thefts as some of the military vehicles and weapons are stolen by the insurgents during attacks on army convoys and barracks. On 14 June 2019, Boko Haram attacked a military base, killed several soldiers, and stole military weapons.⁵²⁶ In another attack on a military base in Jakana, Borno State, ISWAP, a breakaway faction of Boko Haram stole four machineguns fitted trucks after killing 14 soldiers.⁵²⁷

Apart from theft and dispossession of properties, another instance where the property rights are violated is Nigerians' inability to acquire properties in the terrorist-afflicted region. Section 43 of the Nigerian Constitution empowers any Nigerian to acquire properties whosoever he pleases within the country. A Nigerian willing to invest in properties in the Northeast region has to think twice before making a move because he may fall victim of kidnapping by the sect whenever he goes to inspect his investment or if he succeeds in buying the property, he may eventually lose it to the attacks in the region.

4.1.4 Right to Education

The right to education, be it primary, secondary, or tertiary; has been adversely affected due to terrorist operations. The meaning of Boko Haram is 'Western Education is forbidden'. Boko Haram believes that corruption and everything wrong in the government springs from the colonization impact of the western world. Their belief is that western education is contrary to the teachings of Islam and so in their fight for the propagation of the tenets of Islam, they are to destroy western education and discourage everyone (boys and girls) from enrolling in schools founded on the principles of western education. Their initial targets were Churches (primarily because

⁵²⁵ Ibid para 52

⁵²⁶ 'Boko Haram kills 'several' soldiers in Nigeria base attack' (*TRT World*, 14 June 2019) www.trtworld.com/africa/boko-haram-kills-several-soldiers-in-nigeria-base-attack-27492, accessed 2 December 2020

⁵²⁷ Agence France-Presse, 'Jihadists kill 14 soldiers in attack on Nigeria army base' (*The Guardian*, 17 October 2020), <https://amp.theguardian.com/world/2020/oct/17/jihadists-kill-14-soldiers-in-attack-on-nigerian-army-base>, accessed 2 December 2020

they did not practice Islam and because Christian missionaries were used to introduce western education to Nigerians), schools, and any organization that represented and encouraged the spread of western education. The group's acts are regarded as one of the deadliest that have hugely impacted child education in Nigeria as their attacks on educational facilities, abduction of teachers and students as well as the bombing of schools have resulted in an increased number of out-of-school children.

Machel Graca⁵²⁸ contends that denying a basic child education as a result of the armed conflict is a violation of the child's right under all international human rights instruments. To him, the attacks on schools and educational facilities deny a child an opportunity to be an ambassador for a positive change to humanity. Fafunwa⁵²⁹ also contends that education is the aggregate of all processes through which a child develops abilities, attitudes, and other forms of behaviour that are of a positive value to society. Education enables individuals to acquire appropriate knowledge, values, and skills for personal development and also contributes meaningfully to the development of the society. Apart from this erudite scholarly view, various international conventions such as the Universal Declaration of Human Rights,⁵³⁰ the International Covenant on Economic, Social and Cultural Rights,⁵³¹ the Convention on the Rights of the Child,⁵³² the African Charter on Human and Peoples Rights⁵³³ , and African Charter on the Rights and Welfare of the Child,⁵³⁴ acknowledged that education is a basic human right of a child.

In conforming to all the international instruments that require states to make primary education compulsory, the Nigeria government has put in measures in that regard. For instance, the Universal Basic Education scheme introduced by the government saw an increase in the enrolment rate of children into primary schools especially in the

⁵²⁸ See Graca, Machel Comment on Child's Right to Education (1 November, 2018), <https://gracamacheltrust.org>childrens-ri>, accessed 2 December 2020.

⁵²⁹ AB Fafunwa, *History of Education in Nigeria* (Routledge Publishers, 2018) 2.

⁵³⁰ Universal Declaration on Human Rights 1948, Art. 26.

⁵³¹ International Covenant on Economic, Social and Cultural Rights 1967, Art. 13.

⁵³² Convention on the Rights of the Child 1989, Art. 28.

⁵³³ African Charter on Human and People's Rights 1981, Art. 17.

⁵³⁴ African Charter on the Rights and Welfare of the Child 1990, Art. 11.

northeast region. However, the dastardly acts of Boko Haram have affected this development.⁵³⁵

The conflict in northeast Nigeria has exposed children to trauma forcing them to leave their family homes in a total stage of apprehension. In such a situation they usually witness how people are killed with the girl child forced to become a sexual tool in the hands of the terrorists and other untoward behaviour. An estimated figure of out of school children was put at 1.7 million by UNICEF⁵³⁶ while at the same time teachers absconded from duties.⁵³⁷ This unfortunate development has led to the closure of many schools in the region whereas the students have either been caught up with the conflict resulting in their deaths or they have had to flee to the other part of the country as displaced persons.⁵³⁸ One of the worst acts of the terrorists that would always be a point of reference is that of Federal Government College Buni Yadi where 59 students and teachers were killed and school structures burnt down completely.⁵³⁹ A similar incidence occurred at Government Secondary School, Mamudo in Yobe State, where more than 42 students and their teachers were murdered and the entire structure of the school razed down.⁵⁴⁰

Before the notorious acts of the group in 2009, the northeast region was educationally backward compared to the other parts of Nigeria. A survey conducted by the Nigerian Demographic Health Survey in 2013 indicated that the southern part of Nigeria had and still has the highest number of student enrolment into both primary and secondary

⁵³⁵ BR Olurunyomi, 'Millennium Development Goals and the Universal Primary Education in Nigeria (A Case Study of Ibadan North Local Government Area, Oyo State)' [2014] *International Journal for Asian African Studies* 94-101.

⁵³⁶ (2015) <www.unicef.org/media/media_86621.html>

⁵³⁷ It has been reported that at Least 198 Teachers were killed by the Insurgents between 2012 and 2014. See Annual Report of the Secretary General: Children and Armed Conflict A/69/926-S/2015/409 (2015)

⁵³⁸ Protection Sector Working Group 2015, available at https://www.humanitarianresponse.info/en/system/files/documents/files/idp_protection_strategy_march_2015_1.pdf, 8, accessed 2 November 2018.

⁵³⁹ <http://www.sunnewsonline.com/new/buni-yadi-students-massacre-yobe/>, accessed 2 November, 2018.

⁵⁴⁰ Agba et al available at <http://allafrica.com/stories/20137080649.html>, accessed 2 November 2018.

education levels in Nigeria, whereas the northern part recorded low enrolment.⁵⁴¹ As pointed in the preceding analysis, Yobe state used to be the hotbed of vulnerable youths amongst the states of the northeast; the survey by NDHS has confirmed that report. The body has indicated that Yobe state has the worst number of out of school children of both primary and secondary education in the region. Following the recent study in Yobe state to determine the effect of insecurity on education, the study concluded that the devastating impact of Boko Haram has cut down the enrolment level of both primary and secondary schools by 12%.⁵⁴²

Like the other two states hit by the Boko Haram acts, Borno state, the epicentre of terrorism, has equally received its share of its impact since the start of the conflict in 2009. The conflict has affected basic education mainly because of the collapse of the school structures due to incessant attacks on schools, leading to both the students' and teachers' deaths. The devastating effect of this has had a huge impact on the enrolment of the girl child education because of the incidences of the Chibok and Dapchi girls' abduction in 2014 and 2018 respectively.⁵⁴³ The case of Chibok abduction and the more recent Dapchi incidence has discouraged parents from taking their female children to school because of the fear of been kidnapped, an act which would eventually lead them to become sex slaves of the terrorists.⁵⁴⁴ It was reported by the UN Human Rights Commissioner that 'The education authorities reported that 338 schools had been damaged or destroyed between 2012 and 2014 in the States of Adamawa, Borno and Yobe'.⁵⁴⁵

In addition, the most affected by the attack are largely schools in rural centres where protection of schools is scarcely provided, like the schools in urban centres. Since the beginning of Boko Haram acts in 2009, which is regarded as a watershed for the uprising in the northeast part of Nigeria, the violence has led to forced displacement

⁵⁴¹ See National Population Commission and ICF International Nigeria Demographic and Health Survey 2013, available at <http://dhsprogram.com>pubs>pdf> (Accessed 3rd November 2018)

⁵⁴² Ibid at 114.

⁵⁴³ Ibid. at 115

⁵⁴⁴ Ibid.

⁵⁴⁵ Human Rights Council, *Violations and abuses committed by Boko Haram and the impact on human rights in the countries affected* (2015) para 48

with a huge social-economic impact on both the residents and the government. As pointed out, a large number of the people affected are children and women⁵⁴⁶, a class of victims who are more susceptible and vulnerable to sexual abuses. It is a common thing during armed conflicts that sexual and gender-based violence are rampant⁵⁴⁷, and in the northeast region of Nigeria, women who are victims of such acts are usually regarded and treated as outcasts by society.

The impact of the conflict on the education and vocational system in the northeast is so tremendous, especially noting that schools in that region have been converted to either military camps in order to create makeshift barracks for the Nigerian Armed Forces to bring them closer to the attacked locations or Internally Displaced Persons (IDP) centre which are set up to provide a palliative solution for the displaced people. In areas where the conflict is not prevalent, the schools become overcrowded and are unable to contain the displaced children owing to a scarce or limited existing resource. However, in 2016 the World Bank summed the cost impact of the conflict on education sector at \$273 million, of which 53% was accounted for Borno state alone, while the remaining 47% were shared between Adamawa and Yobe States.⁵⁴⁸

4.1.5 Right to Enjoy Culture and the Environment

One other right people lose during insurgency attacks is their right to enjoy culture and the environment. With over 250 ethnic groups, Nigeria is one of the most heterogeneous countries in the world, and a sizeable number of these ethnic groups are located in the affected area of the Northeast. With the increasing displacement of people from their hometowns and villages, there is a tendency for them to lose touch with their culture and tradition, and if this continues, these distinct cultures will fade

⁵⁴⁶ International Organization of Migration

⁵⁴⁷ 'Boko Haram Turns Female Captive into Terrorists' Available at <http://www.nytimes.com/2016/04/08/world/africa/boko-haram-suicide-bombers.html>, accessed 1 November 2018.

⁵⁴⁸ World Bank 2016

into extinction. The ACHPR⁵⁴⁹ encourages everyone to enjoy the cultural life of his community without hindrance. The UDHR vests the same right on everyone as well as the ICESCR.⁵⁵⁰ There have been incessant attacks on cultural properties and structures that represent the tradition of people. Boko Haram believes that anything that represents non-Islamic values is evil and should be destroyed. The Sukur Landscape in Adamawa State, one of the only two World Heritage Sites in Nigeria has been attacked and the Sambisa Forest Reserve in Borno has been invaded and now serves as the hideout of the group.⁵⁵¹ One of the residents of the Sukur communities said, ‘they destroyed our heritages, most of which will never be recovered. Several generations of our parents were buried in those communities, and we found it difficult to leave the place simply because of Boko Haram insurgency’.⁵⁵² This goes to show that there is an attachment between people and their cultures. Any attack on their cultural heritage is an attack on their memories and the respect they have for their ancestors.

The cultural heritage, which includes the cultural property, of these terrorized communities is at significant risk of being destroyed. UNESCO and several scholars advocating for the protection of cultural property have stated that the cultural heritage of any people belongs to all mankind⁵⁵³, and destruction of it is likened to the act of a madman.⁵⁵⁴ The UNESCO Convention that seeks to protect cultural property in the event of armed conflict provides in Article 3 that State parties should ‘prepare in time of peace for the safeguarding of cultural property situated within their own territory against the foreseeable effects of an armed conflict, by taking such measures as they consider appropriate’.⁵⁵⁵ Nigeria does not have any such preparation for the protection of cultural property and so all sites that hold cultural heritage are at high risk of being destroyed.

⁵⁴⁹ ACHPR 1981, Art. 17(2)

⁵⁵⁰ International Covenant on Economic, Social and Cultural Rights 1967, Art. 15(1)

⁵⁵¹ Akeem O Bello, ‘Countering Boko Haram Insurgency: Investigating Culture Destruction Attempts and Culture Conservation Efforts in North-Eastern Nigeria’ (Ekiti State University)

⁵⁵² Ibid

⁵⁵³ Convention for the Protection of Cultural Property in the Event of Armed Conflict 1954

⁵⁵⁴ Jiri Toman, *The Protection of Cultural Property in the Event of Armed Conflict 1996* (Dartmouth Pub. Co, 1996) 4.

⁵⁵⁵ Convention for the Protection of Cultural Property in the Event of Armed Conflict 1954, Art. 3

With the increase in the exposure of dead bodies, constant bombings, shootings, village burnings and gunshots in the Northeast, there has been an adverse effect on the environment. The right to enjoy a clean and peaceful environment is better explained in an article by the UN Environment Programme: 'Human rights and the environment are intertwined; human rights cannot be enjoyed without a safe, clean and healthy environment'⁵⁵⁶ The atrocities committed by Boko Haram have greatly deprived many of their right to a clean and healthy environment as the environment has constantly been polluted and made unhealthy for a normal human being.

4.1.6 Rights of a Child

Internationally special attention has been given to the rights of children because of their vulnerability. Conflict of any nature has a negative effect on humanity irrespective of age, gender, faith, and cultural background. However, the vulnerable amongst these are children.⁵⁵⁷ The resultant effect of such act is that children that happen to be the victim of armed conflicts usually grow without parental care as the conflict has cut family ties making family live independent of each one. These children are often exposed to human rights abuses where basic amenities meant for human existence such as shelter, education, food, and healthcare services are lacking.⁵⁵⁸ Children in the northeast region of Nigeria are a classic example of this narrative. The devastating act of Boko Haram in the northeast region has turned these children to engage in one act of immorality to another. For instance, those that are internally displaced turned into kidnappers, prostitutes, and forced suicide bombers.⁵⁵⁹

⁵⁵⁶ UN Environment Programme, 'What are environmental rights?' (UNEP) www.unenvironment.org/explore-topics/environmental-rights-and-governance/what-we-do/advancing-environment-rights/what, accessed 3 December 2020.

⁵⁵⁷ U Abdullahi and G Terhemba, 'Effects of insecurity on Primary School Attendance in Damaturu Metropolis Yobe State, Nigeria' (2014) *Journal of Research, Education Sciences* 3238.

⁵⁵⁸ O Abdulrasheed, A Onuselogu and U Obioma, 'Effect of Insurgency on Universal Basic Education in Borno State of Nigeria' (2015) *African Journal on Educational Research* 490-494.

⁵⁵⁹ *Ibid.*

It has earlier been pointed out that children are one of the most affected groups of people in the insurgency. There are several laws that advocate the protection of the rights of a child and some of these laws entitle a child to the right to enjoy his childhood. The period of childhood is a foundation that determines what kind of individual a person grows up to be. A childhood without the fun and opportunities other children get to experience contributes to the degraded self-esteem an adult experience. The United Nations Convention on the Rights of the Child 1989 and the African Charter on the Rights and Welfare of the Child 1990 are vital instruments that clarify what a child is entitled to as he grows up. The right to education is one such entitlement and has earlier been treated above.

Synonymous to childhood is play, fun and leisure. ‘The right of the child to rest and leisure, to engage in play and recreational activities appropriate to the age of the child and to participate freely in cultural life and the arts’⁵⁶⁰ is undisputable and should be protected. The UN Convention on the Rights of the Child also states that a child has the right to play, relax and have fun activities.⁵⁶¹ It is no news that no matter how much children in terrorist-torn zones try to enjoy their childhood, there is always a restriction. Most of these children have not had the opportunity to see half of the recreational parks that their counterparts in the other parts of the country have seen; many do not even have the leisure to play as often as they want because of safety reasons. The lack of this right makes a child feel less worthy than others when he gets the opportunity to mix with other children. A child also has the right to practice his religion as guided by his parents.⁵⁶² In the abduction of the Dapchi schoolgirls in 2018, all of the girls returned to their parents with the exception of six. Five died in captivity and the sixth girl, Leah Sharibu, is still in captivity because of her refusal to recant her Christian faith and convert to Islam. This is a breach of her right to practice the religion her parents brought her up in.

⁵⁶⁰ Art 12 ac on the rights and welfare of the child 1990

⁵⁶¹ Art. 31 crc

⁵⁶² Art 14 crc

Article 36 of the CRC encourages government bodies to protect a child from any activity that is likely to harm his development, and Article 15 of the African Charter on the Rights and Welfare of the child discourages the use of a child for any labour that may harm his physical and mental development.

4.1.7 Right to Freedom of Thoughts, Conscience, and Religion

The right to freedom of thoughts, conscience, and religion is protected under section 38 of the Nigerian Constitution, Article 18 of the ICCPR, Article 18 of the UDHR, and Article 8 of the ACHPR. Boko Haram seeks to convert everyone, not just to Islam, but to an Islamic life that shuns the influence of the western world. That is a move to compel everyone to change their line of thoughts and religion. Months after the kidnap of the Chibok girls, Boko Haram released a video showing the girls clothed in *hijab* and reciting verses from the Quran. Some of the released girls reported that before they were forcefully married off to members of the sect, those who were not Muslims were made to convert to Islam first before the “marriage rites” were conducted. On Christmas day in 2011, there was a series of attacks on church services in three locations across the North with a death toll of about 70 people.⁵⁶³ Boko Haram claimed responsibility for the attacks as a mark of protest the Southern-Christian led government at the time.

Amongst the northern Muslims, there have been invitations by Boko Haram to the young men to join them in their fight'.⁵⁶⁴ Refusal of this invitation results in the invasion of the communities and subsequent killings of the men who are considered infidels for refusing to join their cause. Article 10 of the ACHPR establishes that no individual can be compelled to join an association if he wishes not to. The freedom to join an association is totally a person's decision and a compulsion to do so is an infringement of his rights.

⁵⁶³ John Campbell, 'Boko Haram Christmas Bombings' (*CFR*), www.cfr.org/blog/book-haram-christmas-bombings, accessed 3 December 2020.

⁵⁶⁴ Human Rights Council, *Violations and abuses committed by Boko Haram and the impact on human rights in the countries affected* (2015) para 22.

4.1.8 Right to Freedom of Movement

An inherent right of every individual is the freedom to move as he pleases provided that such movement does not disturb the rights of another. ‘Every citizen of Nigeria is entitled to move freely throughout Nigeria and to reside in any part thereof, and no citizen of Nigeria shall be expelled from Nigeria or refused entry thereby or exit therefrom’.⁵⁶⁵ Without a doubt, there is a limit to which a Nigerian in the Northeast can move or reside in places he chooses. Persons in the other regions do not have the freedom to decide to live in the Northeast if they wanted to because of the security situation there. There are reports of Boko Haram setting up roadblocks⁵⁶⁶ disguised as men of the Nigerian Armed forces, extorting drivers, kidnapping individuals, and killing whosoever they wished.

Article 12 of ACHPR and Article 13 of UDHR make similar provision for this right. Despite this provision, those in the IDP camps must do unbelievable things to enjoy the right to free movement. An online report stated that ‘Women and girls in the camps are also increasingly resorting to survival sex, most notably in relation to food distribution within the camps or in order to secure permission to leave the camps that restrict the movement of internally displaced people.’⁵⁶⁷

4.1.9 Right to a Fair (and Public) Trial

Right to a fair trial is recognized by both the Universal Declaration of Human Rights⁵⁶⁸ and the African Charter on Human and People’s Rights⁵⁶⁹ as fundamental to the

⁵⁶⁵ Nigerian Constitution, s. 41.

⁵⁶⁶ Bukola Adebayo, ‘Caught between roadblocks, they were sitting ducks for Boko Haram massacre’ (CNN, 15 February 2020), <https://amp.cnn/2020/02/15/africa/nigeria-boko-haram-fire-auno-intl/index.html>, accessed 3 December 2020

⁵⁶⁷ UN News, ‘Women in displacement camps in Nigeria resort to transactional sex for survival’ (*UN NEWS*, June 2016) <https://www.un.org/africarenewal/news/women-displacement-camps-nigeria-resort-transactional-sex-survival>, accessed 2 December 2020.

⁵⁶⁸ Universal Declaration on Human Rights, Article 10, <http://www.un.org/en/documents/udhr/index.shtml>, accessed on 4 May 2018.

⁵⁶⁹ African Charter on Human and Peoples Rights, Article 7 and 26.

enjoyment of human rights. Going by the definition of these legal instruments, the right to a fair trial requires that: person(s) arrested for any crime, shall have their cause determined by independent and impartial tribunals; and such a person shall be informed promptly on the reason(s) for their arrest and charges against them; persons arrested shall be promptly brought before a judge of competent court of jurisdiction, and their cases tried within a reasonable time; and person(s) charged with criminal offense shall be presumed innocent until proven guilty by the court or tribunal of competent jurisdiction. The right also posits further that the person arrested shall be given adequate time and facilities for the preparation of their defense and communicate in confidence with the counsel of their choice; cross-examine the witnesses against them and obtain the attendance and examination of witnesses on their behalf; have free assistance of the interpreter if they cannot speak the language used in court and be guaranteed the right of appeal to a court of higher jurisdiction.

Similarly, section 37 of the Nigerian constitution makes explicit provision of the right to a fair trial just as article 5, 6, 7 and 26 of Principles and Guidelines for a Fair Trial and Legal Assistance in Africa adopted under the ACHPR⁵⁷⁰. Hence, Nigeria adopted this mechanism on fair hearing by ensuring that there is a platform for the enforcement of this provision of this section of the constitution and the avoidance of its violation. Since the emergence of Boko Haram in 2009, hundreds of their members have been arrested by the security forces and incarcerated in various security facilities across the country. An attempt by Amnesty International to ascertain the exact number of those arrested proved abortive,⁵⁷¹ largely because of the sensitive and complex nature of the security operations at the time when their acts had escalated to the amoral stage. Amnesty International gave a rough figure of 200 Boko Haram members⁵⁷² jam-packed in just one of the security facilities in Maiduguri belonging to the Nigerian army and over 100 of them⁵⁷³ detained in a police station in Abuja and others scattered in

⁵⁷⁰ 'Principles and Guidelines on the rights to a fair trial and legal assistance in Africa', http://www.Afrimap.org/English/images/treaty/ACHPR_Principles&Guildlines_FairTrail.pdf, accessed 17, April 2018.

⁵⁷¹ See Amnesty International Nigeria.

⁵⁷² Ibid.

⁵⁷³ Ibid.

detention centre across the country. All the treatment meted to Boko Haram members is a clear violation of the Principles and Guidelines for a Fair Trial and Legal Assistance adopted under the ACHPR as well as the Nigerian constitution.

Furthermore, as observed that acts of Boko Haram breaches all human rights provisions, their arrest and illegal detention by the security forces without trial, is a clear violation of section 35 of the Nigerian constitution which provides that every person has a right to personal liberty. Although, some of their members that have been taken to court based on the crimes were denied bail because the Terrorism (Prevention) Act (TPA) 2011 provides no such provision in its entirety and that has not given a window to their legal counsels to challenge the judgment of the court. However, sections 340 and 341 of the Criminal Procedure Code⁵⁷⁴ (applicable to Northern Nigerian States) provides that for any person arrested with or without a warrant and charged with any offense, other than an offense punishable by death, such person shall be granted bail, except where his bail would prejudice the investigation of a case or where there is a serious risk of escaping from justice. This means that the act of terrorism under TPA does not fall under offenses punishable by death. Hence, a person arrested for the offense of terrorism is entitled to bail; however, the act of terrorism carries life sentence or death penalty in most climes, except where capital punishment no longer applies.

4.1.10 Rights to Social Security

The Universal Declaration of Human Rights⁵⁷⁵ and International Convention on Economic, Social and Cultural Rights⁵⁷⁶ provide that everyone has the right to enjoy social security and social insurance. This is a right that should be provided by and is in fact the basic purpose of the government.⁵⁷⁷ Already, the social security system in Nigeria is in a poor state. Nigerians in need, especially the aged, can barely gain access

⁵⁷⁴ Criminal Procedure Code, s. 340-341

⁵⁷⁵ UDHR 1948, Art. 22

⁵⁷⁶ ICESCR 1967, Art. 9

⁵⁷⁷ Nigerian Constitution, s. 13

to the benefits of social security in the southern region, much less those in the North? It is a government responsibility that has often been overlooked and the funds created for such purpose are usually embezzled by officials who are rarely punished for their crimes against humanity.

4.2 DEROGATION OF RIGHTS IN A STATE OF EMERGENCY

Ostensibly there are times in life when a nation faces societal upheavals such as wars, national disasters, economic depression etc., and that might lead to taking necessary actions by the government. When such actions are taken, there is a tendency to restrict individual enjoyment of rights. A major consequence of this is that it would vaguely affect peace and justice regime.⁵⁷⁸ The framers of ICCPR, after carefully considering the hostilities of the Second World War, thought it was essential to lay and recognize basic human rights of individuals as a foundation of freedom and a cornerstone of global peace and justice⁵⁷⁹. Thus, they vigorously included in the convention's instrument how States can derogate rights when confronted with a situation that would lead to a declaration of emergency. But on the other end, they did not envisage that States could find themselves in a societal cataclysm that would also lead to derogating the rights of individuals and the subsequent abuse of such rights by the State power; typically, of this narrative is Nigeria.

In a contrary position, African Charter on Human and Peoples Rights (ACHPR) unlike the International Covenant on Civil and Political Rights (ICCPR) and its counterparts such as European Convention on Human Rights (ECHR) and American Convention on Human Rights (ACHR) does not contain derogation clause. For instance, the African Commission on Human and People's Rights (the commission in the case of *Commission Nationale des Droits de l'Homme et des Libertés v Chad (Commission National Case)*) declared that it is in total violation of the charter for any member state to

⁵⁷⁸ Chapter 16: The Administration of Justice during States of Emergencies www.ohchr.org/Documents/Publication/training9chapter16en.pdf, accessed 1 June 2018.

⁵⁷⁹ Ibid.

derogate human rights in case of emergencies.⁵⁸⁰ However, the absence of derogation clause from the African charter indicates that no right enshrined in the charter can be derogated and this is at variance with the provisions of various if not all the constitutions of member states.

The declaration of a state of emergency by a State is one of the most difficult moments for any reasonable government to have opted for, because it restricts the fundamental human rights of individuals. But on the other hand, if emergency powers were not inserted in the constitutions of sovereign States, no constitutional regime would function within the ambit of legal jurisprudence, and that may threaten the corporate existence of such States. These further asserts that the drafters of the constitutions were oblivious of the fact that the State may find itself in a difficult situation, and for it to contain such, requires derogating certain rights of citizens. The situation that will push a State to invoke its power of declaring a state of emergency as contained in article 4 of the International Covenant on Civil and Political Rights is when the sovereignty of such State is threatened⁵⁸¹. As Rossiter observed that the State should only declare an emergency in any of the three situations; war, rebellion, and economic depression.⁵⁸² But on the contrary, some States invoke relevant sections of their constitutions to get at their opponents.⁵⁸³ Nasser noted that emergency is an elastic category stretching over political disturbances such as riots, the situation of sovereign wars, and even constitutional crises within the sphere of the State.⁵⁸⁴

However, some States declare the emergency to consolidate their power not because such States faces any security threat or national disasters and, in such situation,

⁵⁸⁰ *Commission Nationale Des Droits de l'Homme et des Libertes v Chad* (2000) AHRLR 66 (ACHPR 1995) Para 21.

⁵⁸¹ N Jayawickrama, *The Judicial Application of Human Rights Law, Regional and International Jurisprudence* (Cambridge University Press, 2002) 202.

⁵⁸² H Nasser, *The Jurisprudence of Emergency: Colonialism and the Rule of Law* (University of Michigan Press, 2003) 18.

⁵⁸³ 'Human Rights Watch "Essential Background' <https://www.hrw.org.innopac.up.ac.za/wordreport99/Africazambia.html>, accessed 28 May 2018.

⁵⁸⁴ H Nasser, *The Jurisprudence of Emergency: Colonialism and the Rule of Law* (University of Michigan Press, 2003)17.

safeguarding human rights is not of importance to them.⁵⁸⁵ For the framers of various international treaties and States constitutions to have made a provision for the derogation of rights, they must have taken into consideration the protection of human rights in such situations. By that, the international human rights law came up with a balanced system to safeguard the rights of individuals while considering the sovereignty of a state on the other end. In Nigeria, there are certain human rights that are considered basic⁵⁸⁶ such as the right to life, which no circumstance can justify their derogation except in the execution of a Court sentence in respect of a criminal offence for which an accused person has been found guilty.

Watkins in his scholarly contribution to the field observed that the idea of allotting power to the executive branch of government about an emergency is inconsequential. To him, such position strengthens the administrative power of the executive arm while at the same time imposing limitations on them. He further rejected the notion that legislative scrutiny on the exercise of executive emergency powers would be an effective method of imposing limitations because 'it is apparent that unrealistically to rely on the government controlled by the majority in the legislature to exercise effective supervision over the same government in its use of emergency power.'

Consequently, most States constitutions are vested with the power to declare an emergency which results in subsequent derogation of human rights. This is mainly because at some point in time, the State finds itself in an emergency which variably threatens its corporate existence as a sovereign entity. Therefore, measures such as these are necessary to safeguard the life of the nation. Although, these measures are hard and restricted ones that derogate basic human rights encapsulated under various human rights instruments and the constitutions of States.

Furthermore, the history of the state of emergency in Nigeria started way back in 1998 when the then military government imposed an emergency in Delta state in response

⁵⁸⁵ Fionnuala Ni Aolain 'The Emergence of Diversity: Differences in Human Rights Jurisprudence' (1995) 19 Fordham International Law Journal 101.

⁵⁸⁶ Ibid.

to the threat and violence unleashed by militants on the facilities of multinational oil firms.⁵⁸⁷ After that, former Nigerian Presidents Obasanjo and Jonathan declared two emergencies respectively. Indeed, it is natural whenever an emergency is imposed by a State, human rights ceases to exist pending the nullification and extermination of the emergency by the government or when it reaches six months from the effective date. It is appreciated that the effort of the officials which include the military, police and the prosecution should see to it that justice is attained and not derogate from the rights of the people who have been arrested or purportedly suspected to belong to members of the terrorist group of Boko Haram. Mohammed Ibrahim, the then Country Director of Amnesty International, in giving an illustration on why the counterinsurgency measures of the country be conducted in a way that the rights of suspected terrorists are taken into account confirmed that:

Respect for human rights is not only a fundamental constitutional and international legal obligation, but also an intrinsic element of any effective counter-insurgency operation. Insurgents seek to undermine the authority of the State and often operate with total disregard for rule of law and respect for human rights. When a State reciprocates by violating human rights and the rule of law, it weakens the very values that form the basis of its authority. In practical terms, when states make arbitrary arrests, detain suspects without trial, use torture and unlawfully kill, they harm the very people and values they are supposed to protect.⁵⁸⁸

Much effort will also need to be channeled to ensure that the rights of suspects are not violated and for the mere fact that they have not been tried yet, they should be allowed

⁵⁸⁷ Scott Dolezal, 'Notes and Comments the Systematic Failures to Interpret article IV of the International Covenant on Civil and Political Rights: Is there a public emergency in Nigeria?' (2000) 15(5) American University International Law Review 1163-1208.

⁵⁸⁸ Mohammed Ibrahim, 'Counter-Insurgency: Is Human Rights a Distraction or sine qua non?' (Paper Presented at the 55th Session of the Nigerian Bar Association Conference, 25 August 2015).

to have fair trial and their rights should be restricted where it becomes necessary in line with best practices. Therefore, Ibrahim marinated further that:

The conduct of the Nigerian military, that led to the unlawful murder, arbitrary arrests, mass detention and torture, were in many way gross violations of Nigeria's obligations under IHL [international Humanitarian Law], Nigerian Constitution and other domestic legal safeguards. IHL comprises rules that seek to mitigate the effect of wars on civilians and humanity by limiting the means and methods of conducting military operations. It is essentially predicated on the delicate equilibrium between the competing demands of military necessity and humanity. The major sources of IHL to which, Nigeria is a State-Party, are the Geneva Conventions and their Protocols, and customary international law. In a no international armed conflict, such as the one in the north-east Nigeria, the parties to the conflict are bound to comply with the norms contained in Common Article 3 of the Geneva Conventions, Protocol II to the 1949 Geneva Conventions and customary international law, which consists of rules that are binding on all states. Nigeria acceded to both the Geneva Conventions and their Protocols.

In essence, the fight against terrorism must recognize human rights. It must be coordinated within the framework of international humanitarian law without jeopardizing the rights of persons.

4.3 CONCLUSION

The violation of human rights can be seen as a central contention in the rise and sophistication of the Boko Haram terrorist groups' activities. The fight against Boko

Haram, on the other hand, carries with its possible human rights violations. Without much effort channeled by the government, the citizens' lives will continue to be in jeopardy as there will be a failure in the exercise of the responsibility to protect human rights. By the same token, the states' actions are essential in response to counterterrorism in Nigeria. The next chapter will review Nigeria's existing strategic and legal response in addressing the menace of the Boko Haram terrorism in the country.

CHAPTER FIVE

5.0 INTERNATIONAL LAW AGAINST INSURGENCY AND IMPLEMENTATION BY NIGERIA

5.1 INTRODUCTION

International law on matters surrounding terrorism has been very proactive to the extent that many international law instruments seek to address terrorism. These instruments are primarily fragmented and may raise a series of international law issue issues in their application. Therefore, it will be unrealistic to make a critical review of all these instruments, given that they serve different purposes. However, this chapter will outline this main instrument before narrowing it down to the Security Council Resolution 1373, with an analysis of implementation in Nigeria.

5.2 INTERNATIONAL LAW AND COUNCIL RESOLUTION ON COUNTER INSURGENCY

International instruments are numerous. A perusal of the documents reveals a series of fragmented provisions that will need to be harnessed and applied to consider the rules of interpretation for them to be much meaningful. Their usage, therefore, depends in the context of the terrorism they seek to address. These instruments include the following:

1. Convention on Offences and Certain Other Acts Committed on Board Aircraft 1963, requiring air commander to take reasonable measure to prevent offences in aircraft and also detain persons suspected to cause harm.
2. Convention for the Suppression of Unlawful Seizure of Aircraft 1970, checking again illegal seizure of aircraft or intimidation.

3. Convention for the Suppression of Unlawful Acts against the Safety of Civil Aviation 1971 prevention of acts affecting the safety of persons boarded in an aircraft.
4. Convention on the Prevention and Punishment of Crimes against Internationally Protected Persons 1973
5. International Convention against the Taking of Hostages 1979, checking against taking persons into hostage
6. Convention on the Physical Protection of Nuclear Material 1980, criminalizing the use of nuclear as a weapon of threat, theft or endangering of people
7. Convention for the Suppression of Unlawful Acts against the Safety of Maritime Navigation, protection against attacks on ship.
8. International Convention for the Suppression of Terrorist Bombings 1997, making universal jurisdiction for prosecution of offences relating to bombing by terrorists.
9. International Convention for the Suppression of the Financing of Terrorism 1999 check against terrorism financing and creation of liability for financiers.
10. International Convention for the Suppression of Acts of Nuclear Terrorism 2005, check against the use of nuclear or attack on nuclear technologies by terrorists

Asides from these, the resolution of the Security Council on terrorism has far-reaching consequences. The Security Council was created by the UN Charter VII provision and vested with the responsibility of maintaining international peace and security. Considering the height of insecurity after the Second World War, the framers of the UN Charter thought of the necessity to create a framework that would eradicate threats

of any sort to the international community. In an explicit term, the Charter empowers the Council to take coercive measures against any state that seem to threaten international peace and security. However, the charter's Article 41 and 42 gave the Council non-forcible measures such as diplomatic and economic sanctions, and forcible measures to be carried out by armed forces under the United Nations command. Before 1990, the forcible measures were never enforced. After that effect, resolution 678 was adopted at the end of 1990 where the latter resolution allocates power to states to use coercive power against Iraq's occupation of Kuwaiti territory.⁵⁸⁹ This move seems to be the first dawn of the Security Council's approval of forcible measures.

Article 39 of the Charter gives the Security Council power to adopt two classes of resolutions such as recommendations and measures although, the Security Council resolutions usually hinged on these two classes. One of the usual recommendations is creating international obligations that are not compulsory to be followed, mainly because they are not legal sanctions. Unlike the recommendations that are not mandatory to be followed, measures bind upon each member state and adhere to it. The issue of conformity of measures by member states generated debates, especially since the adoption of resolution 678 over the council's broad scope. The creation of the two International Criminal Tribunals before adopting resolution 687 in November 1990 was viewed differently by observers and scholars who tagged it as "novel interpretation of non-forcible measures under article 41".⁵⁹⁰ Additionally, after the horrible event of 9/11, the council deliberated and unanimously agreed to widen its excessive powers by adopting a new resolution 1373. The uniqueness of the latter resolution is its distinct features that mandate states to create a comprehensive legal framework of fighting terrorism and terror-related crimes and international cooperation amongst members.

⁵⁸⁹ Moore. J, "*Crisis in the Gulf*" Enforcing the Rule of Law, (New York, London and Rome: Oceana, 1992), p. 14

⁵⁹⁰ UNSC Resolution 827 (1993 (on the Former Yugoslavia and UNSC Resolution 995 (1994) on Rwanda.

5.3 COUNTER-TERRORISM AND THE UN SECURITY COUNCIL RESOLUTION 1373

The acts of international terrorism savagely and notoriously perpetrated by Al-Qaeda and its allied necessitated the adoption and creation of resolution 1373 in fall 2001, specifically after the September 11 event. As indicated in the text, the features of resolution 1373 are distinct from all the UNSC resolutions mainly because of the frequent acts of terrorism and the need to combat terrorist acts avowedly. Apart from the international obligation shouldered on member states to enact a legal framework, it should equally have created an institutional context to ensure its strict compliance.

The resolution has in total nine articles and preambles. The preambles explicitly indicate that resolution 1373 is a continuation and confirmation of the preceding Resolution of the Council such as resolution 1269 (1999)⁵⁹¹ and 1368 (2001)⁵⁹². The Council unequivocally condemned the event of September 11 and vowed to prevent such dastardly acts in any part of the globe. In the light of the foregoing, the charter's preamble outlined a new measure such as self-defence and concomitant use of force against terrorists and their collaborators. However, the Charter directs states to cooperate and strengthen their domestic laws to vigorously fight terrorist acts. The charter also encourages States to complement international cooperation by considering relevant procedures to combat any act of terrorism such as funding of terrorism, providing logistical support through the laid down laws of their states. The resolution further affirms the dual approach, which seeks to authorize both forcible and non-forcible measures concurrently, that is, the use of force and international criminal law.

Article 1 of the Resolution mandates member states to ensure strict compliance of the following functions. a) Stop and prevent the financing of terrorist attacks (b) from acknowledging that financial facilitation of terrorists by citizens as a criminal offence (c) to immediately cease all funding and assets of individuals or legal entities involved

⁵⁹¹ United Nations Security Council Resolution 1269.

⁵⁹² United Nations Security Council Resolution 1368.

in terrorist acts (d) to restrain citizens or any persons and organizations from fostering terrorists' access to any financial resources or economic benefits.⁵⁹³

5.3.1 Financing of Terrorism and Related Matters

Resolution 1373 article 1 provides that member states shall pass separate legislation of proscribing financing of terrorism. The Security Council has noted the efficacy of use money in terrorist activities and hence considers the funding of terrorism as a vital strategy to eliminate, as such created a joint body to superintend the fight against terror. The strategy adopted under this resolution occasioned the formation of the counterterrorism task force in 2005.⁵⁹⁴ Again, under the latter resolution Financial Action Task Force (FATF) was equally created. The FAFT is charged with establishing and fighting the sources of terrorist organizations and restricting money laundering.⁵⁹⁵ As part of its annual report, FAFT submitted recommendations to the council, meant to know the extent of money laundering and criminalization of terrorism financing activities.

Resolution 1373 categorizes all forms of financial dealings that seeks to facilitate or support the acts of terror as a predicate crime to money laundering. Besides, the resolution viewed the criminalization patterns by the objectives of the global conference for the control of terrorism financing.⁵⁹⁶ Identifying and suppressing the financing of terrorist organizations remains one of the cardinal objectives of resolution 1373. Article 17 of the Security Council Resolutions 1373, composed of the global conference for the control of financing of terrorism, empowers member states of the UN to freeze assets and funds that presumably are owned by the terrorist groups and their financiers.⁵⁹⁷ In tandem with international law, the Security Council has restrained financial institutions from hosting and transacting any financial dealings

⁵⁹³ UNSC Resolution 1373, Article 1

⁵⁹⁴ United Nations: Tackling the Financing of Terrorism. CTITF Working Group Report, New York CTITF, (2009)

⁵⁹⁵ FATF, FATF 40 Recommendations. Financial Action Task Force, 2003

⁵⁹⁶ United Nations, International Convention for the Suppression of the Financial of Terrorism. New York United Nations. (1999)

⁵⁹⁷ Security Council Resolution Article 17

with any group or entity whose ownership could not be determined. It is on that basis the resolution employed FAFT's guidelines and procedure for financial services. Some coordinating institutions such as the Financial Intelligence Unit that are saddled with the responsibility of collating, analyzing, and publishing fraudulent financing activities seem to have demonstrated their capacity by limiting terrorist acts ultimately.⁵⁹⁸

Terrorist organizations and their affiliates employed different methods and tactics in moving funds across the board; hence the Security Council Resolution 1373 mandates all states under the UN's umbrella to develop a strategy on how these methods would be suppressed avowedly. On the issue of NGO's, the resolution requires member states to thoroughly supervise and regulate the activities of non-profitable organizations operating within their shores. This means that states should put in a legal framework of supervising, regulating including their financial activities to avoid turning them as recruitment and supporting fronts for terrorist.⁵⁹⁹

Hitherto to the event of 9/11, the international legal instruments of criminalizing funding of terrorism were few. The absence of comprehensive measures against the financing of terrorism before the 9//11 event paved the way for the perpetrators to actualize their mission vigorously. Afterwards, the international community and international financial institutions began to put measures to counter their funding. The Financial Action Task Force, saddled with advising, guiding, and formulating best practices against money laundering, began to lay a unified platform for illicit financial dealings. Soon after the 9/11 event, FATF conveyed an Extraordinary Session precisely October 31, 2001, issued guidelines for financial institutions to cooperate with relevant authorities to provide information about the terrorist organizations' financial dealings.⁶⁰⁰ The United Nations responded not only to terrorism financing but all aspects that would destabilize international peace and security hence ratified the Convention against Financing and Suppression of Terrorism in November 2001.

⁵⁹⁸ Vortmeyer. M, Financial Intelligence Units: An Overview World Bank, International Monetary Fund, (2004)

⁵⁹⁹ FAFT IX Special Recommendations VIII

⁶⁰⁰ See Ridley 'Organized Crime, Money Laundry and Terrorism', in "Human Resources and Development in the Arabian Gulf" Emirates Centre for Strategic Studies and Research (2010), p. 374-389

The United Nations General Assembly referred and adopted Security Council Resolution 1373 with a strong warning to member states to enthusiastically implement it, reference was directed to the financing of terrorism.⁶⁰¹ However, violent extremist organizations, whether small or full-blown terrorist groups, cannot survive their struggle in as much their ability to finance their operations are countered at the embryonic level.⁶⁰² It is essential to view how the event of the September 11 supervened critically. The usual trend of moving funds across the board suffered a setback since the event of September 11 that marked a turning point for the fight against the horrendous acts of terror in the globe. One of the strategies employed by the UNSC was to launch a devastating campaign against the sources of funding of the terrorists. Soon after the Council's meeting, President Bush posits that:

*“We will direct every resource at our disposal to ensure we win the fight against the terrorists, employ every means of diplomacy, every tool of intelligence, every instrument of law enforcement, every financial influence. We shall block all means of the terrorist's sources of getting funds, turn them against each other, rout them out of their safe places, and bring them to justice.”*⁶⁰³

The above statement indicates that each member state of the UN must safeguard its territory from the antagonistic acts of the terrorists and their sponsors. Against this background, most countries have come up with often and swift measures to counter the movement of funds within their shores and increased coercive capacity to deal with the acts of terrorism robustly. Coercive measures adopted by most states in dealing with terrorism, especially in the developing world like Nigeria, only increased the fiercer nature of the war. Indeed, the financial control strategy is the most potent component of fighting terrorism.⁶⁰⁴ Although pessimistically believed to be a weak element as the terrorists deploy strategies in checkmating the method. This strategy can only affect states bound to have a vibrant regulated financial institution such as the

⁶⁰¹ 'Combating International Terrorism: The Contribution of the United Nations', Vienna International Center IAEA Board Room, 3 and 4 June 2002. Available at https://www.unodc.org/pdf/event_2002-06-03 (Accessed 20th June 2019)

⁶⁰² Colin P. Clarke, *The Financial of Terrorism of Terrorism, Insurgency, and Irregular Warfare* (Praeger Security International, 2015) 1

⁶⁰³ T. J. Biersteker and S E Eckert, (eds.) *Countering the Financing of Terrorism* (Routledge, 2008)

3

⁶⁰⁴ Ibid.

United States and their western allies.⁶⁰⁵ In the case of Boko Haram, such a mechanism remains ineffective mainly because of weak and besmirched institutions.⁶⁰⁶ It is believed that imposing such measures has a significant impact in the fight against terrorism, especially when the provision of financial resources to groups using terrorist groups and supporting organizations of high-value commodities such as diamond and gold merchants, credit card fraud, drug smugglers and other petty crimes have close ties with terrorist outlets.⁶⁰⁷ The discovery of these funders has systematically revealed the collaboration of some silent non-governmental organizations and donor agencies, leading to the total seizure of their possessions and cessation in states fighting terrorism. For instance, at the height of Boko Haram acts, the Nigerian government closed down a multi-million-dollar departmental store (Amigo) in Abuja, on suspicion that the store provides logistics to Boko Haram group.

Similarly, three business owners in Abuja were banned from associating with all American residents in Nigeria following such action.⁶⁰⁸ The US department of treasury contends that the trio has a link with the Hezbollah group in which, Executive Order 133224 was issued against them and their properties seized.⁶⁰⁹ This part of the thesis investigates whether the policymakers' actions to regulate financial transactions are in tandem with the objectives of countering the acts of Boko Haram or not.

In some states enhancing financial rules has helped counter the evil acts of the terrorists, especially after 9/11, mainly because financial institutions facilitate the movement of funds that allows the terrorist organizations to perpetrate their heinous acts. The electronic flow of funds is so competitive amongst commercial sectors, given that everyone takes advantage to display long acquired ideas. Accordingly, Biersteker and Eckert⁶¹⁰ outlined five core hypothesis adopted by the regulatory response to countering sources of funding of terrorists; the first hypothesis surveys that all terrorists groups that perpetrate evil acts are the same irrespective of the environment they

⁶⁰⁵ Ibid.

⁶⁰⁶ Ibid.

⁶⁰⁷ Ibid.

⁶⁰⁸ www.premiumtimeng.com/.../177962-america-ban-owners-of-amigo-super-market-wonderland-amusement-park, accessed 30th June, 2019.

⁶⁰⁹ Ibid.

⁶¹⁰ Ibid at 79.

operate.⁶¹¹ However, it is presumed that all the controlling measures applied to one group should be uniform across the board, looking at the provisions of the United Nations Security Council Resolution 1373, which mandate States to collaborate with each other in the fight against terrorism. They further contend that the strategies employed by the international community against the IRA, ETA whose cause was more of agitation for self-determination, contrast with almost all the terrorist organizations that pose a threat to the international peace and security. Secondly, it is generally believed that terrorist organizations use formal sector financial institutions to move funds in complicit with high-value commodities merchants such as diamonds and gold traders.⁶¹² For instance, Dr. Stephen Davis who stood as an intermediary between the federal government and Boko Haram on the release of the Chibok girls opined that the group uses the Nigerian Central Bank to traffic money to various countries of interest.⁶¹³

Similarly, before the September 11 event, facts have surfaced that a large amount of money amounting to \$300,000 was transferred into the United States through formal sector financial institutions to fund Al-Qaeda's operation.⁶¹⁴ Since the September 11 episode, legal sector, financial institutions have become wary of their business dealings, especially with high-value merchants who act as agents to these terrorist organizations, hence regulatory measures were introduced in the banking system.⁶¹⁵ The international banking system introduced Society for Worldwide Interbank Financial Telecommunications 'SWIFT' effortlessly to monitor and facilitate the movement of funds globally. This technique possessed a high level of security and confidentiality despite the enormous stream of traffic it handles. In some instances,

⁶¹¹ Ibid.

⁶¹² Ibid.

⁶¹³ 'The Funding of Boko Haram and Nigeria's Actions to Stop it', available at <https://www.hsd.org/view>, accessed 12 August 2020.

⁶¹⁴ J Roth, D Greenberg, and S Wille, *Monograph on terrorist Financing* (Staff Report to the Commission), National Commission on Terrorist Attacks Upon the United States, 2004, p.3 Online available at www.9-11commission.gov/staff_statements/911_Terr_Fin_Monograph.pdf#search=%229%2F11%20commission%20monograph%22 (accessed 4th December, 2018)

⁶¹⁵ World Bank and the International Monetary Fund, *Comprehensive Reference Guide to Anti-Money Laundering and Combating the Financing of Terrorism*, (2nd edn, The World Bank and the International Monetary Fund, 2003)1-1 available at www.i.worldbank.org/finance/html/amlcft/referenceguide.htm (accessed 4th December, 2018).

SWIFT organization facilitate certain intelligence to certain law enforcement agencies on an ad hoc level to enable such agencies to track suspicious financial transactions. In this case, EU and U.S law enforcement agencies were afforded a certain degree of exchange after September 11, which was expedited by the European Central Bank.⁶¹⁶ Although, such arrangement was suddenly aborted when New York Times Magazine in 2006 leaked the information.

Thus, following the aborted arrangement between the EU-US and SWIFT in 2006, a temporary arrangement was entered, allowing SWIFT to disclose requested financial information to the United State security agencies pending the European Union parliamentary consideration and ratification. The motion for ratification was put before the EU parliament, but stiffed opposition to the proposal was resisted among the parliamentarians,⁶¹⁷ causing a rift between the EU Justice Home Office Affairs and the EU Security Commission. The JHA contends such plan was a breach of the right to privacy of the European subjects and suggested that if the United States deems to obtain intelligence from the EU, there are procedures to follow or can reach out to a member state on an ensured bilateral basis. Correspondingly, when the situation became tensed, the Justice Home Office Affairs questioned whether such arrangement was a proper mechanism of obtaining intelligence from SWIFT database and warned of taking risk to grant such request.⁶¹⁸

The EU Security Committee dismissed the claim of the Home Office Affairs and referred it to how three incidences of terrorist acts were suppressed and prevented from further attack as a result of prompt action of the EU-US intelligence exchange on information concerning financing of terrorism. Despite the convincing argument by the Security Committee, the matter was rejected conscientiously by the parliament.⁶¹⁹

⁶¹⁶ Ridley 'Central Banks and their role against Financing of Terrorism in the post 2001 period' (London Metropolitan University by the Institute of Security Analysis and Strategic, 2008) 39.

⁶¹⁷ B Waterfield 'EU and US Clash over Banking Privacy' Daily Telegraph' (February 5, 2010).

⁶¹⁸ Ibid.

⁶¹⁹ Vote in European Parliament Strasbourg, 'Voting; 378 against 196, with 31 abstentions BBC World Service: European SWIFT deal for Sharing Bank Data with US' (February 11, 2010) available on <http://news.bbc.co.uk/2/hi/europe/8510471.stm>, accessed 13 January 2021.

Nonetheless, with the introduction of specific rules by the banking sectors across the board, terrorist organizations and other illicit ventures have resorted to underground informal sector transactions such as currency exchange, assets purchased, and false loans. This system was adopted by Boko Haram and their sponsors in Nigeria. Thirdly, just like the formal financial institutions, the informal commercial systems can also be regulated. Concerned has been expressed in various quotas regarding the operations of some Non-governmental Organizations in the United States and England which calls for imposing of some thorough scrutiny by the authority before allowing to operate. The trend of these activities has been observed by some concerned citizens in the northeastern Nigeria specifically the operation of some NGOs has raised suspicion that they are conniving with some frontline leaders of Boko Haram.

The fourth hypothesis suggests that some states employed a *hawala* system in their informal value transfer system that open window for some to fund the acts of terrorism. Before September 11, Al-Qaeda used this platform and moved funds into the United States, given that informal financial sector record-keeping is challenging to monitor.⁶²⁰

The fifth one assumed that there is a working relationship between illicit ventures and terrorism. The terrorist organization adopts any means of sourcing funds to finance their acts and resort to all manner of crimes like drug trafficking and smuggling.⁶²¹

Depicting from the difficulties incorporated in the international financial institutions' legal obligations to reveal information to the law enforcement agencies became essential because it helps in halting both financings of terrorist activities and money laundering.⁶²² After a series of international conventions notably, the United Nations and the AU Resolutions, most member states and financial institutions were obliged to implement such money laundry and anti-terrorist financing measures.

Consequently, since the adoption of the various international and regional conventions regarding the fight and financing of terrorism, international financial institutions

⁶²⁰ Ibid.

⁶²¹ Ibid. at 79.

⁶²² Ibid. at 37

suffered many punitive injuries largely emanating as a result of the new tactic employed by the terrorist in their financial dealings. Progressively, as the international community and private actors engage in finding a means of suppressing terrorist acts, so are the terrorist organizations adopt new tactics in their modus operandi. The exploitation of non-government/charity organizations poses a huge challenge to law enforcement institutions as the countermeasures to checkmate such remains unsuccessful as Gunbaratna posits; “*al-Qaeda set great store by establishing infiltrating and trying to gain control of many Islamic organizations, whether it is registered by government agency engaged in socio-economic, educational or welfare projects.*”⁶²³

Similarly, Williams Phil commented on the efforts of international law enforcement agencies and the supervising financial institutions for their efforts in fighting terrorism through blocking financial sources of the terrorists; he then contends that “*Second, anti-terrorist forces have been able to deal adequately with Islamic charities.*”⁶²⁴

A terrorist incident that occurred in Jerusalem in August 2003 was established to have had a link with a charity organization belonging to key leaders of Hamas, the perpetrators of the act. Hanavi, a district in Jerusalem witnessed a horrendous act of terrorism where a bomber denoted devices composed of ball bearings weighing 5 kg of explosives, killing 22 people, mostly children, and women and wounding 118 in that single act.⁶²⁵ Legal action was instituted against the bank by some victims of the event seeking compensation because the bank carried out financial services to terrorists through an account held in the name of international charity in which the terrorist act was perfected. The bank in question, “National Westminster Bank” had for ten years operated an account for ‘Interpol’ an Islamic charity organization claiming to be funding Islamic activity, but on the contrary, financing terrorist activities.⁶²⁶

⁶²³ R Gunbaratna *Inside al Qaeda* (Columbia University Press, 2002) 6.

⁶²⁴ P Williams, ‘Anti-terrorist Financing’ in Giraldo JK and Trinkunas HA (eds.), *Terrorist Financing and State Response* (Standard University Press, 2007) 74.

⁶²⁵ Suicide Bombing of No 2 Egged bus in Jerusalem-19August-2003, available at [www.israel.org>MFA>MFA-Archive>2003>Pages](http://www.israel.org/MFA/MFA-Archive/2003/Pages) (accessed 1st September 2019).

⁶²⁶ WEISS v. National Westminster Bank Plc, Following OFAC’s designation of Interpol as an SDGT, Natwest Sought Guidance from the Financial Sanctions Unit of the Bank of England, available at <https://caselaw.findlaw.com> (accessed 1st September 2019)

The appellant averred that the bank knew that the account belonged to the Hamaz terrorist group and ignored the danger the group posed to the international community went ahead transacting banking business with them. Ostensibly, the US state department designated 'Interpol' link to Hamaz and in an unambiguous term:

*"Interpol, headquarters in the UK, has been a principal charity utilized to hide the flow of money to Hamaz. Report indicates it is the conduit through which money flows to Hamaz from other charities, e.g. the Al Aqsa Foundation (designated under EO 13224 on May 29th) and oversees the activities of other charities. Reports further indicate that Interpal is the fundraising coordinator of Hamaz. This role is of the type that includes, instructing how funds should be transferred..."*⁶²⁷

The Bank in trying to maintain its reputation after the proscription of the latter group by the US State Department, claimed that within the UK where the account was domiciled no such characterization by the UK authorities. Though, the Israeli government in 1998 designated Hamaz as a terrorist organization, but the bank further contends that the communique was published in Hebrew and only applicable to the Israeli financial institutions. From all these conundrums it is clear that the United States was trying to block any loophole or the safe haven of hiding funds for the terrorist organizations and their collaborators, and again, at the same time, trying to comply with the United Nations Security Council Resolution 1373 which mandates all member States of the UN to take swift measures against any member state that fails to penalize it financial institution dealing with the terrorist organizations.

Generally, many believe that committing an act of terror does not cost much, given the event of September 11. Evidence surfaced from the 9/11 Commission *Monograph* on terrorism financing that Al-Qaeda perpetrated the event of September with just less than a million dollars, specifically \$400,000-500,000, and around \$300,000 successfully transferred to the hijacker bank accounts domiciled in the United States.⁶²⁸ Other sources contend that the Bali bombings in 2002 cost just around \$20,000-\$35,000, emanating from \$130,000 from al-Qaeda's account to Jemaah Islamiyah, a renowned

⁶²⁷ U.S. Department of Treasury, Office of Public Affairs, 'Treasury Designates Director, Branches of Charity Bankrolling Al Qaida Network,' 3 August 2006, <http://www.treas.gov/press/releases/hp45.htm>.

⁶²⁸ J Roth, D Greenburgh and S Wille, *Monograph on Terrorist Financing*. 3

terrorist organization in Indonesia.⁶²⁹The bombing in Istanbul in 2003 cost far less than \$40,000, according to sources.⁶³⁰The bombing of the U.S embassy in Nairobi, Kenya in 1998 cost about \$50,000.⁶³¹ While the World Trade Centre bombing in 1993 cost \$18,000.⁶³² All these acts of terror were funded from the proceeds of illicit ventures such as credit card fraud and endowment from apologetics of the rejectionist groups. For instance, al-Qaeda sent one of its members to solicit for a donation from their adherents in Germany to effectively champion the cause of the organization.⁶³³ Terrorists have different methods of sourcing funds. The criminals that perpetrated the Madrid event in 2004 disguised and pretended to be selling *Zamzam* holy water from Mecca, as has been reported. In such an act, it was believed that around \$60,000 was committed to perfecting that incident.⁶³⁴ Likewise, the London subway bombing in 2005 cost the perpetrators \$15,000; this according to Home Office officials, the funds emanated from defaulted bank loans, bounced cheques, and overdraft, among others.⁶³⁵

However, because of the small number of resources involved in organizing and perfecting terrorist acts, commentators contend that funding, freezing, and seizing assets belonging to conspirators should be critical in its entirety.⁶³⁶ Given the derisory resources involved in committing the acts of terror, it would be difficult for the decision-makers to criminalize or halt terrorist financing. It was evident that one of the

⁶²⁹ First Report of the Analytical Support and Sanctions Monitoring Team appointed pursuant to resolution 1526 (2004) concerning Al Qaeda and Taliban and associated individual and entities, S/2004/679/25 August 2004, available at <http://www.un.org/sc/committees/126/monitoringteam.shtml> (accessed 5nd December, 2018)

⁶³⁰ Ibid at p. 12

⁶³¹ R Windrem, 'FAQ: Osama Bin Laden,' MSNBC, 12 January 2004, available at <http://www.msnbc.msn.com/id/3907198> (accessed 5 December, 2018).

⁶³² Ibid.

⁶³³ Ibid

⁶³⁴ Boletín Oficial de las Cortes Generales, Congreso de los Diputados VIII Legislatura, Serie D: General, 13 de Julio 2005, Número 241, p. 18. The report estimates operational costs ranged between 41,000 and 54,000 Euros.

⁶³⁵ House of Commons, The Stationary Office, Report of the Official Account on the Bombings in London on 7th July 2005, HC 1087, 11 May 2006, available at www.official-documents.gov.uk/document/hc0506/hc1087/1097.pdf. (Accessed 14th January, 2019)

⁶³⁶ M. J. White, "The Constitution of Terrorism, and Civil Liberties," 2004 Constitution Address at Dickinson College, 21 September 2004, available at www.clarkcentre.org/content/occasionalpapers/Constitution-Civil%20Liberties-Whitepdf#search=%22every%20dollars%22%20Mary%20Jo%20White%22 (Accessed 2nd February, 2019)

basic requirements laid by the UNSC in the resolution 1373 is for states to identify and block the financial income of the terrorists, but this alone cannot offer a solution or prevent future terrorism. The reality again is that, for the terrorist organizations to perfect their operations they need to be well organized in terms of broader infrastructures that would cover logistics, recruitment, training their members, media propaganda e.t.c, and that entails enormous resources especially if they want the impact to be more devastating. This concept disclosed by one of the perpetrators of the 1993 World Trade Centre event Ramzi Yousef,⁶³⁷ who admitted that lack of enough funds by his group resulted in having a less impact on the act.

On the other hand, despite the mega resources involved in carrying out the evil acts, the identified infrastructures remain essential as Damian Bugg, puts in 2003: *“al Qaeda spends about 10% of its income on operational costs. The other 90% goes on the cost of administering and maintaining the organization, including the cost of operating training camps and maintain an international network of cells. So-called “sleepers” must also cost significant sums to establish and maintain.”*⁶³⁸

As previously illustrated, the terrorist organizations employ different approaches for sourcing, trafficking, and storing their operational funds. It is, therefore, important to systematically distinguish these methods of financing terrorism. Just like al Qaeda, Boko Haram group destabilizes the relative peace and security that the Nigerian state enjoys before their emergence and subsequent transmigrating to the full-blown terrorist organization. Their actions are purely an act that ensues and committed within the Nigerian territory before it descends to other part of African states. Their modus operandi made some commentators believe that their acts are related to the Jacobin

⁶³⁷ See M Rudner, 'Using Financial Intelligence Against the Funding of Terrorism' (2006) 19 International Journal of Intelligence and Counter-Intelligence 32-58, for a discussion of the cost structure of terrorist organizations, which include planning, recruitment, training, procurement/preparation/delivery of materials, communications, communications, persuasions/propaganda/incitement, infrastructure of safe houses/sleepers cells, reconnaissance of targets and assault on targets.

⁶³⁸ D Bugg, speech to IAP Conference, 8 December 2003, available at www.cdpp.gov.au/Media/Speeches/20030812db.aspx (accessed 19th February, 2019)

anarchist movement of the late nineteenth and early twentieth century.⁶³⁹ In spite of the similarities, the former's actions appear to be more deadly than the latter, mainly because Boko Haram's acts transcended to other territories whereas, Jacobin was an act of terror emanated and committed largely by the state actors. The only terrorist organization save to Boko Haram in terms of capacity was al Qaeda because it operates globally and had a worldwide network. The Council of Foreign Relations Task Force on Terrorist Financing commented that "al Qaeda was notably and deliberately decentralized, compartmentalized, flexible and diverse in all of its operations, including its financial operations."⁶⁴⁰

Conversely, the method of storing funds by the terrorist organizations differs; it is a known fact that keeping cash at their disposal remains dominant practice in the lexicon of the terrorists. Some organizations such as al Qaeda rely solemnly on hiding their funds with their family members, close associates, which would be difficult to trace. It is against this backdrop that Nicholas Fielding Sunday times journalist posits that it is crucial to rationally focus on the family network of the terrorists whenever fighting terrorism and blocking the sources of their funding.⁶⁴¹ Some observers, such as Douglas Farah accentuated the pivotal role of high-value commodities merchants like the diamond and gold traders who have been used to move funds for the terrorists given the fact that they can no longer keep funds with any financial institution. For instance, the United States has frozen and confiscated assets belonging to al Qaeda after US embassy bombing in Nairobi, 1998, such has given the terrorist networks to adopt using these merchants as a haven to store funds.⁶⁴²

⁶³⁹ D. Rumsfeld, Memo to General Dick Myers, Paul Wolfowitz, etc., 16 October 2003, available at www.globalsecurity.org/military/library/policy/dod/rumsfeld-d20031016sdmemo.htm (Accessed 19th February 2019)

⁶⁴⁰ DC Rapoport, 'The Four Waves of Modern Terrorism' in Audrey Kurth Cronin and James M Ludes, eds., *Attacking Terrorism: Elements of a Grand Strategy* (Georgetown University Press, 2004) 16.

⁶⁴¹ N Fielding, 'How al Qaeda Utilises Family Networks?' Presentation at Watson Institute, Workshop on the Financial and Transnational Dynamics of Terrorism, Providence, RI, 24-25 October 2003.

⁶⁴² Ibid.

Since the evolution of the terrorist Boko Haram group, copious scribbles about their emergence, trajectory, and structure have received considerable attention from academic, policymaker's, security experts, among others, but its financial sources have been scarcely acknowledged. Lately, divergent views regarding their funding began to filter within the Nigerian security architecture and the international community. For instance, ZAMUN 2015 Model⁶⁴³ United National Conference Security Council study guide during its visit to Nigeria, contends that Boko Haram is the only terrorist group whose funding sources remain challenging to trace mainly because of the difficulty in knowing the people that make up the organization.⁶⁴⁴The assertion of ZAMUN has been disputed by the followers of the event who opined that the group has different sources of funding and does not depend on one cause. Yan St-Pierre analyses Boko Haram sources of funding and concluded that the groups sourced their money from within Nigeria and other African states who have been ravaged by the acts of terror like Nigeria.⁶⁴⁵Some commentators shared Yan's view and believed that the Nigerian authority's negligence to halt the deeds of the group at the primary stage creates difficulty to trace their sources of funding within the Nigerian territory. However, in 2014 when the group's actions became challenging to contend, the then US assistant secretary for African affairs Thomas Greenfield surmised that the group depends mostly on criminal activities such as kidnapping, extortion, bank robbery, and others to fund their deeds.⁶⁴⁶Similarly, the United States government asserts that Boko Haram employed the use of a networked system of couriers to transport cash to their respective outlets within Nigeria and its neighboring states.

Viewing from this prism, it is pertinent to stress the sources of Boko Haram funds. In its early emergence specifically, 2002, the frontline leaders of the group such as Mohammed Yusuf and Abubakar Lawal came up with the idea of assisting their

⁶⁴³ Ibid.

⁶⁴⁴ United Nations Security Council, ZAMUN 2015, Suppression of the Financing of Terrorist Groups (New York: United Nations Security Council, 2015), available at www.zamun.sk/wp-content/uploads/Guide_SC.pdf, (access 4 June 2019).

⁶⁴⁵ Heather Murdock, 'Analysts: Nigeria's Boko Haram Funding Vast, Varied', <https://www.voanews.com/africa/analysts-nigerias-boko-haram-funding-vast-varied>, accessed 13 January 2021.

⁶⁴⁶ Phil Stewart and Lesley Wroughton, 'How Boko Haram is Beating U.S. Efforts' <https://finance.yahoo.com/news/boko-haram-beating-u-efforts-choke-financing-052820382.html>, accessed 13 January 2021.

adherents through small scale business enterprise in Borno and Yobe states only.⁶⁴⁷ After that, they set up a microfinance system and encourage members to come up with business proposals; in that regard, some opted for selling of used cars and motorcycles in the Maiduguri metropolis. The scope of the microfinance system expanded to other trades, including agriculture, and all the proceeds from such are earmarked for funding Boko Haram activities.⁶⁴⁸ Unknown to the authority, Yusuf set up microfinance with the ulterior motive to source funds for the group to challenge the sovereignty of Nigeria by launching a devastating attack in the northeastern part of the country. In 2016 the Nigerian authority suppressed substantial acts and sources of funding of the group, but Shekau re-introduced the same system of microfinancing with the same motive to boost the activities of the group, although this time around, they considered recruiting vulnerable youth into the organization. The question that this raise is where is the security architecture of the Nigerian state that such gibberish would be allowed to arise? According to the International aid organization Mercy Corps,⁶⁴⁹ the group issues soft loans to its followers stretching from 10,000 Naira to 1 million Naira around 2016-2017.⁶⁵⁰

Consequently, as elucidated above that Boko Haram fund their activities from different sources this includes among others imposing 100 Naira daily membership to its followers.⁶⁵¹ This routine exercise has been ongoing until the death of Mohammed Yusuf in 2009.⁶⁵² However, Boko Haram receive both financial and material contribution from external sources, especially from their fellow terrorist organizations such as Al-Qaeda and its affiliate Al-Qaeda in the Islamic Maghreb (AQIM).⁶⁵³ Both the Nigerian and United States governments declared that the group received a

⁶⁴⁷ V Comolli, *Boko Haram Nigeria's Islamist Insurgency* (New York: Oxford University Press, 2015) 63, 78.

⁶⁴⁸ Ibid.

⁶⁴⁹ Kieran Guilbert, 'Boko Haram 'Lures, Traps' Young Nigerian Entrepreneurs with Business Loans' Reuters, April 11, 2016 (available at <http://uk.reuters.com/article/uk-nigeria-boko-haram-idUKKCN0X8265?feedType=RSS&feedName=worldnews>, accessed 13 January 2021).

⁶⁵⁰ Ibid.

⁶⁵¹ Comolli, *Boko Haram*, at 78

⁶⁵² Ibid.

⁶⁵³ Kelly Mua Kingsley, Samuel F Johnson-Rokosu, and Rasaq Alabi Olarenwaju, 'Combating Boko Haram Terrorism Financing: Case of Nigeria and Lake Chad Basin' (2015) 7(11) *International Journal of Current Research* 22849-22861.

monetary contribution from the duo to help in enhancing their struggle against the Nigerian government and its neighbours.⁶⁵⁴ Although, the United States officials declared the amount of financial assistance received by Boko Haram from their allies was insignificant in comparison to the mayhem unleashed in Nigeria and the other states.⁶⁵⁵ It has been alleged that Boko Haram intertwined with top politicians across Nigeria and presumed that these politicians contributed immensely in funding the group. For instance, Buji Foi, the late commissioner of religious affairs of Borno state, was believed to be sponsoring the group before he was killed extra-judicially by the security operatives in 2009.⁶⁵⁶

Equally, a bank robbery was employed by Boko Haram as another means of funding their evil acts, especially about “2010 to 2013” when their actions exacerbated in high propensity. Admittedly, the group’s spokesman confessed to the security operative after his arrest that the monies derived from bank robberies was usually shared amongst the top commanders and families of their members killed in the struggle.⁶⁵⁷ According to the Nigerian intelligence agencies, Boko Haram robbed banks in the tune of \$6m⁶⁵⁸ within three years of their criminal struggle. After the imposition of the state of emergency by the federal government in 2013, the incidences of bank robberies declined substantially, and as such, the group resorted to broad daylight extortion as a means of funding. Boko Haram adopted a method of sending threatening messages via mobile phones to local businesspeople and politicians demanding money or face the consequences of their actions.⁶⁵⁹ In recent times, kidnapping in Nigeria became a lucrative business not only for Boko Haram as a terrorist group, but criminals, armed robbers, and miscreants have adopted it as a means of acquiring money instantaneously. In this business venture, the Islamist Boko Haram earned millions of dollars from the families of their victims, institutions, and

⁶⁵⁴ Comolli, *Boko Haram*, at 81.

⁶⁵⁵ *Ibid.* at 18

⁶⁵⁶ *Ibid.* at 78

⁶⁵⁷ *Ibid.* at 82

⁶⁵⁸ Wassawa D Obi, ‘Terrorism: Who Pays Boko Haram?’, Nigerian News, last modified 2014, (Available at www.naija.com/310779-who-pays-to-boko-haram.html, accessed 6th June 2019).

⁶⁵⁹ Amy Pate, ‘Boko Haram: An Assessment of Strengths, Vulnerabilities, and Policy Options’ (College Park MD: National Consortium for the Study of Terrorism and Responses to Terrorism, 2015), Available at www.start.und.edu/pubsSTART_%20SMA-AFRICOM_Boko%20Haram%20%Drive_Jan2015.pdf,24

foreign governments. For instance, in February 2013, the entire family of a French national was kidnapped in Cameroon and the total sum of \$3.14m paid for their release.

Similarly, a wife of the Cameroonian deputy prime minister was also kidnapped⁶⁶⁰ huge sum of money was paid for her release. A former minister of petroleum was also captured in Nigeria⁶⁶¹ and an astonishing amount was paid to get him out from Boko Haram den. The group has succeeded in using the kidnapping method to generate money in enhancing their acts. The group's single kidnapping that created concern globally was the abduction of the Chibok Schoolgirls in 2014. This separate kidnapping brought Boko Haram into the spotlight and confirmed that their notoriety is not something that the international community should ignore. Although, discussed in the preceding chapter, the nature of the abduction, but was not explicit about the ransom paid on the girls. At the inception of the Buhari administration efforts were made to release the Chibok girls unconditionally, but the group resisted and demanded negotiation with the Nigerian authority.⁶⁶² Amongst the demand put forth was the release of arrested hardline commanders of the group in exchange for the schoolgirls, and a tremendous amount of money even though Nigerian authority refuted that no money was given to the group.⁶⁶³

In addition to kidnapping and other sources of funds, the group also adopted illicit trafficking of arms and ammunition. The evidence appeared after the arrest of the Chadian trafficker that worked in conjunction with the hardline commanders of the group, and cash in the region of \$15,000⁶⁶⁴ was found in his possession realized from the sale of weapons. In their quest to suppress Boko Haram acts, the Cameroonian security operatives discovered some travel documents in the terrorist camp, which

⁶⁶⁰ Jacob Zenn, 'Boko Haram: Recruitment, Financing, and Arms Trafficking in the Lake Chad Region,' www.ctc.usma.edu/posts/boko-haram-recruitment-financing-and-arms-trafficking-in-the-lake-chad-region. (accessed 9 June 2019).

⁶⁶¹ See Comolli, *Boko Haram* at 8.

⁶⁶² Mike Smith, *Boko Haram: Inside Nigeria's Unholy War* (Tauris & Co. Ltd, 2016) 179-185.

⁶⁶³ Tim Cooks and Isaac Abrak, 'Nigeria's Boko Haram Threaten to Sell Kidnapped Schoolgirls,' Reuters, May 5, 2014, available at www.reuters.com/article/us-nigeria-bokoharam-idUSBREA44BJ20140505 (accessed 1 July, 2019).

⁶⁶⁴ Zenn, *Boko Haram* at 8.

confirmed their ties with Libya and Qatar.⁶⁶⁵ The commanding general of U.S Special Operations Command Africa (SOCAF), General Bolduc⁶⁶⁶ believed that the loaded arms/ammunitions belonging to ISIS that departed Libya headed to the various Boko Haram territories in the Sahel region. However, two members of Boko Haram were intercepted by the security operatives carrying heavy arms and ammunition and cash of 8 million CFA franc along Burkina-Faso and Niger's border.⁶⁶⁷ Another agent of Boko Haram arrested, and during interrogation admitted that the group concluded its grand plan to use females as agents to certain traffic materials such as arms and ammunition and cash to various areas of operation.⁶⁶⁸ The idea of using females as agents viewed from the religious tenets, especially the vulnerable regions happens to be a Muslim-dominated territory, where women are not allowed to have contact with men that are not their spouses.

In furtherance to the trafficking of Boko Haram venture, there is no proof that the group engages in drug trafficking, though, U.S Drug Enforcement Agency and Inter-University Centre for Terrorism Studies in 2012 believes the group involved in trafficking cocaine and other hard drugs.⁶⁶⁹ The latter agency claimed that some leading drug cartels in Latin America fund the activities of the Boko Haram and other emerging violent organizations in Nigeria.⁶⁷⁰ Laurretta Napoleon, an expert in the field of terrorism financing, shared a similar view with the Inter-University Centre for Terrorism that because of the strict measures encapsulated in the Patriot Act 2001 by the United States, trafficking drugs from Latin-America to Europe remains difficult and hence, became necessary for the cartel to establish a link with the terrorist groups

⁶⁶⁵ Ibid.

⁶⁶⁶ Helene Cooper, 'Boko Haram and ISIS Are Collaborating More, U.S. Military Says', (The New York Times, 20 April 2016, <https://www.nytimes.com/2016/04/21/world/africa/boko-haram-and-isis-are-collaborating-more-us-military-says.html>, accessed 13 January 2021).

⁶⁶⁷ Financial Action Task Force, Terrorist Financing in West Africa (Paris: Financial Action Task Force, 2013), available at www.fatf-gafi.org/media/fatf/documents/reports/tf-in-west-africa.pdf, (accessed 1st July, 2019).

⁶⁶⁸ Comolli, Boko Haram, 83.

⁶⁶⁹ Committee on Financial Services, April 22, 2015, Task Force to Investigate Terrorism Financing Hearing Entitled A Survey of Global Terrorism and Terrorist Financing (memoranda) Washington, DC: House of Representatives, 2015) available at [www.http://financialservices.house.gov/](http://financialservices.house.gov/) (accessed 2nd July, 2019).

⁶⁷⁰ Kelly Mua Kingsly, Johnson-Rokosu, and Alabi Olanrewaju, 'Combating Boko Haram: The Case of Nigeria and Boko Haram' (2015) 7(11) International Journal of Current Research 22849-22861

around the globe.⁶⁷¹ During the United Nations Ministerial conference on the Influence of Drugs on Global Security and Sustainable Development, the former UN Secretary-General Ban Ki-moon contends that; Boko Haram's modus operandi suggests that they are involved in drug trafficking within the Sahel region.⁶⁷² From the above assertion, we can see that the comprehensive network Boko Haram established with other terrorist groups and drug cartels across the board suggest that any impish behavior accredited to them has substance.

There were series of speculations about the sources of their funds, mostly from private actors and the international community. Recall the visit of the U.S congressman to Nigeria in 2015 Darell Issa, who opines that there is the possibility that Boko Haram receives money to fund their evil acts from the hands of people that engage in crude oil theft in the south-south region of Nigeria.⁶⁷³ There is a possibility to believe this claim mainly because the authority's attention moved towards bringing peace in the northeast's troubled areas. The congressman's statement raised an alarm in which the Nigerian government constituted a committee to unravel the veracity of his claim.⁶⁷⁴ Similar thoughts emanated from Dr. Stephen Davis, who negotiated the release of the abducted Chibok Schoolgirls where he claimed that the group had agents within the Nigerian Central Bank helping them to traffic money to various countries of interest notably, Egypt where the group gets essential materials for its operation such as arms and military uniforms.⁶⁷⁵ However, the apex bank refuted the allegation. From the above standpoint, we could deduce that Boko Haram funded the group's activities substantially from the proceeds of ransom from kidnapping, bank robberies, extortion, and illicit trafficking, among others.

⁶⁷¹ Ibid.

⁶⁷² United Nations, 'Illicit Drug Trafficking Fuels Terrorism, Undermines Development Says Secretary-General in Message to Ministerial Conference,' Press Release, April 23 2015, available in www.un.org/press/en/2015/sgsm116694.doc.htm, accessed 3 July 2019.

⁶⁷³ Oscarline Onwuemenyi, 'U. S. Fears Boko Haram Funded with Stolen Crude Money' August 7, 2015, available at <http://sweetcrudereports.com/2015/08/07/us-fears-boko-haram-funded-with-stolen-crude-money/>. (accessed 6th July, 2019).

⁶⁷⁴ Ibid.

⁶⁷⁵ Obi, "Terrorism: Who pays Boko Haram?"

5.3.2 Suppressing Terrorism and Recruitment

Article 2 of the Security Council Resolution 1373 provides that the member states shall take swift measures to deny the terrorists the chance of unleashing further attacks on humanity. The Council's position is clear for States to restrict the terrorist organizations access to any form of services that may give them a chance to perpetrate their evil acts.⁶⁷⁶

The peculiar nature of the terrorist's recruitment and operationalization remains a source of concern to the UN Security Council. The Council, therefore, under its obligation of resolution 1373, passed another resolution 2214 targeting to halting terrorist recruitment.⁶⁷⁷ It can be seen from the Council's resolution how they criminalized terrorist recruitment in making it difficult for the terrorist organizations employing new members. The resolution also sets up an apparatus within the UN's umbrella to track foreign mercenaries' movement presumed to collaborate with the terrorist organizations.

5.3.3 Eliminating the Supply of Weapons and Ammunitions

Resolution 1373 provided that the Security Council shall use its power by ensuring that the activities of manufacturers of firearms are thoroughly regulated in order to deny terrorist access to firearms. The resolution further posits that all member states shall enact legislation against illegal possessions of arms and ammunition within their domains, and equally alludes that the Council shall henceforth appoint specific arms companies that would sell to members' States which require such.⁶⁷⁸ In furtherance to this, the United Nations proposed the formation of a particular unit that would be saddled with the assessment of weapons dealing. The Resolution further provides that states shall equally incorporate within the said laws, how individuals shall obtain license and authorization of possessing arms, as well as knowing the destinations of

⁶⁷⁶ See UNSC Resolution 1373 Article 2.

⁶⁷⁷ UNSC Resolution 2214

⁶⁷⁸ UNODC. United Nations Convention Against Transnational Organized Crime and the Protocols Thereto. (New York: United Nations, 2004)

designated arms. The Resolution mandates states to extremely superintend how weapons are imported and exported out of their domains. This resolute position taken by the Council once fully enforced by member states would condense weaponry access to the terrorist organizations, which would adversely affect their evil operations. However, once there are serious commitments by States and other branches of international organizations, such as regional organizations, to put in necessary measures against illegal trafficking, the tons of wars and the impact supervening across the world would have been averted or minimized.

5.3.4 Prevention and Deterrence of Terrorist Acts

The acts of terrorism have largely developed especially in the late 19th century to date, as such states applies different tactics and strategies in suppressing the acts. The adoption and use of carrot and stick measures against the terrorist have not been yielding any positive result. The paradigm shift from such trite method to swift and tough measures were seen after the devastating action of Al-Qaeda in September 11, 2001 when the latter organization attacked some buildings in New York, Pennsylvania and Virginia killing many people. The United State authority was compelled to adopt a proactive and often violent measures rather than reactive one. The effect of the former measures pushed the US army to embark on the horizontal confrontation between the Taliban organizations and its allies in the Middle East, resulting in the collapse of Saddam Hussein's three decades of authoritarianism. The Resolution tasked the Council to create an international intelligence agency to vigorously coordinate and disseminate information regarding the terrorist organizations' activities.

5.3.5 Special Criminal Protocols and Safeguards

Unlike the emphasis outlined by the Resolution 1373 to prevent terrorist activities, the latter resolution does not mandate states to create special investigative and prosecution procedures. Instead, it provided for use of exceptional investigative approaches which refers to methods employed by law enforcement in investigating the acts of terror. The

adoption of such measures was discouraged by the United Nations on the ground that it infringes some basic rights of individuals. The Resolution outlines foundations that seek to facilitate the creation of witness protection protocols. Report of the UNODC states, that witness protection helps in achieving substantial success in many of the criminal investigations and subsequent prosecutions of the culprits.⁶⁷⁹ For instance, in Nigeria such law has seriously helped in suppressing the acts of Boko Haram when their acts became difficult to contain in 2015. The local youths known as “Civilian JTF” have been providing intelligence to security operatives about the activities of Boko Haram.

5.3.6 International Legal Collaboration and Extradition

The Security Council 1373 article 3 directs member states to assiduously implement all its international legal instruments relating to fight against terrorism, such as conventions, protocols and treaties among others. These agreements could be in form of bilateral, multilateral, regional and sub-regional commitments. The central focal point of these agreements is international cooperation in the fight against terrorism.

Resolution 1373 proposed certain ingredients for providing shield to a terrorist within their jurisdictions. It proposes the application of universal jurisdiction against a terrorist that commits an act in certain country or be extradited to face persecution in a state where the crime was committed. In a similar vein, it criminalized activities that seek to proliferate terrorist acts against member states.⁶⁸⁰

5.3.7 Joint Legal Assistance

In the area of international Legal Cooperation between States, there should be a coordinated synergizing amongst the law enforcement agencies of member states, and this cooperation shall be avowedly pivotal. For instance, joint legal aid by member states would increasingly help in execution of searches and seizures by the assistance of

⁶⁷⁹ UNODC. Good Practices for the Protection of Witnesses in Criminal Proceedings Involving Organized Crime (United Nations, 2008) .

⁶⁸⁰ Technical Guide: To the Implementation of Security Council Resolution 1373. Technical Guide, Counter-terrorism Committee (2009).

fellow state, just like Multilateral Joint Task Force between neighbouring countries to Nigeria, fighting against Boko Haram, such as Chad, Niger, and Cameroon. This window would also help States to share certain information among them leading to obtaining convincing evidence against the suspect.

5.3.8 Information Sharing

Just like the emphasis in all articles, the latter article direct states to enhance their cooperation in information sharing regarding the activities of the terrorists, such as any movement embarked by the terrorists as well as their actions. Although, states are not compelled to consider such actions according to the resolution 1373, but it encourages them to do so.⁶⁸¹

As indicated above that the latter resolution has not obliged states to exchange intelligence, it is again urging members to intensify and accelerate the sharing of operational information. On that premise, most member states obliged and created a coordinating unit within their national security architectures known as “National Counterterrorism Committee”.⁶⁸² The article further promotes the establishment of internationally recognized body such as Interpol to help in the fight against terror and its related crimes.

5.3.9 Bilateral and Multilateral Agreement

Various sections of article 3 provided for a viable platform through which member states can sign a pact among themselves that would help suppress terrorism and other criminal activities. For instance, at the height of Boko Haram war in Nigeria, the latter entered into agreement with its neighbouring states in 2015. Such alliance has helped in suppressing the act of Boko Haram substantially.⁶⁸³

5.3.10 Measures in Seeking Asylum and Refugees

Resolution 1373 article 3 section F forces member states to ensure that they uphold their international human rights obligations because an asylum or refugee status

⁶⁸¹ See Resolution 1373, Article

⁶⁸² Ibid.

⁶⁸³ Foreign Affairs Committee. Global Security: UK-US Relations. (London Stationary Office Limited, 2010)

cannot be granted to individual seekers unless such obligations are fulfilled.⁶⁸⁴The exquisiteness of human rights law does not discriminate against the individual's right, whether a terrorist or not and because of this, some terrorists disguise themselves and claim asylum in other states. However, section G of the article asserts that human rights protection does not deter extraditions once satisfied that a person is a terrorist or affiliated to terrorist activities.

5.3.11 Other Relevant Provisions

Regarding article 4 of Resolution 1373, interference can occur when carefully viewed from the legal prescription of the article. The Resolution clearly explained that the relationship between international law and other crimes can be carried out at a larger scale in international context.⁶⁸⁵However, it looks as if the framers of the resolution are preoccupied with the nexus between international law and other crimes which supervene at the international level, for instance, money laundering, drug trafficking, illegal movement of chemical, illegal arms-trafficking and transnational organized crime, among others.

However, the subsequent articles of resolution 1373, such as article 5, provide that practices, methods, and acts of terrorism violate the basic principles and purpose of the United Nations' existence.⁶⁸⁶ It has been noted that individuals involved in evil acts of terror and its related offence have staunchly encroached into the affairs of the United Nations; such interference affects the smooth running of the United Nations. Article 6 is framed in line with rule 28, which provides laid down guidelines for creating the Security Council Committee.⁶⁸⁷The latter committee provides for requisite oversight during enactment of Resolution 1373. Similarly, although, in contrast to the preceding articles, article 7 instructs the Security Council to delegate functions to the Council members within the first one month of existence. The UN scribe offers legal counsel to

⁶⁸⁴ See UNSC Resolution 1373, Section F

⁶⁸⁵ Ibid.

⁶⁸⁶ Conte A, *Human Rights in the Prevention and Punishment of Terrorism: Commonwealth Approaches: The United Kingdom, Canada, Australia and New Zealand* (Springer 2010).

⁶⁸⁷ See Article 6 of UNSC Resolution 1373.

the delegation process. The commitment of the Security Council for declaring implementations of all aspect is found in article 8 of the Resolution. ⁶⁸⁸

The very fundamental question that ought to have been posed to the analysts is why the drafters of the Resolution 1373 preoccupied themselves with the link between terrorism and other related crimes such as the ones mentioned above? Experts may assert that success and execution ability of terrorist acts largely hinge on other crimes fashionable in the society which may be the resultant effect. As such, the treatment of other global crimes seems to have been projected to reduce the chances of terrorist acts.⁶⁸⁹ The revision of the core legal provisions of Resolution 1373 became necessary to be chiefly discussed. First and foremost, the critical ingredients inferred from the legal principles of the resolution 1373 is the question of thematic areas that has been laid as a result of the adoption of the resolution.⁶⁹⁰ A critical examination of such areas indicates that it is possible to differentiate the following thematic areas: I) active and effectual methods of international and national counter-terrorism ii) effective and efficient means of international cooperation among states in the field of counter-terrorism iii) effective and efficient ways of implementing the latter Resolution in practice and iv) effective and efficient means of enforcing and observing the implementation of SC Resolution 1373.⁶⁹¹ The key areas of the resolution rest on specific legal provisions. The first sets of laws surrounded those regulatory prescriptions that articulate required actions against financing of terrorism.⁶⁹² The second sets of laws embrace those legal statements that has to do with fight against terrorism and terrorism-related offences. The last sets of laws ordered a composite of

⁶⁸⁸ See Article 8 of UNSC Resolution 1373

⁶⁸⁹ Bianchi A, 'Assessing the Effectiveness of the UN Security Council's Anti-Terrorism Measures: The Question for Legitimacy and Cohesion' (2007) 17(5) *The European Journal of International Law* 881-919.

⁶⁹⁰ *Ibid* at 22.

⁶⁹¹ See UNSC Resolution 1373 (2001).

⁶⁹² N Okeke, 'The United Nations Security Council Resolution 1373: An Appraisal of Lawfare in the Fight Against Terrorism' (2014) 6 *Journal of Law and Conflict Resolution* 39-47.

standard counterterrorism measures that are called upon by the states to bring them to life.⁶⁹³

The best way of intensifying knowledge with regards to workings of all the United Nations Security Council Resolutions Notably, Resolution 1373 in dealing with the issue of counterterrorism is to tacitly view the causes and circumstances that led to the adoption of the resolution. However, one can allude to the fact that the unfortunate event of September 11 might be the aim for adoption of the latter resolution, but conversely the prevailing tension, social perplexity hovering around the globe could also be among the factors. It is essential to note that any resolution to be adopted by the Security Council usually go through process of negotiation which thereafter would pave the way for enactment.

To this end, it is important to scarcely infer little knowledge about the processes and steps engaged by actors that designed the Security Council Resolution 1373.⁶⁹⁴ It is worthy to note that all the Security Council Resolutions designed and adopted by the council have a standard laid down procedures for negotiation and drafting that is custom to the council. But, because of horrifying acts of September 11, the Security Council took a swift decision and expedited the adoption of resolution 1373. The dreadful nature of the September event pushed the Security Council to exemplify the laid down procedure of negotiation and drafting that is accustomed to the council.⁶⁹⁵

Viewing from this prism, it is important to acknowledge that all standing resolutions of the security council including resolution 1368, none imposed counter-terrorism obligations and responsibilities to member states. Additionally, hitherto the 9/11 event, all the preceding resolutions adopts a pattern that is, the forthcoming resolution would build on the previous one and affirmed its contents. But in the case of resolution 1373 which succeeds resolution 1368 is not so, despite the latter resolution

⁶⁹³ M Hinojosa, 'Critical Assessment of the Implementation of Security Council Resolution 1373'. <https://digibug.ugr.es/bitstream/handle/10481/31650/SC%20Res%201373%20Chapter.pdf?sequence=1&isAllowed=y>, accessed 13 January 2021.

⁶⁹⁴ UNSC Resolution 1373

⁶⁹⁵ T Stefan 'Security Council as World Legislature', https://www.academia.edu/1868393/The_Security_Council_as_World_Legislature, access 6 December 2019.

incorporating certain features such as the prevention and suppression of international terrorism, which the former equally possessed.

However, resolution 1373 unlike 1368 seems to be more progressive and coherent in its contents compared to the latter resolution that failed to direct states to enact a legal framework in their territories to deal with the scourge of terrorism. Also, the unambiguous nature of resolution 1373 and its broad contents regarding the definition of terrorism makes it different from the latter resolution that again failed to discuss the definition of terrorism.

5.4 THE OBLIGATORY NATURE OF THE SECURITY COUNCIL DECISION

This segment of the thesis had discussed in the preceding text, the process that led to the adoption of the Security Council Resolution 1373. Therefore, it is essential to briefly outline the legal consummation of the latter resolution in relation to its ultimate practice. International legal luminaries such as how Rosalyn Higgins query's the position of legal status of Security Council Resolutions and overall application of its decision on member states. Higgins contends that the concept of terrorism has no legal significance because it describes terrorists' actions, and therefore, it is inconsequential finding an acceptable meaning to the term. She also opines that the concept has not been regarded as a subfield of discipline under the mainstream international law. She however, asserts that it is the responsibility of states to explore any existing instrument under international law to address the crime of terrorism in their states. To effectuate the position of the international legal status of the resolution 1373, it is significant to scarcely analyze the obligatory legal status of the former as an international legal instrument. Many scholars of international legal jurisprudence took divergent views on the legality of the Resolution 1373. Scholars such as Rosand posits that contesting the legal status of latter's resolution is superfluous. He based his argument on a ground that resolution 1373 was primarily adopted in order to lay certain obligations for

member states of the UN to fervently fight all sorts of terror and its related crime at a global level.⁶⁹⁶

To this end, Resolution 1373 does not claim authority in executing certain counter-terrorist obligations. Instead, it lays new counter-terrorist requirements that was not in practice at the international level. Hitherto to the adoption of Resolution 1373, all international conventions relating to the fight against terrorism only emphasized member states that ratified them. In demonstrating the binding nature of the Resolution 1373 it is essentially necessary to re-examine the factors that revealed the mandatory status of the Resolution 1373 'chapter VII of the United Nations Charter'.⁶⁹⁷ The obvious fact remains that, the adoption of Resolution 1373 under Charter VII of the UN Security Council is worth mentioning mainly because it is not the only Charter that vehemently regulates the standing functions of the Security Council. However, United Nations Charter VI similarly empowers Security Council to investigate disputes that seems to threaten international peace and stability by ensuring its resolution within the scope of international law. While the former charter, has extended the powers of the Security Council by allowing it to apply maximum force if a state declined to take its international responsibility of cooperation in dealing with the acts of terrorism.⁶⁹⁸ It can be noted that the adoption of resolution 1373 under Charter VII and its underlying principles makes it obligatory and hence binding on the entire member states of the United Nations.

Additionally, the SC Resolution 1373 encompassed other significant elements that makes it distinct with other resolutions of the Security Council, such as the Counter-Terrorism Committee CTC. The general function of the CTC is to essentially superintend and ensuring the full implementation of the Security Council Resolution 1373. By virtue of CTC responsibility, the resolution is, however becoming mandatory upon all member states not only to be Security Council members that constitute the

⁶⁹⁶ E Rosand, 'Security Council Resolution 1373 and Counter-Terrorism Committee and from Law 1244 at University of Santos Tomas', <https://www.coursehero.com/files/p6eki0mo/E-Rosand-Security-Council>, accessed 4th November 2019.

⁶⁹⁷ UNSC Resolution 1373.

⁶⁹⁸ Ibid.

membership of the committee.⁶⁹⁹ Despite its distinct power, Resolution 1373 heavily relies on and obligates member states of the UN to refer their counter-terrorism legislation according to the guiding principles and norms of international law. The resolution derives its powers from principles and therefore, cannot contradict itself.

To better understand the obligatory nature of Resolution 1373, delving into the principles of international law is important, because one of the essential ingredients contained in the resolution is international cooperation and assistance in the fight against international terrorism. Many scholars believed that the encapsulated principles under international cooperation relating to criminal matters should be categorized into general principles and special principles.⁷⁰⁰ Some of the advocates of this assertion Vermeulen et al. posits that the general principles of cooperation contained in international law has nexus with the cooperation prescribed under Resolution 1373. This is because there has been some level of cooperation between states in the field of international criminal law.⁷⁰¹ This thesis has however, viewed the need to interpret the general principles of international cooperation dictated by Resolution 1373 because the latter Resolution demonstrates its international legal position by designating the trajectory nature of the future of policy options in the mainstream jurisprudence of international counterterrorism.

Drawing from the viewpoint of Vermeulen et al., the general principles of cooperation adopted under Resolution 1373 in fostering international cooperation should be discerned into the following spheres; I) The principle of increased cooperation for the purpose of complete implementation of the appropriate international treaties in the fight against terrorism; II) the principle of international cooperation for the purpose of taking extra measures to prevent and combat the occurrences of terrorist acts in the domain of the states; III) the principle of intense cooperation on judicial and administrative issues in order to prevent the commission of terrorist acts; VI) the principle of direct cooperation through the enactment of various form of treaties that

⁶⁹⁹ Ibid. at 32

⁷⁰⁰ G Vermeulen and W Debondt and C Ryckman, *Rethinking International cooperation in Criminal Matters in the EU: Moving Beyond Actors, Bringing Logic Back, Footed in Reality* (Maklu-Publishers, 2012) 105.

⁷⁰¹ Ibid.

would be directed at the prevention and suppression of terrorist acts, vis a vis taking grave actions against the perpetrators of terrorist act; V) the principle of increased cooperation augmented cooperation and complete implementation of the pertinent international protocols and conventions relating to terrorism and the UNSC Resolutions 1269 and 1368.⁷⁰²

It should be noted that the enshrined general principles of international cooperation are good steps in a right direction. However, it is appropriate to incorporate the general principles of cooperation outlined by Vermeulen et al. which member states seems to utilize in the area of cooperation. These principles are; a) horizontalization and decentral communication in conjunction with decentral decision making; b) double criminality; c) increased stringency in cooperation, which involved consultations and discussions relating subsisting issues, consent, grounds, for refusal, capacity, deadlines among others; measures for corrections including trust-building measures, flanking measures, minimum standards and practical application of “lexmitior” principle.⁷⁰³ As stated previously the valence and unambiguity of the four principles outlined by Vermeulen are relevant in the area of cooperation especially when dealing with the issue of international insecurity.

5.5 IMPLEMENTATION OF SECURITY COUNCIL RESOLUTION IN NIGERIA

In Nigeria, all international treaties and resolutions have no effect in domestic law in the absence of legislation transforming or incorporating them into rules of the domestic legal order apart from human rights treaties.⁷⁰⁴ However, in the case of UN Security Council resolution, 1373 is contrary, mainly because of the development that necessitated the adoption of the resolution. The resolution is binding on all member

⁷⁰² UNSC Resolution 1373.

⁷⁰³ Ibid. at 36.

⁷⁰⁴ Christian N Okeke, ‘International Law in the Nigerian Legal System’ (1997) 27(2) California Western International Law Journal 311-356

states of the UN. Similarly, unlike the latter, AU Resolution 88 on the fight against terrorism and protection of human rights has no effect in the Nigerian domestic law, until it is affirmed by the National Assembly. In respect to that, an international organizations department was established in the ministry of foreign affairs to specifically coordinate Nigeria's engagement with the United Nations and other international organizations. The department is divided into three, but the one responsible in dealing with the UN resolutions is "First United Nations Division." This division work in collaboration with other governmental agencies and committees and relate the activities of the first, fourth and sixth committees of UNGA and the Security Council Resolutions to the Office of the National Security Adviser to the President and the attorney general of the federation for full implementation. The division is also tasked with the responsibility of ensuring that Nigeria abides by the mandate of the resolution 1373 such as cooperation between states as well as Counter-Terrorism Committee.⁷⁰⁵

However, as observed that finding a consensual definition of the concept by the international community and academic is not necessary on the one hand, but on the other, it is important because of the flagrant abuse by the security forces while countering the crime of terrorism. Once the concept is clearly and acceptably defined, then the security forces will strictly confine themselves to the rules of engagement. On the other end, instead both the former and latter should devise a working mechanism that would systematically prevent the occurrence or respond to terrorist acts across the globe. This suggestion may look impossible to achieve because of the inequality that deepens the marginalization of other member states of the UN. Recall the then UN Secretary-General Annan created a powerful committee within the ambit of the UN, High-Level Panel on Threats, Challenges and Change (High-Level Panel)⁷⁰⁶, in response to growing dispute between states. The committee proposed "a new vision of collective security of the 21st century", the contents of the report was so plausible as it

⁷⁰⁵Office of the National Security Adviser to the President of Nigeria (National Center for counter-Terrorism), available at <http://pnigeris.com/2016/08/23/onsa-reviews-national-counter-terrorism-strategy-nactest/> (accessed 29th August, 2018)

⁷⁰⁶ See Kofi Annan, Foreword to Secretary-General's High-Level Panel on Threats, Challenges and Change, *A More Secure World: Shared Responsibility* (2004) [Hereinafter *A More Secure World*], AVAILABLE ON <http://www.un.org/seureworld/report2.pdf>. (Accessed on 11th June 2018).

recommended for strengthening of the United Nations to be able to address future threats of any sort;⁷⁰⁷ they also include a proposed definition of terrorism as well as international strategy for countering terrorism⁷⁰⁸. Certain elements encapsulated in the report noteworthy of mentioning that was recommended to the UN are; reverse the causes or facilitators of terrorism, promoting social and political rights, the rule of law and democratic reform, address major political grievances, reduce poverty and unemployment, and stop state collapse; counter-terrorism and intolerance through education and fostering public debate. It further enshrined better instruments for global counter-terrorism cooperation within a legal framework that is respectful of civil liberties and human rights, which is key to this area amongst the recommendations.⁷⁰⁹

In a related development Kofi Annan asserts that; “Terrorist acts constitute a grave violation of human rights. Our response to terrorism as well as effort to thwart it and prevent it should uphold the human rights that terrorists aim to destroy. Human rights, fundamental freedom, and the rule of law are essential tools in the effort to combat terrorism-not privileges to be sacrificed at a time of tension⁷¹⁰.”In a similar vein, the former UN Human Rights Commissioner Arbour contends that “A commitment to uphold respect of human rights and the rule of law will be one key of success in

⁷⁰⁷ Secretary-General’s High-Level Panel on Threats, Challenges and Change, *A More Secure World: Our Shared Responsibility*, Executive Summary 1 (2004) hereinafter executive summary], <http://www.un.org/secureworld/bronchure.pdf>; Horst Rustch, *A More Secured World: Our Shared Responsibility*, High Level Panel Represent *New Vision of Collective Security*, U.N. CHRON. <http://www.un.org/Pubs/chronicle/2004/issue4/0404p77.html> (Accessed 15th June 2018). The threats identified by the report were broken down into six “clusters” as follows: “war between States; violence within States including civil wars, large scale human rights abuses and genocide; poverty, infectious disease and environmental degradation; nuclear; radiological and chemical weapon; terrorism and transnational crimes.”

⁷⁰⁸ Ibid

[A]ny action, in addition to actions already specified by the existing conventions on the aspect of terrorism, the Geneva conventions and the United Nations Security Council Resolution 1566 (2004), that is intended to cause death or serious bodily harm to civilians and non-combatants, when the purpose of such acts, by its nature or context, is to intimidate a population, or to compel a Government or an International Organization to do or to abstain from doing any act.

⁷⁰⁹ Kielsingard Mark, ‘A Human Rights Approach to Counter-Terrorism’ (2006) 36(2) *California Western International Law Journal* 249-302.

⁷¹⁰ See the Secretary General, *Protection of Human Rights and Fundamental Freedoms While Countering Terrorism* ¶ 1, delivered to the General Assembly, U.N. Doc. A/58/266 (August 8 2003) {Herein *Protection of Human Rights and Fundamental Freedoms While Countering Terrorism*} [referring to G. ARes.57/219 ¶ 1, U.N. Doc. A/RES/57/219 {Dec. 18, 2002} accessed 9th June 2018.

countering terrorism, and it should not be an impediment blocking our ways.⁷¹¹”The views of the two former UN czars indicates that human rights should be used affirmatively when countering acts of terrorism to avoid having double jeopardy from both sides. Thus, this is where the issue of the definitional concept of terrorism should be avowedly important to determine what role international human rights law plays.

5.6 COUNTERTERRORISM STRATEGY OF THE NIGERIAN GOVERNMENT

A new approach for Nigeria’s counterterrorism was launched on March 23, 2014,⁷¹² by the Office of the National Security Adviser to the President, who coordinates and supervises the government’s law enforcement agencies. Presaged responsibilities of all government institutions, non-governmental organizations were clearly defined in the manuscript on how to wage war against terrorism and its elements in Nigeria. The comprehensive strategy titled “Nigeria’s National Counter-Terrorism Strategy” was developed by the NSA’s office, security experts, civil organizations, international partners as well as academics, among others.⁷¹³ The ONSA has no constitutional executive functions but instead plays an advisory role. Commentators and observers queried the arrangement and concluded that such moves hinder the successful fight against Boko Haram because ONSA seeks approval from higher authority before transmitting such approval to the hierarchy of security operatives in the field⁷¹⁴ which according to security experts hinders smooth running of Nigeria’s security architecture. The experts involved in framing the legal strategy used other states terrorism experience as a unit of analysis to come up with the manuscript; and also considers the peculiarity nature of the roots cause of Boko Haram and other social vices confronting Nigeria. This approach includes the establishment of a Counterterrorism Centre under

⁷¹¹ Louise Arbour, High Commissioner for Refugees, Security Under the Rule of Law, Keynote Address Before the Biennial Conference for the International Jurists (Aug. 27, 2004), available at <http://www.hchr.org.co/publico/comunicados/2004/cp0431.pdf>., accessed 7th June 2018.

⁷¹² Nigeria Unveil Soft Approach to Counter Terrorism, available <https://www.pmnewsnigeria.com/2014/03/18/nigeria-unveils-soft-approach-to-counter-terrorism/> (Accessed 5th April 2019).

⁷¹³ Ibid.

⁷¹⁴ Eugene Eji ‘Rethinking Nigeria’s Counter-Terrorism Strategy’ (2016) 18(3) The International Journal of Intelligence, Security, and Public Affairs 198-220

the strict supervision of the NSA and to some extent, the Attorney General of the Federation. The Counter-Terrorism Committee has two units, the Joint Terrorism Analysis Branch (JMAB) and the Behavioral Analysis and Strategic Communication division (BASCU), CTC as a general department, designed a vigorous and all-inclusive National Counterterrorism Strategy NACTEST, which in tandem partner with an international security expert. Some of the clauses captured in the approach indicate that any terrorist apprehended by the authority will undergo thorough rehabilitation before integrated back to society.⁷¹⁵ It further contains, among others, the need to provide gainful employment to the integrated members, provision of the infrastructural development to the entire region.

As indicated by the then NSA, that the establishment of the Behavioural Analysis and Strategic Communication division, is to develop a harmonious and comprehensive programme with the view of ensuring speedy implementation of National Counterterrorism Strategy. The first assignment of the division was embarking on a study trip to countries such as Saudi Arabia, Indonesia, Algeria, and Australia to vigorously examine how these states effectively developed counterterrorism strategies and suppressing domestic terrorism to a certain degree.⁷¹⁶ Although, study indicated acts of terror can hardly be stamped out instantly. The division later met again with the officials of these countries in Nigeria and Australia where the United Kingdom, Europeans Union officials, and civil organizations joined in the talks.⁷¹⁷ Similarly, the Economic intelligence unit whose responsibility is to see the effectiveness and quantum economic interpolation of the programme proposed the identification of the need for an economic initiative in the region. Economic Intelligence also studied and examined how states that have a high prevalence of terrorism able to create employment, reduce the level of poverty as well as developed their basic infrastructure to a certain degree.

⁷¹⁵ Ibid at 15.

⁷¹⁶ N Ibeh, 'Boko Haram: Nigerian Military Moves Command Centre to Maiduguri', <https://www.premiumtimesng.com/news/headlines/184543-boko-haram-nigerian-military-moves-command-center-to-maiduguri.html> (Accessed 13th April 2019).

⁷¹⁷ Ibid.

5.6.1 The Nigerian Military and Counterterrorism

Like all the counterterrorism measures, the goal is to halt or suppress all acts of terror in the land; addressing the structural, geographical, and operational susceptibilities of the terrorists remains critical to all governments. In this regard, we have seen how the Nigerian government, civil society organizations, and international organizations partner with Nigeria to adopt a global best practice in confronting Boko Haram menace and other insecurity 'soft approach'⁷¹⁸. This widely employed approach by many states facing security problems is perceived as a development strategy,⁷¹⁹ not a traditional military approach; hence, this thesis adopts the approach. The coercive military approach in dealing with extremism is not only central to the Nigerian government but synonymous in almost all states.

There is a notion that a military approach in suppressing Boko Haram acts is responsible for the group becoming violent in their struggle.⁷²⁰ Hoffman opined that the limitations and disadvantages of engaging the military in the fight against terrorism are however numerous.⁷²¹ The impact of military incursion on innocent civilians is so disconcerting primarily when they aimed to strike terrorist's operations. Apart from the victims of the violence, loss of infrastructure, and hardship people experience will prefer to remain under the siege of the terrorists. For instance, at the height of Boko Haram insurgency, victims encountered serious adversity that resulted in venting their resentment on the military and began to sympathize and support the terrorists.⁷²² In my interaction with some victims of the carnage in Yola, Adamawa State, they opined that the level of hardship and suffering they are going through is better for the carnage to continue since it cannot prevent them from seeking the means of livelihood. They further claimed that some countries such as Afghanistan, Yemen, Libya, Sudan, and

⁷¹⁸ Ibid at 12

⁷¹⁹ H. Solomon, Counterterrorism in Nigeria: Responding to Boko Haram. *The RUSI Journal*, 157 (4), 6-11

⁷²⁰ Ibid.

⁷²¹ Hoffman, B., (Eds.) "Defining Terrorism. Terrorism and Counterterrorism: Understanding the new Security Environment" Guilford-Connecticut: McGraw Hill Company (1998).

⁷²² Felbab-Brown, V. "Nigeria's Troubling Counterinsurgency Strategy Against Boko Haram: How the Military and Militias Are Fuelling Insecurity", *Foreign Affairs*, 30 March (2018), available at <https://www.foreignaffairs.com/articles/nigeria/2018-03-30/nigerias-troublingcounterinsurgency-strategy-against-boko-haram> (Accessed 22nd April 2019)

Pakistan have been experiencing unending acts of terror within their domains but still living in relative peace and advancing their businesses. These sets of people believe in a theological provision that says, “no soul shall depart this world except as described and ordained by God.”

However, the coercive counter-terrorism approach in dealing with Boko Haram cannot stop the scourge of extremism; for instance, in¹ August 2019 there has been an open battle between the security forces and the group in remote areas of Borno state where eight soldiers have been killed⁷²³ . However, success was recorded in the last four years especially in reducing their advances. One of the great successes of the aggressive approach in suppressing Boko Haram violence is re-claiming the niche under their control and ensuring the protection of the people in the affected community.

In considering the previous, it is essential to interrogate the difference between insurgency and counterterrorism. Theoretically, the former is a problem that the latter seeks to manage. Since the time of Jacobin in the nineteenth century, insurgency becomes an old fashion because terrorists employed as a tactic in their struggle. In Nigeria, the nature of insecurity hovering around for a very long time makes it necessary to adopt a coercive method to counterinsurgency and counterterrorism, given the fact that the insurgents apply guerilla strategies in their modus operandi. The use of Improvised Explosives Devices (IED), raids, ambushes, assassinations, and sabotage were the main strategies employed in their acts.⁷²⁴ Also, the insurgents voraciously capitalized on the furtiveness, suppleness, deception to weaken ill-equipped or paralyze government security forces. The insurgents try to manage the pulse and strength of their activities to sustain their struggle indeterminately.⁷²⁵ With such tactics, it forces the government to commit substantial amount of funds in suppressing their acts and elongating the fight making it necessary for the authority to seek negotiations with them. Although, the historical antecedence of insurgents in

⁷²³ Boko Haram members yesterday ambushed a military convoy along the Maiduguri/Monguno highway, and reportedly killed at least eight soldiers and took away arms. Available on line at www.dailytrustnewspaper.com.ng (Accessed 31st August 2019)

⁷²⁴ Hoffman, at 21

⁷²⁵ Ibid.

Nigeria has shown context-driven which applies four tactics or variations to challenge the government security forces.⁷²⁶

However, the role military plays in suppressing or countering terrorism in Nigeria represents an irregular kind of warfare that entails aggressive approach beyond the established rules of armed conflict to attain its desired goals. The military institution was compelled to adopt such an approach, viewing the fact that the insurgents' acts defy all established norms of armed conflict.⁷²⁷ It is, therefore, essential for the military to apply all conventional approaches in dealing with warfare, including the use of brute force. The insurgency in Nigeria reflects a multifaceted interaction between actions, structures, and belief. As Hoffman puts, that these dimensions ought to suggest the needed framework for examining and understanding insurgencies and fashioning effective counterstrategies.⁷²⁸

Furthermore, the complex and unique interface between the three aspects listed above determines the way the insurgents operate and can determine the outcome of the actions.⁷²⁹ Accordingly, to thoroughly comprehend the nature of insurgency requires three-dimensional stance. Actions consist of those events, behaviors, and acts that describe and form the graphic tapestry of insurgencies. Organizations are the conditions that frame insurgencies. Some of the terms include among others; pervasive corruption on the part of the government, harassment, and deprivation, while beliefs encompass those attitudes, views, chauvinisms, ideologies, worldviews, values, social and individual identities that fuel insurgencies.⁷³⁰

The absurd nature of the Nigerian system prevents the successful, harmonious action of the listed principles of counterterrorism. For instance, achieving economic development cannot be possible without peace and stability. Another economic factor that would make insurgent vibrant and effervescent to confront the government with

⁷²⁶ Musa, N. 'Maiduguri: Life on Edge in a city under siege', *The Guardian*, (July 2, 2012), p.54-55

⁷²⁷ Hammagan, A.M. 'Military Operation not Solution to Boko Haram', *Daily Trust*, (November 21, 2012), p.8

⁷²⁸ *Ibid* at p. 19

⁷²⁹ *Ibid*.

⁷³⁰ Terdman (2007)

their struggle is lack of economic development whereby they would use, such as loophole to recruit vulnerable youths into their brawl.

5.6.2 Presidential Committees on Terrorism

Traditionally, the Nigerian government is known in constituting committees to do fact-finding in any matter of significant magnitudes such as conflicts and other upheavals. When the government realized that military approach alone cannot solve or suppress Boko Haram conflict it resorted to a soft method by constituting a presidential committee to unravel the root causes of their struggle, as well as adopt another means to address the conflict. Previously, the government perceived the conflict as a political struggle between aggrieved politicians in the aftermath of the 2011 general elections, but the situation proves otherwise.⁷³¹ The presidential committee was regarded as one of the unconventional approaches for countering Boko Haram conflict.⁷³² The ingredients contained in the committee's findings and recommendations lies mostly on political and development strategy. Substantial parts of the proposal are captured in the NACTEST document. The committee emphasizes much on the economic empowerment of the restive youths who were viciously used by politicians in the electioneering time as thugs. This factor was considered as the cornerstone that led to the emergence of Boko Haram taking arms against the state.⁷³³ The committee, among other things recommended the thorough investigation into the arbitrary abuse of human rights perpetrated by the security operatives, especially the extra-judicial killing of the founder of the group Mohammed Yusuf, engaging in dialogue with the critical interested party and compensate the victims of the carnage.⁷³⁴

⁷³¹ IT Sampson, 'The Dilemmas of Counter-Boko Haramism: Debating State Response to Boko Haram Terrorism in Northern Nigeria' (2013) *Security Journal* 1-25.

⁷³² The Global Intelligence Files- Nigeria/CT- Boko Haram: Presi...., available at https://wikileaks.org>docs>2322772_nigeria-ct-boko-haram-pr.27 September 2011-While Presenting the Committee's Final Report, Gamtimari Indicted Governmnets at all Levels, Attributing Boko Haram's Violent Campaign to (Accessed 7th June 2019).

⁷³³ Ibid.

⁷³⁴ Ibid.

Conscientiously, as usual with the Nigerian system, the voluminous document was put in trash discarding all the viable security solutions to deal with Boko Haram and its elements. The insensitive behavior of the then government in power was alluded to the high level of corruption and political will to take decisive action in implementing the recommendations.

Similarly, the second committee charged with the same responsibility expressed their resentment on the failure of the government to enforce the recommendations of the first committee.⁷³⁵ 'Galtimari Committee'⁷³⁶ as fondly called, raised same concern regarding the lack of implementations of the previous committees' work where it described the behavior of government as 'potential conflict of trust between the government and the people saddled with such responsibility.'⁷³⁷ The failure of the government to succinctly act on such reports, it is not far from the outcome of the 2011 general election which was characterized by severe riggings and manipulations that questioned the integrity of the "so-called winners." But what needs to be known here, is what does the outcome of the election has to do with the implementations of the various committee's work? This alludes to the fact that the leadership could not govern genuinely. People expressed a different opinion on this matter. Other based their sentiment that it was a deliberate effort by some key actors involved in fighting the scourge to prolong the crisis to benefit financially.⁷³⁸ But critically, no any government would deliberately sabotage its laid down measures in countering violent extremism such as Boko Haram for financial benefit.

⁷³⁵ Ibid.

⁷³⁶ Ibid.

⁷³⁷ Ibid.

⁷³⁸ H Allamin, 'Boko Haram: How Politicians, Security Agents others turned Insurgency into Business Intelligence, Comprehensive approach, Analysis and Security Capabilities: Mali-Sahel Region. Available at <https://httpsahel-elte.com>2019/08/25>boko-haram-politicians-sec>, accessed 25 August 2019-Boko Haram: How politicians, security agents,others turned insurgency into all have turned Boko Haram into a money making venture (Accessed 7th June 2019).

5.6.3 Soft Approach to Counterterrorism

The term soft approach⁷³⁹ is often used in the lexicon of counterterrorism when suppressing the act of terrorism and other insecurity. The soft method, according to the Nigerian former National Security Adviser, the new counterterrorism strategy in responding to Boko Haram acts would be moored with the active public diplomacy where all stakeholders, especially the media, would participate in the exercise.⁷⁴⁰ The approach, according to him, would staunchly defeat the ideology of revulsion and building consensus against extremism through communication. He succinctly opined that the communication programme strategy focused on promoting national cohesion and indivisibility of the country as a state of political independence, where cardinal rights for worship, public safety and good governance and non-tolerance of extremism would not be condoned.⁷⁴¹ According to him, the NSA's office in conjunction with higher learning institutions resolved to build capacity for Muslim students union to serve as custodians of knowledge and intensify efforts in the fight against terrorism.

Strategic communication goals in confronting violent extremism can only be active when citizens realize the importance of national cohesion, which consistently succeeds in the fight against violent extremism. The new approach for counterterrorism captured the following themes of strategic communication; terrorism is un-Islamic, Counterterrorism is not against Muslim, Encourage and empower Muslims to speak out against terrorism, the notion that counterterrorism is against non-Muslim, Encourage Muslim-Christian coexistence, Mass literacy and Counterterrorism is apolitical.⁷⁴²

Following the assent of the Terrorism Prevention Act 2011 by the President and later amended in 2013, the Nigerian government realizes the delay in enacting the counterterrorism law has severely affected its fight against extremism. Given the fact that some states have set up mechanisms reforming their counterterrorism laws and

⁷³⁹ Office of the National Security Adviser, National Counter Terrorism Strategy (NACTEST), 2016 (pdf). Available at <https://www.reuters.com/article/us-nigeria-security-/suspected-boko-haram-suicide-bombers-kill-12injure-48-idUSKBN1F627C> (Accessed 8th June 2019).

⁷⁴⁰ Ibid.

⁷⁴¹ Ibid.

⁷⁴² Ibid.

processes. For instance, countries like the U. S have adopted a holistic approach in improving their counterterrorism laws after the event of September 11.⁷⁴³ The TPA section 1 (a) mandates the Office of the National Security Adviser to coordinate all matters relating to internal insecurity of the country, which includes terrorism and violent extremism. The section further posits that the office should formulate and ensure the full implementation of congruous counterterrorism strategy. Also, to build capacity for the operational functions of appropriate security, intelligence, law enforcement, and military services under the act and do such other acts or things that are necessary for the adequate performance of the function of the relevant security enforcement agencies under the act.

However, the then NSA, contends that following the provision of the act, the Counterterrorism Centre whose primary responsibility is to supervise the various units, such as the Joint Terrorism Analysis Branch (JTAB) and the Behavioural Analysis and Strategic Communication was established. He asserts further that the creation of these units has positioned NSA's office better as a coordinating institution-given the fact that it has created a considerable success in intelligence sharing amongst the security agencies.⁷⁴⁴ The cooperation and understanding among the security organizations prevented the series of attacks and have been able to locate the sanctuaries of the terrorists.⁷⁴⁵ Despite the delay in adopting the soft approach for counterterrorism, the government has viewed and acknowledged the fact that poverty could be one of the root causes of Boko Haram crisis hence, the strategy tends to address the issue of poverty, inequality, and unemployment among others. Aside from these factors, Nigerians and the international community questioned the political will of the policymakers and charged them for the need to commit themselves in developing human security and active development in the country. The reality is that fighting terrorism does not lie only in the hands of the state actors, but rather including the non-state actors. It is therefore essential that a congruous effort employed by the Sahel states in fighting Boko Haram be sustained, as the group has collaborated with other

⁷⁴³ U.S. Department of State, 'Country Reports on Terrorism 2016 (pdf). Available at <https://www.State.gov/documents/organization/272488.pdf> (Accessed 12th 2019)

⁷⁴⁴ Ibid.

⁷⁴⁵ Ibid.

rejectionist organizations in the region such as Al-Qaeda in the Islamic Maghreb. However, under the soft approach, five streams work independent of each other.

This approach regarded as soft because of its distinctive features that resulted in the development of Countering Violent Extremism⁷⁴⁶ programme encompassing the three tiers of government that is the federal, state, and local government. It also categorized as horizontal, mainly because it involved non-governmental organizations, academics, religious and community leaders, and traditional institutions.⁷⁴⁷ This approach comprises of federal establishments such as ministries, departments and agencies and non-governmental bodies. Under this approach, the programme is specifically designed to maintain the existing arrangement of both the government and nongovernmental institutions to further the overall targets of curtailing the tide of radicalization.⁷⁴⁸ The first stream under this approach is De-radicalization. DE-radicalization programme is designed to benefit terrorists who have been convicted and those awaiting trial. Besides, they would undergo rehabilitation and integration, and it similarly allows the released culprits opportunity to benefit from the scheme. The programme is under the strict watch of the Federal Ministry of Interior in conjunction with the Correctional Service which runs the programme in their facility. Engaging with some scheme requires large capacity building on the part of Correctional Service personnel, particularly in the areas of psychology, therapy, vocational training, sports as well as religious belief.⁷⁴⁹ The initiative is designed to change the psyche of the culprits towards entrepreneurial value, ideology, and their theological belief. While the programme is ongoing, the immediate family members of the beneficiaries, traditional and community leaders, and members of the civil society groups can access and participate in the training scheme. This strategy was employed to hasten the reintegration of the culprits back to society. In ensuring that the Correctional Service

⁷⁴⁶ Office of the National Security Adviser, 2017. Policy Framework and National Action Plan for Preventing and Countering Violent Extremism (PCVE). Available online at <https://ctc.gov.ng/pcve-nsa-book/> (Accessed 24th June 2019)

⁷⁴⁷ Ibid.

⁷⁴⁸ Ibid.

⁷⁴⁹ Ibid.

facility has the necessary structure of running the programme, international development partners have consistently provided such.⁷⁵⁰

Similarly, the second stream of the initiative captured as a societal approach to counterterrorism thinking. The third is capacity building through strategy and blame for the military and law enforcement. While the fourth is founded on the understanding of the economic factors leading to the emergence of terrorism and how to offer a viable and plausible solution in tackling terrorism based on the international and regional legal instrument.⁷⁵¹ The governors of the affected states where the acts of terrorism are in high prevalence are charged to come up with concrete economic revitalization programme to support the rehabilitation scheme.⁷⁵² The federal government, on its part, has assured that it will build a resilience violent extremism through families, traditional-community, and faith-based organizations. Also, the government vowed to make an inter-party collaboration for counterterrorism as mandated by both UNSC and AU in fighting terrorism- this will develop a monitoring and evaluation framework that would track implementation of each stream of the CVE programme. The administrative structure within which much of the counterterrorism strategies have been implemented, especially with specific reference to Boko Haram includes:

- Troops have been reinforced
- The international joint task force has taken over the provision of internal security (declaration of the state of emergency)
- A curfew has been imposed
- GSM services have been banned and restored
- Civilian JTFs have been established
- Roadblocks have been set up

⁷⁵⁰ Ibid.

⁷⁵¹ Ibid.

⁷⁵² Ibid.

- Invest heavily in security equipment, bomb detector units, communications and transport; and the Chinese CCTV system.

When critically surveyed the above measures, indicates that the counterterrorism strategies meet international and regional legal norms of fighting terrorism. Also, the government has adopted and implemented the recommendations of the US General Accounting Office (GAO) includes the following:

- Prevent terrorist attacks
- Disrupt and destroy terrorist organizations
- Respond to terrorist incidents and
- Co-ordinate efforts to combat terrorism.

Ensuring peace and stability remains a cardinal responsibility of every government, especially when is confronted with horrendous acts such as that of Boko Haram. Despite the appeal by some concern citizens for the group to embrace dialogue at the early stage, the government, on its part was also hesitant to sit with them, and that has vigorously broadened the crisis. Some may ponder that dialoguing with a rejectionist group like Boko Haram is a sign of weakness from the part of the authority, but on the contrary, is a commitment and sign of responsibility by any serious government.⁷⁵³ The coercive counterterrorism strategy adopted by the Nigerian authority that is, the aggressive approach seems not to have addressed the mayhem. As Zagga contend; “that, is there a military solution in dealing with someone willing to give his life for a course?”⁷⁵⁴ Boko Haram members and their adherent have in different fora pledged to die for their notorious struggle. They believe that if they die while fighting for ‘jihad, ’they die a martyr. So much belief military approach cannot kill it, but rather a political solution.

The former president of the Nigerian Senate, David Mark has this to say about the ongoing carnage: *“There is no responsible government that would sit and watches its innocent*

⁷⁵³ S Akhaine, E Nzeh, and A Musa, ‘Why we can’t negotiate with Boko Haram: by Government, Northern CAN opposes talks with sect’, The Gurdian (August 3, 2011): p. 1-2.

⁷⁵⁴ Zagga M. ‘Azazi’s Bombshell and other Issue’, The Gurdian (5, 2012): p.3.

citizens being killed in mass, especially in schools, places of worship and markets. This massacre must stop. As people of concise, we must embrace one another and listen to each other's grievances. I believe that the government has taken a giant step to dialogue with Boko Haram, their representatives, sponsor, or sympathizers."⁷⁵⁵

Similarly, on the counterterrorism approach, Borno state government has on its part proposed to adopt a holistic approach in dealing with Boko Haram and any similar rejectionist group in the future. As projected, the method will encompass the socio-economic measures with a long-term plan, among other policies. The then governor of the state, Shettima ⁷⁵⁶ stated that the government would compensate the victims of the crisis, building infrastructures, providing jobs to the vulnerable youths, improving health care facilities, excellent and resounding education, and revamping of Lake Chad Basin to boost agriculture. In Nigeria, making promises by political actors is one thing, and fulfilling such is another, if all government at all levels provided such amenities to the teeming populace, the level of insecurity in Nigeria would have been minimal in all ramifications.

5.3.4 Intelligence Sharing and Border Security

As provided in the United Nations Security Council resolution 1373, states should share intelligence and ensure border security; the practice in Nigeria is different from other states where the military holds a central role in collecting and gathering data for counterterrorism purposes. This trend affects the proclivity of synergy between the military and other security agencies, hence questioning the government's capacity in knowing the veracity of the collective intelligence and how the offenders would be punished. Generally, all the security agencies rely heavily on the Civilian JTF for information because of their understanding of the terrain and language and can easily identify any rejectionist group member.⁷⁵⁷ On the other hand, it is pertinent to know

⁷⁵⁵ Musa N. 'Maiduguri: Life on Edge in a City under Siege', The Gurdian, (July 2, 2011), p. 54-55, National Bureau of Statistics (NBS) Repoer 2012

⁷⁵⁶ Shettima, 'Putting an End of Boko Haram Obsured', Daily Trust, vol.36, no. 16 (April 14, 2011): p. 51

⁷⁵⁷ FelbaBrown, V. 'Nigeria's Troubling Counterinsecurity Strategy against Boko Haram: How the Military and Militias Are Fuelling Insecurity', Foreign Affairs, (30th March, 2018). Available at <https://www.foreignaffairs.com/articles/nigeria/2018-03-30/nigerias-troublingcounterinsurgent-strategy-against-boko-haram> (Accessed 21st June, 2019)

that some of the information obtained from the CJTF is unreliable and unsubstantiated but often used by the security operatives in their operations. Some commentators such as Felbab-Brown contends that 'CJTF claims are most dominant, if not the sole basis of raids and arrest, and yet such information is entirely erratic, unverified, and random, motivated purely by a desire for further financial payments or as a means of revenge for alleged grievances against local rivals.'⁷⁵⁸ It is not wrong to say that the emergence and subsequent incorporation of the CJTF into a military campaign against Boko Haram became necessary, primarily to protect the overwhelming civilian population from Boko Haram one hand. While on the other hand, to prevent military arbitrary human rights abuses for their alleged role in sheltering the group members. The CJTF has mostly filled the vacuum created by the absence of the traditional leaders who are supposed to be playing the role of providing security and governance to civilians. In maintaining peace and stability in society, collective responsibility of all and sundry is paramount, many times people advocate for human rights but tends to ignore social responsibility. But social responsibility does not entail taking arms like that of CJTF. The fear and apprehension are that once CJTF continues taking arms, there is the possibility of building another violent extremism in Nigeria. Progressively, apart from the traditional military approach in fighting extremism, there is a viable alternative to succinctly counterterrorism.

Migration remains one of the challenges confronting Nigeria to deal with the issue of Boko Haram decisively, and this primarily due to its size, corruption, and bad leadership. Nigeria is ranked 3rd after Syria and Ivory Coast in terms of illegal migration to Europe and other parts of the world.⁷⁵⁹ The long history of migration issue with the Nigerian nationals, the International Organization for Migration Nigeria, is presently implementing the policy framework program funded by the European Commission titled 'Promoting Better Management of Migration in Nigeria.'⁷⁶⁰ The IOM draw three mechanisms to fully implement the program; Migration Data, Policy, and Labour Migration and Diaspora Mobilization. As part of the effort to curtail

⁷⁵⁸ Ibid.

⁷⁵⁹ International Organization for Migration (IOM), 2018. Available online at <https://www.iom.int/countries/nigeria> (Accessed 24th June 2019)

⁷⁶⁰ Ibid.

migration, the IOM established migration monitoring units in the critical northern states of Kano and Sokoto to gather intelligence about the influx of people into the region.⁷⁶¹ A particular state of concern, 'Borno' that supposed to have a migration monitoring point because it bordered three states of Cameroon, Chad, and Niger, which serves as the migratory route, has no such unit. Although, it was asserted that some points would be established soon to further countered illegal migration.⁷⁶² This is regarded as a critical development in fighting border crimes. Since the launch of NACTEST in 2016, the IOM has been assisting the Nigeria Immigration Service with modern and sophisticated equipment, construction, and installation of Migration Information and Data Analysis System (MIDAS).⁷⁶³ Such equipment was successfully installed at different locations within Nigeria notably, Abuja airport and Lagos port.⁷⁶⁴ The facility enhanced the smooth operation of the Immigration service in helping them to detect a forged document and accessing the database of INTERPOL to increase intelligence.

Furthermore, IOM is reinvigorating the NIS with technical paraphernalia in strategic points and enhancing personnel capacity to effectively discharge its functions. The strategy listed above strengthens the cooperation of the Nigerian government and that of IOM, especially regarding intelligence sharing. However, lack of smooth correlation among the security agencies, notably on intelligence sharing, respect for the rule of law has affected the desired goal expected for countering the acts of Boko Haram. Besides their low capacity in terms of criminal justice and cooperation, processing integrated intelligence remains an enormous challenge mainly because there are no adequate data control centre for the security agencies.⁷⁶⁵ For instance, data obtained from the immigration officials, airports, seaports, police units lacked a single center to process the authenticity of the information. The size of the Nigerian border is put approximately at 5000km⁷⁶⁶ of land border, but in spite that, it has limited crossing

⁷⁶¹ Ibid.

⁷⁶² Ibid.

⁷⁶³ Ibid.

⁷⁶⁴ Ibid.

⁷⁶⁵ Blancard, L. and Husted, T.F., 'Nigeria: Current Issues and U.S. Policy (pdf). Available online at <https://www.fas.org/sgp/crs/row/RL33964.pdf> (Accessed 4th May 2019)

⁷⁶⁶ Ibid.

points which makes it challenging to gather and analyze data of migration. More so, in a concerted effort to fight violent extremism, cooperation among the law enforcement institutions should remain cardinal to counter possible threats.

In the area of border security, relevant agencies such as immigration, custom, police, and the military cooperate and share intelligence. The threats of Boko Haram and other social vices prompted the Nigerian authority to impose some stringent measures at its border.⁷⁶⁷ Data collection and analysis requires a systematic, integrated review to avoid errors and preconception. Lack of modern equipment for the person charged with the responsibility to monitor migration staunchly affects their operational capability. Also, apart from the agencies' equipment, the government owns its part failed to exercise any form of control of its border, which indicates a severe and challenging situation to reduce the threat of cross-border crimes, such as terrorism, kidnapping, and other security challenges.⁷⁶⁸

In a similar vein, some states adhered to the call of the UNSC to share operational information about the networks and movements of the rejectionist organizations by creating mutual mechanisms amongst the security agencies dealing with the scourge of terrorism and other vices. In this regard, Nigeria has not adhered to such because of the politics involved around. The resolution S/RES/2178 provides:

*All States shall prevent the movement of terrorists or terrorist groups by adequate border controls and control on issuances of identity papers and travel documents, and through measures for preventing counterfeiting, forgery or fraudulent use of identity papers and travel documents.*⁷⁶⁹

5.3.5 UNDOC-CTED Partnership Project

Like all international organizations, UNDOC primary responsibility is to provide the necessary support to the Nigerian government in strengthening its criminal justice regime and social security through advisory role and capacity building. The fusion of UNDOC activities and NACTEST was targeted in solidifying the Nigerian law

⁷⁶⁷ Ibid.

⁷⁶⁸ Ibid. at 69

⁷⁶⁹United Nations Security Council, 2014. S/RES/2178. (pdf) Available at www.un.org/suborg/en/s/res/2178-%282014%29 (Accessed 4th May 2019)

enforcement agencies in dealing with the acts of terrorism such as investigation, prosecution, and adjudication of cases involving the terrorists in line with the international human rights instruments.⁷⁷⁰ UNDOC contributed immensely in designing the Policy Framework and National Action Plan for Preventing and Countering Violent Extremism (PCVE). Also, the Terrorism Prevention Branch of UNDOC liaises with the Counter-Terrorism Committee of the UNSC in all matters relating to counterterrorism.⁷⁷¹ The former seeks to assist all member states specifically in the field of the legal sphere. Since the establishment of UNDOC in 1997, Nigeria has received all the necessary cooperation required, particularly in strengthening its criminal justice to deal with border crime.⁷⁷² Also, UNDOC has not relented in its effort assisting Nigeria in enhancing the capacity of the officials of the law enforcement agencies in adhering to the rule of law and human rights when dealing with the cases of terrorism and other crimes.

However, the cooperation between Nigeria and UNDOC has not ended despite substantial success in suppressing the Boko Haram acts. Following the success of the project in Nigeria, an additional three years was extended in continuation to develop the justice sector, targeting building capacity for investigators, defense attorneys, prosecutors, and judges.⁷⁷³

Furthermore, various civil organizations have partnered with the government to ensure that the authority enacts a law to regulate the activities and operation of Islamic religion, particularly in northern Nigeria. For instance, the Centre for Peace Initiative Development (CEPID) has commenced such a move by engaging some Muslim organizations to work out modalities in that regard.⁷⁷⁴ The plan aimed at regulating the way some scholars preach and propagate and interpret their understanding of the Quranic message. We noticed in one of Shekau videos that trended on social media

⁷⁷⁰ United Nations Office on Drugs and Crime (UNDOC), 2018. Partnership with United Nations System Entities. Available online at https://www.undoc.org/undoc/en/terrorism/partnerships/CTC_CTED.html (Accessed 26th May 2019)

⁷⁷¹ Ibid.

⁷⁷² Ibid.

⁷⁷³ Ibid.

⁷⁷⁴ Ibid.

some years ago citing and interpreting verses from the Quran in the manner that suits him. Also, in a recent video released by Shekau where he misquoted some qur'anic verses and threatening Nigeria's minister of Communication a renowned Islamic scholar, calls for such plan, because most Muslims could be deceived by the interpretation of the monster. Such preaching, even when society is peaceful, can incite violence between the adherents of the two monotheists' religion (Muslim and Christian). In a similar vein, Civil Society Legislative Advocacy Centre (CISLAC) has proposed in the legislation that henceforth, any preacher to go public to expound must obtain a license from the authority.⁷⁷⁵ We could also see how the civil organization societies are supporting government counterterrorism policies and strategies through media sensitization, peacebuilding, and conflict resolution via dialogue, economic empowerment, and skill acquisition programme, as well as promoting inter-agency and civil-military dialogue, among others. The soft approach is people-oriented and humanly capable than the use of brute force by the military-it is again better than the piece of human rights legislation laid by the international, regional, and domestic instruments.

5.3.6 Trans-Sahara Counterterrorism Partnership

The United States Government initiated this partnership in 2005 to strengthen and improve the capacity of relevant stakeholders involved in fighting terrorism in the African sub-region. The membership of the agency consists of eleven states.⁷⁷⁶ This pact's goals are to put all the necessary preventive measures of stopping the growth of terrorist groups within the Trans-Sahara States. It also encourages the governments of the forum to develop their law enforcement agencies' capacity and concentrate on combating terrorism in their hotspot; instead, they put the necessary facilities to

⁷⁷⁵ OA Salaam, 'Boko Haram: Beyond Religious Fanaticism (2012) 7(2) Journal of Policing, Intelligence and Counter Terrorism 147-162.

⁷⁷⁶ Trans-Sahara Counterterrorism Partnership' available at https://www.cna.org/cna_files/pdf/cm-2014-007203-final The Trans Sahara Counter Terrorism Partnership Building Partner capacity to Counter Terrorism and Violent Extremism. Lesley Anne Warner. Cleared for.../ (Accessed 19th June 2019).

discourage vulnerable youths from joining it. The forum directs members to monitor and counter the financing of terrorism, such as the demand of ransom by kidnappers.⁷⁷⁷

Similarly, since the constant growth of the terrorist organizations, especially about a decade ago, there has been a series of submits within the entire African sub-region. In April 2018, Nigeria hosted the African Land Forces Summit where senior army forces commanders of 40 African states attended, and their counterparts from Brazil, Europe, and the U.S.⁷⁷⁸ The meeting discussed how to foster regional cooperation and build a platform for intelligence sharing to address violent extremism in Africa.

The United States and its allies spotted Africa as a region that has the potential of growing terrorism mainly because of the pervasive corruption, weak economic and social system.⁷⁷⁹ Nigeria became a country of interest principally because of its human capacity and influence, especially at regional level. Thus, for that reason, the United States has increased its funding assistance and military training to the Nigerian government by a whopping sum of \$11.1 billion annually.⁷⁸⁰ Such intervention made Nigeria foremost amongst the recipients of African Contingency Operational Training and Assistance ACOTA superseding the countries that have the highest impact of terrorism.⁷⁸¹ Although, such intervention became necessary because of the notorious acts of Boko Haram which if Nigeria is left without external intervention, the international community will receive large volume of displaced persons. Similarly, another factor that makes it necessary for external assistance is its categorization of the group as the deadliest terrorist organizations that ever existed on earth. Such classification requires all hands to be on deck in confronting acts. ACOTA supported the training of various security personnel from the affected states experiencing severe internal insecurity, with the view in responding to the act of terrorism within the ambit of both domestic and international legal norms.

⁷⁷⁷ Ibid.

⁷⁷⁸ Garza, J. 'African Land Forces Summit 2018 Kicks off in Nigeria', U.S. Army, 17 April 2018. Available at https://www.army.mil/article/203950/african_land_forces_summit_2018_kicks_off_in_nigeria (Accessed 19th June 2019)

⁷⁷⁹ Ibid at 3 p. 418

⁷⁸⁰ Ibid.

⁷⁸¹ Ibid.

5.3.7 Legislative Response and Creation of Counter-Terrorism Law

The constitution enshrines inter alia; the executive powers of the Federation shall be vested in the president and may, subject as aforesaid and to the provisions of any law made by the National Assembly, be exercised by him either directly or through vice-president, ministers of the government of the federation or officers in the public service of the federation, and shall extend to the execution and maintenance of this constitution all laws made by National Assembly and to all matters with respect to which the National Assembly has, for the time being, power to make laws. This provision indicates that executive cannot formulate or interpret the law to the government, can only execute what the legislature promulgates. It may initiate an executive bill and send it to the legislature for deliberations and approval. In respect to the Terrorism Prevention Act (TPA) enacted in 2011, the principle of separation of power was fully exercised.

Following the unprecedented acts of Boko Haram in the mid-2010, the two chambers of the national assembly upon receiving the proposed executive bill for counterterrorism, in December 2010 unanimously considered and expeditiously passed the bill. The bill titled ‘Terrorism Prevention Act’⁷⁸² was sent to the president for assent, and after that it becomes effective. The constitution enshrines those legislative powers shall be vested in national assembly for the Federation which shall consist of a Senate and House of Representatives. The National Assembly shall have the power to make laws for the peace, order, and good government of the federation. Therefore, it is based on this principle that the National Assembly enacted an act of parliament “Terrorism Prevention Act” in 2011 to deal with Boko Haram terrorists and other heinous crimes. In doing so, have taken consideration of the United Nations Security Council Resolution 1373 which mandates states of the UN to enact legal mechanism to deal with terrorism, although done at a later stage. Immediately after the enactment of this Act, the national assembly transmitted the bill to the president for assent, which was signed and eventually became law. With this development, the principle of separation of power was vehemently exercised.

⁷⁸² See Terrorism Prevention Act, 2011 and 2013 as amended.

The provisions of the Act covers the following: (1) prohibition of acts of terrorism: (2) the procedure for proscribing terrorist organizations; (3) terrorist meetings; (4) support for terrorists (5) banning the provision of training for terrorist; (6) information about acts of terrorism (7) obstruction of terrorism investigation; (9) international terrorism (8) suppression of international terrorism (10) hostage taking (11) seizure of terrorist cash (12) terrorist funding (13) obligation to report suspicious transaction relating to terrorism (14) dealing in terrorist property (15) attachment of property (16) property tracking (17) request for foreign states (18) evidence pursuant to a request (19) form of request (20) extradition (21) exchange of information relating to terrorist groups and terrorist acts (22) issuance of warrant and search without warrant (23) intelligence gathering (24) detention of conveyance (25) custody of records and video recordings (26) prosecution of offences (27) witness protection (28) jurisdiction (29) penalties (30) evidence by certificate (31) refusal for application of registration and the revocation of charities linked to terrorist groups (32) provision of information relating to passengers vessels (33) aircraft and power to prevent entry and order the removal of persons (34) power to refuse refugee application (35) regulation and interpretation among others.

The Terrorism Prevention Act 2011 and 2013 as amended criminalised all terrorism-related offenses and laid down legal procedures for dealing with such acts.⁷⁸³ Interestingly the Act vehemently recognizes the existing relationship between counterterrorism and the rule of law; hence, its provisions are considered substantial international and regional human rights instruments and the constitution. For instance, section 28 of the act says if someone is being suspected of having involved in any terrorism-related offence, cannot exceed 24 hours upon his or her arrest without being charged to court for trial, and such a person will be given access to a legal counsel and medical officer in case he or she requires medical services.

The absence of effective counterterrorism law exacerbated the group's acts, which mainly resulted because of the ambivalent character of Nigeria's leadership that failed to comply with the mandate of the UNSC contained in resolution 1373, and the AU

⁷⁸³ Terrorism Prevention Act Section 24

resolution 88 to enact a comprehensive law for counterterrorism. This has given the security operatives opportunity to perpetrate human rights abuses and later made herdsmen group to transform into a full-blown terrorist organization, although the government has not labeled it so. But their acts fall under the description of the TPA. If for instance, Nigeria had a counterterrorism law before 2011 certainly the acts of Boko Haram would not have reached this level and will also have prevented the transformation of the herdsmen group into the core terrorist group. This is because the counterterrorism legislation would have prevented any individual or organisation from carrying out a terrorist attack. For instance, a case point is the Maitatsine riot of 1980 and the reoccurrence in some other states leading up to 1984. Despite the nonexistence of legislation to meet the novelty of such crime adequately and sufficiently, Nigeria penal code law was used in prosecuting the rioters. Persons who were alleged to have participated wholly or partly in the riots which were of deadly proportion could only be charged with offences under the penal code which ranged from culpable homicide punishable with death, arson, criminal incitement, riot, insurrection, treason, unlawful assembly, unlawful possession of firearm, belonging to an unlawful association. These were inadequate for the purpose of deterrence, and indeed disproportionate considered against the consequence of their actions.

However, incitement, for example has taken a new form and shape over the cause of the years, with technology came the avenue to recruit and promote terrorism activities, however, the Terrorism Act only came into force in 2011, about 5 years since the Boko Haram insurgency was launched. Therefore, such cyber-based terrorism, including financing and promotion were not adequately taken care of under the Nigerian Penal law.⁷⁸⁴

However, the question that comes to mind is it possible to stick to the rules of engagement in fighting terrorism? Because in a fight against terrorism, nobody knows the enemy and how they look like and where they are coming from. In such a situation, it becomes difficult to operate within the dictates of the law.

⁷⁸⁴ <https://www.lawhub.com.ng/section-69-88a-of-the-nigeria-criminal-code-code-act/>. Accessed 7th August 2021

Therefore, Nigeria's counterterrorism laws need to be amended to make provisions for civilians and community leaders' involvement in the fight against Boko Haram and other terrorist-related groups. History has proved that the fight against terrorism has ever been successful when the military assumes certain information is classified and cannot share with the community. The practice across the globe is that counterterrorism strategies and prosecution of terrorists are only possible when the subscribed laws for counterterrorism are open to the public. Unfortunately, in Nigeria, that practice is not so. The vital counterterrorism strategies in Nigeria are only available to security operatives, which to some certain degree is affecting the fight against the Boko Haram group. The reality of this issue is that such information that is not available for the public to know in the fight against Boko Haram does not help the authority because it is the responsibility of the government to protect citizens and hence hiding such information to the public will be seen as if the government is not going the needful. With the enormous resources spent fighting Boko Haram, especially from 2009-2015, most Nigerians will think that Boko Haram must have been defeated. However, unfortunately, the group keeps strategizing and unleashing mayhem on Nigerians and the Nigerian government. Although substantial progress has been recorded. It is clear to the group that the Nigerian government aims to eliminate them and hence they deployed an irregular warfare strategy to outmaneuver the security forces into an area that are well familiar with. The recent ambush and killings of more than 100 security operatives have demonstrated this assertion. On 19th of November 2018, the group stormed a military base in a remote village of Metele,⁷⁸⁵ Guzamala local council in Borno state and killed more than 100 security operatives and carted away arms and military carriers. According to one of the soldiers who escape the attack, the operatives were unaware by the terrorists and have been alerted by their colleagues who were permanently stationed on top of the observation post, but because they had sophisticated weapons the operatives had to retreat. He further opined that, because of their strength, the operatives had no option other than to flee.

⁷⁸⁵ See Local-Pulse.ng at "Boko Haram: Full Story of how 100 Soldiers were Killed <https://www.pulse.ng/.../boko-haram-full-story-of-how-100-soldiers-were-killed-id9132>, (Accessed 20th November, 2018)

5.3.8 The Nigerian Courts and Counterterrorism

Nigeria operates its court system based on hierarchy. Simple offences are tried in area courts, and magistrate courts. The courts are inferior. However, Nigeria's constitution recognized the following courts, High courts of the states and the Federal Capital Territory, the National Industrial Court, the Court of Appeal, and the Supreme Court. The high courts, federal high courts, and National Industrial Court are courts of coordinate jurisdiction and cannot exercise supervisory jurisdiction or entertain appeals over one another. Appeals from the court go to the Court of Appeal, while the appeals arising from the Court of Appeal decision is to the Supreme Court. The Supreme Court, therefore, is the final court, and its decision is final and considered to be final. No further appeals can be made on the decision.

The constitution enshrines that; the Federation's judicial powers shall be vested in the courts to which this section relates, being courts established for the federation. The judicial powers vested in accordance with the foregoing provisions of this section shall extend, notwithstanding anything to the contrary in this constitution, to all inherent powers and sanctions of the court of law; shall extend to all matters between persons or between government or authority and to any person in Nigeria, and to all actions and proceedings relating thereto, for the determination of any question as to the civil rights and obligation of that person. This provision vested adjudicating and interpretation of power to judiciary through the court of competent jurisdiction on a matter relating to the constitution or an act of parliament.

In this regard, the TPA has empowers courts to prosecute any terrorism offense, and some courts in Nigeria have convicted some Boko Haram terrorists under the TPA. It is reported that the pace of trial and conviction of Boko Haram members have been relatively slow in Nigeria. In July 2018, a Federal High Court expediently convicted some Boko Haram members, which Amnesty International describes as 'good progress for the justice sector.'⁷⁸⁶

⁷⁸⁶ Premium Time online Newspaper, 'Amnesty International Commends Nigeria' Trial of Boko Haram Suspects Available in <https://www.premiumtimesng.com/news> (Accessed on 5th September, 2018)

The authorities' most legal responses centred mainly on the gross violation of the rights of the victims of the carnage perpetrated by the security operatives. Although, the terrorists as well, an alleged violation of their rights to a free and fair trial. Unarguably some judges in Nigeria recognise and refer their decisions to the international and regional human rights instruments. Hitherto to the emergence of the group's notorious acts, some human rights cases were decided based on the international human rights law provisions. For instance, in the case of *Abacha v Fawehinmi*⁷⁸⁷ where the latter sought relief on the ground that his fundamental rights enshrined in the constitution of Nigeria 1979 were infringed by the members of the State Security Services. The Court of Appeal, in deciding the case, averred that Nigeria is a member of the AU and consented to the African Court on Human and Peoples' Rights. Therefore the status of the charter is superior to that of ordinary national legislation and hence upheld the decision of the Federal High Court.⁷⁸⁸

In a similar vein, meeting with the obligation of international human rights provisions, the Nigerian government has commenced the Boko Haram suspects' prosecutions in different courts of law across the country. The Attorney General of Nigeria recently ordered the speedy prosecution of the suspects in different detention centers. According to AGF's Office, more than 1169⁷⁸⁹ suspects have been sent to courts for trial, and about 1000 of such have been successfully prosecuted. The office said those with the prima facie cases would be treated with leniency while those that do not have will be discharged and undergo the process of de-radicalization. About 82 of the suspects have benefitted from the government window to plead guilty to get light sentences.⁷⁹⁰

⁷⁸⁷ Viljoen, Frans, 'Application of the African Charter on Human and People's Rights by Domestic Courts in Africa (1999) 43(1) Journal of the African Law 1-17.

⁷⁸⁸ Ibid.

⁷⁸⁹ See News 24 'More than 1500 Boko Haram Suspects to go on Trial in Nigeria' available <https://www.timeslive.co.za/.../2018-09-17-due-process-concerns-over-boko-haram-tr>, accessed 1 December 2018.

⁷⁹⁰ Ibid.

Additionally, the court has ordered the release of 475⁷⁹¹ suspects because of a lack of convincing evidence against them. The suspects were arrested based on the information received by the security operatives that shielded Boko Haram members from being arrested and offered material assistance to the group. While delivering his judgment, the judge averred that the suspects' rights were violated by the security operatives, which contravenes the Nigerian constitution and international human rights instruments, including the UNSC Resolution 1373.⁷⁹² However, he directed that they should be taken to rehabilitation centers before being released to their families. Sadly, amongst the released persons was a woman arrested at the height of the group's notorious acts in 2014 because of her affiliation with Boko Haram husband and a nursing mother of three months baby. The latter was arrested in Sambisa Forest after being married off to Boko Haram member. In the Federal High Court in Abuja, Justice Nyako⁷⁹³ ordered the release of two group members who were arrested since 2012 without any cogent reasons. Thus, such kind of cases before the courts are too numerous to mention and the reason why they are getting the attention lately is that of the pressure from the international and domestic human rights activists.

However, in one of the cases involving human rights violation against the Nigerian army instituted by one Bukar Kamsalem,⁷⁹⁴ who claimed that the acts of the respondent without any legal justification raiding his office and shooting sporadically at the building, and when he stepped out unhurt, the security operatives shot him without showing any provocation and resistance or contempt to the operatives.⁷⁹⁵ Through his counsel, the applicant insisted that the unlawful act was a gross violation of his fundamental rights, subjecting him to cruel, inhuman, and degrading treatment in contrast to the provisions of the Nigerian constitution section 34, 35 as well as ACHPR. The applicant sought amongst others that the respondent should tender an apology to be published in 3 national newspapers and also to pay him a compensation

⁷⁹¹ 'Niger Trial: 475 Boko Haram Suspects Freed for Lack of Evidence', <https://.com/475-boko-haram-suspects-freed-for-lack-of-evidence>, accessed 1December, 2018.

⁷⁹² Ibid.

⁷⁹³ Ibid.

⁷⁹⁴ Suite No. FHC/ABJ/CS/900/2015.

⁷⁹⁵ Ibid.

of (N500, 000,000)⁷⁹⁶ as general damages for the unlawful, arbitrary and unconstitutional raid, shooting, destruction, psychological trauma, humiliation, pain, and severe injury sustained resulting to amputation of one of his legs.

Thus, the presiding judge ruled that the respondent has violated the applicant's rights provided under Nigeria's constitution and other international human rights instruments to which Nigeria is a party to. The judge instructed that the respondent shall pay the applicant the sum of (N150, 000,000)⁷⁹⁷ as damages. He further warned the respondent that he should stick to the rule of engagement while countering the acts of Boko Haram and other criminal groups.⁷⁹⁸ He referred to the UNSC Resolution 1373 which provides that human rights and fundamental freedom must be protected when fighting terrorism. From this judgment to some extent, international human instruments have been referred to.

5.3.8 Overall Approach and Attitude of the Nigerian Government

The overall approach to address terrorism in Nigeria leaves serious cases of human rights violation either from terrorist or law enforcement agencies. The approach of Nigeria has generally been questioned. For example, in quite a lot of instances, the government has been actively involved in negotiating the release of Boko Haram victims especially when schoolgirls were concerned. The Chibok girls release 3 years after their kidnap and the Dapchi girls return 5 weeks after they were abducted from school involved negotiations and exchange of arrested Boko Haram members in place of the girls. Negotiation with a group of terrorists who have threatened the security of the nation is a statement of the government's inability to tackle and defeat the terrorists. Neumann said that 'Negotiations give legitimacy to terrorists and their methods...'⁷⁹⁹ A democratic government should not be involved in negotiations with a terror group because it undermines its authority and ability to effectively secure the lives and properties of the citizens who voted it in. However, many democratic

⁷⁹⁶ Ibid.

⁷⁹⁷ Ibid.

⁷⁹⁸ Ibid.

⁷⁹⁹ PR Neumann, 'Negotiating with Terrorists' <www.foreignaffairs.com/articles/2007-01-01/negotiating-terrorists?amp> accessed 3 December 2020

governments have resorted to employing mediators to try to broker peace between the government and the terrorists. One Democratic country that has vowed never to negotiate with terrorists no matter how severe the situation is the United States of America; some others are Columbia, Turkey and Spain. At a time, a former Prime Minister of the United Kingdom, Margaret Thatcher, vowed never to get involved with such negotiations.⁸⁰⁰ These countries record a minute number of terror attacks compared to the countries that are constantly in peace talks with terror groups. The position of the government in dealing with Boko Haram either strengthens them or weakens them depending on what the government stance is.

Another approach the Nigerian government has adopted is Amnesty for repentant Boko Haram members. At a time in Nigeria, the Oil-rich States were ravaged by Niger delta militants, who consistently attacked oil companies, blamed for been responsible for the pollution of farmlands and water bodies in the States. A former President of Nigeria, the late Umaru Musa Yar'adua, introduced amnesty as a move to convince the militants to surrender their arms in exchange for money and government pardon.⁸⁰¹ It was a move that worked, and the region enjoyed peace again. It could be argued that the militants were making attacks to make their grievances known to the government because since the discovery of oil in the region, farmers and fishermen suffered a huge loss as a result of the pollution from the oil; the growth of the nation's wealth was at the expense of the Niger Delta people with a lot of their rights, especially the social, economic and environmental rights, been breached. The situation is quite different with terrorists. There is a deliberate attempt to deprive people of their rights because of their difference in thoughts, conscience, and religion. In the past couple of years, there have been links between a faction of Boko Haram and the Islamic State of Iran and Syria (ISIS). Considering this and the other atrocities of Boko Haram, should there be amnesty talks at all between the government and terrorists? The situation right now is

⁸⁰⁰ H Toros, 'We Don't Negotiate with Terrorists!': Legitimacy and Complexity in Terrorist Conflicts, *Security Dialogue* (2008) 39(4) *Security Dialogue* 407

⁸⁰¹ Xan Rice, 'Nigeria begins Amnesty for Niger Delta Militants', *The Guardian*, 6 Aug 2009, accessed 3 December 2020 <www.theguardian.com/world/2009/aug/06/niger-delta-militants-amnesty-launched>

that about 2000 repentant terrorists have been rehabilitated back into the society.⁸⁰² Whether this move will create a lasting solution is something that many doubt.

This terrorist group have been actively wreaking havoc in the north, purchasing weapons more sophisticated than the Nigerian military and sustaining their little community in the forest. They have some people funding their cause financially, but the government has been unable to trace these sponsors. In November 2020, the United Arab Emirates convicted six Nigerians for facilitating the funding of Boko Haram between 2015 and 2016.⁸⁰³ This is the first of such conviction that has been recorded, however not by the Nigerian government.

5.4 CONCLUSION

Following the review of international instruments on counterterrorism and the Security Council Resolution, the various counter-terrorism strategies employed by the Nigerian authority in suppressing the acts of terrorist Boko Haram and other criminal elements terrorizing the land has been for about a decade. It also observed that the strategy requires speedy modification where statutory role should be allocated to the Office of the National Security Adviser to hasten the counter-terrorism mechanism's implementation. This is essential given the fact that the security forces in the battlefield take directives from the military hierarchy, not the NSA that coordinate and supervise the security architecture, such gap affects the fight against terrorism, specifically in the case of Boko Haram.

⁸⁰² F Soyombo, 'Before we grant amnesty to Boko Haram' (*The Cable*, 24 February 2020) <www.thecable.ng/before-we-grant-amnesty-to-boko-haram/amp, accessed 3 December 2020.

⁸⁰³ 'UAE and Boko Haram funders' (*Vanguard*, 16 November 2020), www.vanguardngr.com/2020/11/uae-and-boko-haram-fnders/amp/, accessed 3 December 2020.

CHAPTER SIX

6.0 FINDINGS AND CONCLUSION

6.1 INTRODUCTION

Terrorism in Nigeria has gained international prominence, and the activities of Boko Haram became is now considered as a matter of urgent national importance requiring the need to develop strategies and laws to address the rise in terrorists' operations that has bedeviled the country, leading to the abuse of human rights that are guaranteed under the Nigerian law, regional and international instruments. This study is essentially based on human rights in the fight against the terrorist group of Boko Haram in Nigeria. Thus, the human rights questions in the fight against Boko haram are intended to be tested along the counter-terrorism approach employed by Nigerians to implement the UN Security Council Resolution 1373. Guided by the law in social contexts methods, the UN Security Council Resolution and other relevant international law instruments on counter-terrorism, the Terrorism Prevention Act of 2011 and 2013, and the provisions Constitution of Nigeria, as well as various international law instruments on human rights, were analyzed, taking into account facts and data from reports from NGOs, institutions within the UN systems, governmental documents and opinion expressed by scholars from different fields to assess human rights issues arising from insurgency and the response of the government through different strategies to counter-terrorism in Nigeria. Further guided by the policy-oriented approach to international law, it appreciates that while the international law instruments such as the UN Security Council Resolution 1373, and the various human rights instruments have set the rules for Nigeria, the implementation of the rules must take into account the dynamic situation of Nigeria as well as the political and social context of the country. To this end, the research findings will set out using the research questions as a parameter.

6.2 MAIN FINDINGS

The study set out the following research questions: Firstly, what are the factors that led to the emergence of terrorism by Boko Haram in Nigeria? The purpose of this question is to determine the factors that have necessitated the growth of Boko Haram as a terrorist group in Nigeria. Appreciating the facts leading to the emergence of Boko Haram is equally important in situating the context for the implementation of international law against the fight against terrorism and address the menace of Boko Haram in Nigeria. Secondly, the next question is to what extent the Nigerian counter-terrorism strategies conform to the promotion and protection of human rights guaranteed in the Nigerian Constitution and other human rights instruments, or has Nigeria been able to implement the United Nations Security Council Resolution 1373 in the actualization of human rights? It is appreciated that in response to the fight against Boko Haram in Nigeria, some developments were in place in the form of legal and policy responses. Failure to act by the government means failure to protect human rights, likewise, acting in the fight against terrorism so that the rights of the citizens are violated, or even the rights of suspects are considered to run foul on international human rights standards. Fourthly, how best can the Nigerian counter-terrorism strategies be effectively implemented to support human rights protection? This section seeks to proffer policy recommendations for addressing terrorism in Nigeria, drawing from the study. The essence of the findings will be to put forward the country's approach to address terrorism and human rights violation in Nigeria. The findings are stated in the respective headings as follows.

6.2.1 Factors Leading to the Emergence of Boko Haram Terrorism in Nigeria

The study devoted some space to discuss the emergence of Boko Haram and its links to other groups such as ISIS and al-Qaeda at the international level. It also analyses the various workings of Boko Haram's fundamentalist ideology, and how it situated them in Islamic jurisprudence, and examined the philosophy doctrine and practice) their

understanding and interpretations of the Quranic text and the waging of jihad. This study revealed the classical Islamic law, Islamism, and the ideology and practices of the terrorist group's emergence that eventually influenced Boko Haram, Al-Qaeda, and ISIS, among other groups. It also explained how Boko Haram established ties with other violent terrorist groups at the international level, which arguably threatens international peace and security. For example, Qutb's radical ideology was believed to have shaped the philosophy of the terrorists on the role of Islam in a secular society like Nigeria and other states. Therefore, this study demonstrated that there is a need to embark on proper de-radicalisation of the group and reorientation in the strategy of counterterrorism. The reality is that the group desires to impose Islamic law in Nigeria, which shows an exact ideological issue. Such belief or ideology cannot just be eliminated or killed by the use of brute force because the more you kill, the stronger the group emerges. For instance, no one ever thought that after the death of Mohammed Yusuf, the group will become this notorious and posed a national and international threat to Nigeria and the international community. Therefore, for Nigeria to successfully defeat Boko Haram, the counter-terrorism strategy requires general modification to incorporate counter-ideology and sharing of intelligence between the security operatives and the general public.

Since September 11, the unprecedented acts of terrorism across the board remain a considerable challenge to national governments and the international community, which consistently calls for collaborative efforts between the states, private actors, and the international community to counter it. In Nigeria, the Boko Haram group's trends have created an unfathomable concern not only to the Nigerian authority but the entire African sub-region.

6.2.2 Implementation of the UN Security Council Resolution 1373 in Conformity with Human Rights

The preceding chapter four have analyzed the methods of counter-terrorism strategies employed by the Nigerian authority in suppressing Boko Haram acts. The aim of this research is to draw on the Nigerian counter-terrorism strategy and examine its conformity to the international legal instruments and human rights. In doing so, the

thesis analyses the general and legal strategy of Nigeria's counterterrorism. The thesis found that the Nigerian government has developed legal and administrative measures in dealing with Boko Haram acts and other subsisting conflicts hovering around the African region and the international community. The research discussed the domestic measures engaged by the government in developing the existing mechanism for counterterrorism. The measures adopted by the Nigerian government at the embryonic stage in tackling the menace were characterized mainly by coercive measures, which arguably worsen the group's act.

The guide offered by the United Nations Security Council Resolution of 1373, adopted under Chapter VII of the United Nations Charter on Human Rights and as examined in this study, is considered a crucial instrument in counterterrorism that should foster human rights realization. Recall that the Resolution provided for the binding obligation on states to actively avert their minds to the reality of international concerns bothering on achieving peace and security amid acts of terrorism.

The thesis acknowledged the existential historical fact that on September 11, 2001, the United States of America experienced one of the worst terrorist attacks ever known in history. This thesis is not disputing this historical fact but acknowledges it. The attack known as 9/11 was a coordinated attack by the Al-Qaeda terror group led by Osama Bin Laden. An official figure of about 3000 people lost their lives, and thousands more were injured. Following this attack, many States began to strengthen their anti-terrorism laws, and those who did not already have enacted their laws. The United Nations was not left behind as the Security Council adopted Resolution 1373 sponsored by the U.S. on September 28, 2001. This Resolution was adopted for the primary purpose of tightening the ropes around the finances of terrorists and calling for the cooperation of all other states in the fight against terrorism. One major lifeline that terrorists survive on is the financial support and sponsorship from individuals and corporations. Following the adoption of Resolution 1373, all States are enjoined to take active steps in hindering the flow of funds to any cause which the States know are connected to terrorist acts. These active steps include the freezing of connected accounts to terrorist funding, criminalizing the sponsorship of terrorist acts, and

prohibiting any State National from directly or indirectly providing any financial service or help to terrorists.⁸⁰⁴

The Resolution also enjoins States to restrict the free flow of movement and residence of terrorists within their territories and monitor any suspicious acts that are terror-related and inform other States of whatever intelligence gained on such acts. One significant lapse the U.S. later discovered that made the attack a success was their national security agencies' failure to share the intelligence gained with other agencies. While the CIA got intelligence reports from other States, they failed to transmit the same to the FBI and other agencies that could have actively stopped the planned attacks. The sharing of intelligence reports with other States will help all States concerned to tighten their security measures working with the specific details gotten from intelligence reports.⁸⁰⁵

The Resolution also recommends that all States monitor all international crimes (drug trafficking, money-laundering, arms trafficking, etc.) and note any possible connections with terror groups as they could be ways through which the terrorists operate. The cooperation of all States in the fight against terrorism is one measure that this Resolution strives to establish.

Implementing the UN Security Council Resolution 1373 is the passage of the Terrorism (Prevention) Act (TPA) 2011 of Nigeria, which is a law that is targeted to counter terrorism in the country. The TPA outlines certain factors which must be present before an act can be classified as terrorism. Some of these factors are: that the act is intended to compel the government or an international body to do or desist from doing an act; that the act is capable of intimidating or frightening a population; that the act is capable of causing severe damage to the country or an international body; that the act involves an attack on the life and property of a person or the government, amongst others. The Terrorism (Prevention) Act was careful in outlining details to be

⁸⁰⁴ Resolution 1

⁸⁰⁵ Resolutions 2 and 3

considered when defining the acts of terrorism, stating that a civil protest, not intended to cause harm, is not an act of terrorism.⁸⁰⁶

The Act also prescribes a maximum sentence of 20 years imprisonment for anyone found guilty of supporting acts of terrorism through any means; however, if such act results in death, the death penalty would be the appropriate sentence.⁸⁰⁷ Also in the act are provisions that criminalize the obstruction of a terrorism investigation,⁸⁰⁸ financing terrorism,⁸⁰⁹ harboring terrorists,⁸¹⁰ and training terrorists.⁸¹¹ So, anyone who knowingly gets involved in acts of terrorism, howbeit indirectly, is guilty of a crime and will be punished accordingly.

In line with the UN Security Council Resolution 1373, the TPA also makes provisions for measures to stop the free flow of funds to terrorists.⁸¹² Also, as encouraged by resolution 1373, there are provisions for international cooperation, intelligence sharing,⁸¹³ and extradition should the need arise.⁸¹⁴ The Act also makes it possible to refuse the entry of any suspected terrorist into the country⁸¹⁵ and to refuse the application of a refugee if there are suspicions that he has links to terrorists' acts.⁸¹⁶ The Terrorism (Prevention) (Amendment) Act 2013 as an amendment to the 2011 Act and does not repeal the latter. It further strengthens the Terrorism (Prevention) Act against terrorism and all sorts of financial supports towards its cause.

Currently, the Correctional facilities in Nigeria are not well equipped to handle the detention of persons convicted of non-terrorist crimes, much more those convicted of or been tried on charges of terrorism. There have been several calls by individuals and non-Governmental organizations for the government to introduce a complete overhaul of the system. Correctional centers are meant to be holding cells where the character

⁸⁰⁶ Terrorism (Prevention) Act (TPA) 2011, s. 1

⁸⁰⁷ *Ibid* s. 4

⁸⁰⁸ *Ibid* s. 8

⁸⁰⁹ *Ibid* s. 10

⁸¹⁰ *Ibid* s. 5

⁸¹¹ *Ibid* s. 6

⁸¹² *Ibid* ss.12,13,14

⁸¹³ *Ibid* s. 23

⁸¹⁴ *Ibid* ss. 18,19

⁸¹⁵ *Ibid* s. 37

⁸¹⁶ *Ibid* s. 38

and morals of convicts are transformed and reformed to make them better persons; if the system is unfit for them to grow into positive characters, it is poisonous and will contribute to a further breakdown in their individual character.

A further lapse in the buildup of the Nigerian correctional center system is the fact that there are many more people awaiting trial than those who have already concluded their trials and been convicted. The danger in this is that when persons who are suspected of their involvement in terrorism get detained in the same correctional centers as other people, the risk of raising more followers for the cause increases. There is a need to create a separate detention center for these suspects and to ensure that their trials are conducted speedily. The failure to accomplish speedy trials may result in the popular saying, 'Justice delayed is justice denied'.

The Nigerian government has also considered amnesty as a move to get the terrorists to surrender. It worked when it was applied to solve the menace created by the Niger-Delta militants, but many have condemned it as an unfair move considering the numerous lives that have been lost, including the losses that the government has recorded economically. Perhaps, if the terror group in Nigeria were ordinary citizens just making their grievances known, amnesty would have been a good idea, but members of the Boko Haram terror group have been brought up on the teachings and theories of terrorism at their young age. It is almost impossible to flush out the ideas that have been incorporated into a person from childhood.

Often, the Nigerian Armed Forces are attacked either on a journey or at the barracks. It is expected that the movement of men of the Armed forces in terror-torn areas are kept as military secrets; however, the terrorists manage to gain information about their movement and seize the opportunity to attack. Military men who speak on the condition of anonymity have revealed that military intelligence reports are leaked to terrorists by insiders. This is a situation the government needs to work on correcting. If the military intelligence reports are susceptible to leakage, the security situation in the country has been undermined. While it is true that effective counterinsurgency requires extra-ordinary measures, there are also reports of the Nigerian Military detaining alleged Boko Haram members in overcrowded Military bases, and some are subjected

to inhuman and degrading treatments. These suspects are kept in detention for long periods without trial. When the trial is finally commenced, the suspects are not afforded adequate defence and are mostly not provided with interpreters during trials. The use of Civilian Vigilante has also led to widespread reports of abuse. People are sometimes indiscriminately apprehended and detained under the allegation of being Boko Haram members. Also, family members of suspected Boko Haram fighters are arrested in some cases. In the fight against insurgency, State of Emergency are declared and while it is allowed by law that in such instances, they may be a derogation from the enforcement of some of these rights, however, the enforcement of some of these emergency laws are taken to the extreme and cannot be justified in some instances. Cases have also been reported of some rogue Military Personnel subjecting females to various gender-related violence. Also, the Military Personnel captured by the insurgents are not afforded any dignity to their person. They are humiliated and subjected to degrading treatments before been summarily executed. The properties of the villagers are also set ablaze, stolen, forcefully converted to use by the insurgents and the places of worship are not spared.

There have been speculations that many Nigerian officials are fuelling the terrorists' attacks and are working against any move by the government to counter-terrorism attacks. Corruption on the part of government officials in the diversion of funds meant to purchase arms has contributed to the delay in the government's fight against terrorism. One famous case which has come to be known as the *Dasukigate* case is the misappropriation of 2.1 billion U.S. dollars meant for the fight against Boko Haram by a former National Security Adviser. Just recently, Major General Hakeem Otiki had to face a Court Martial and was dismissed on charges of theft of funds from the Military.⁸¹⁷ The corruption of government and security officials need to be curbed if the fight against terrorism will be successful.

Lack of synergy among the security agencies exacerbated terrorism in Nigeria, paving the way for some criminal elements to solidify their acts, which transmogrified to

⁸¹⁷Kanayo Umeh, 'Court martial sacks Major-General Otiki over N400 theft' (*The Guardian*, 17 June 2020) <<https://guardian.ng/news/court-martial-sacks-major-general-otiki-over-n400m-theft/>> accessed 6 December 2020.

something that the Nigerian government could not proffer a solution to date—enhancing all the relevant stakeholders' capacity, chiefly the military who are in the forefront fighting Boko Haram and its element to uphold human rights and fundamental freedom while countering terrorism. A comprehensive data processing centers should be established in all urban centers to respond to any sort of crime quickly. The enactment of the counter-terrorism strategy challenges the Nigerian government to adhere to the international best practices in suppressing violent extremism and task the authority to fully implement all the streams captured in the government's strategies to dispel the criticism held against the government.

6.2.3 Mainstreaming Human Rights Considerations in the Counterterrorism in Nigeria

This thesis discusses the various measures adopted by the Nigeria government in combating the act of terror in consonant with the international and regional legal instruments. Nigeria however delayed in enacting the legal mechanism for addressing the crime of terrorism and other internal security threats as required by the UN Security Council Resolution 1373 in 2001. It took Nigeria about a decade before the Terrorism Prevention Act 2011 and later amended in 2013. In furtherance of the implementation of UN Security Council Resolution 1373, the Nigerian government developed the National Counter-Terrorism Strategy (NACTEST) in 2016. The developments and measures so far have not translated into effective counterterrorism as Boko Haram terrorists' activities continue to flourish in the Northern part of the country.

What is not in doubt is that robust legal frameworks have been put in place to protect these fundamental rights going by the facts that the Constitution of Nigeria provides for human rights and the litany of regional and international human rights instruments that Nigeria is a State Party. This is even more so that, they have been enshrined in the fountain of all laws in Nigeria which is the Constitution. However, despite the recognition and acceptance of these fundamental human rights, there is still widespread violation, neglect or abuse or abuse of these rights by State and non-State actors in the insurgency war going on in the North-East of Nigeria.

By Nigeria is a member of the United Nations, it is bound by the United Nations Charter. Nigeria is therefore, under obligation to implement the UN Security Council Resolution. Of much importance is Resolution 1373 that seeks to address terrorism. It is expected that in the implementation of the Resolution, Nigeria should be guided by the promotion of human rights. Not addressing human rights concerns in Nigeria means a violation of the responsibility to protect. Taking measures that do not guarantee the rights of suspected insurgents is also a breach of such responsibility to protect human rights. Nigeria as a country is a signatory to, has adopted and ratified several international instruments that made provision for various human rights and their protection such as the African Charter on Human and Peoples' Rights and its protocols, Convention on the Elimination of all Forms of Discrimination against Women, Convention against Torture and Other Cruel, Inhuman and Degrading Treatment or Punishment, Convention on the Rights of the Child and its optional protocol, Rome Statute of the International Criminal Court, International Convention for the Suppression of the Financing of Terrorism, etc. The Constitution of the Federal Republic of Nigeria, 1999 (as amended) has made copious provisions in its Chapter IV to guarantee the civil and political rights, the same which is termed as fundamental rights.

These constitutionally guaranteed fundamental rights relevant to this discourse include the right to life as contained in Section 33 (1) of the 1999 Constitution, which is to the effect that, every person is entitled to a right to life and cannot be intentionally deprived of same except in execution of a sentence of a court in respect of a criminal offence for which the person has been found guilty. Provisions are also made in Sections 34 & 35 of the 1999 Constitution, guaranteeing the right to dignity of the human person and the right to personal liberty. Also, the right to Private and Family Life (Section 37 of the 1999 Constitution), the Right to Freedom of Thought, Conscience and Religion (Section 38 of the 1999 Constitution) and the right to Freedom of Movement (Section 41 of the 1999 Constitution) were also provided for. Thus, It suffices to say that more has to be done in the protection of human rights in Nigeria, especially from state actors involved in the counter-insurgency war. It is not a struggle that would be won in just one day; it a gradual process that bears in mind that

human beings are entitled to certain rights that must be respected and not observed in the breach. Policies should be put in place by the government to ensure that this gradual process comes to fruition and not just paying lip service to protect human rights. Which is more, the right to freedom of thought, conscience and religion is greatly affected because these Boko Haram, in some cases, carry out forced conversions. All these and many more are a deliberate attack on the fundamental rights of these people. Because of the insurgency, the right to education of the children is greatly hampered. This is even more apparent when it is considered that the mantra of the Boko Haram insurgents is that western education is a sin. The enjoyment of the human person's right, freedom of movement and personal liberty have significantly been affected by the insurgency war. Because of the conflict, millions of people have been internally displaced while some have been forced to flee their homes into neighbouring countries. They live in camps, informal settlements, worship and public buildings, mostly in squalid conditions and overcrowded. Their rights to private and family life as guaranteed by the Constitution is greatly affected.

Nevertheless, for terrorism to be addressed, it is essential to ensure that necessary measures that take into account human rights are integrated in the fight against terrorism. In line with the policy-oriented approach, Nigeria's efforts on counterterrorism will need to be directed from the peculiarities of Nigeria. Accordingly, the viable basis for the promotion of the concept of human rights within a given society, bearing in mind the diversities and peculiar nature of every human being. The fragile nature of the Nigerian states, and the fact that over the years, due to successive military government, there is a systemic rise in human rights abuses. Human rights aim to protect members of a society, and Nigeria should approach the fight of terrorism, taking into account the need to mainstream human rights concerns in the strategies put in place.

As found in the study, radicalization and full-fledged indoctrination were central to the emergence of Boko Haram. The grouse of the sect has been primarily hinged on the illusion that the repeated maiming, killings, and destruction of properties are actions of revolution against western culture infiltrating the customs and norms indigenous to the

country Nigeria. It is therefore believed that, through the frequent killings and criminalities, the whole governance system in the country will gradually become crippled and will in turn necessitate taking a standpoint against the adoption of the western culture in Nigeria. De-radicalization and reorientation of the people, as well as persons found guilty of terrorism, will be a way forward. It was found that the grant of amnesty to suspected terrorists has not auger well as most of their attacks have had much impact on the people who may feel cheated that they did not get justice. More so, how the repentant terrorists are received into the Nigerian society without any form of punishment do not appear to even show that they have been fully de-radicalized. The goal should be that of adequate radicalization for the country's good after the terrorists have served their jail terms.

Furthermore, the study found that granting amnesty to apprehend militants to engraft them into society as a strategy to fight terrorism will need to be avoided. The idea of amnesty for Boko Haram insurgents can be described as unconstitutional because the action of the massacre with attendant mass killings of innocent citizens is a heinous or hideous crime. A crime is an unlawful action, or an omission proscribed by the law. Heinous crimes such as murder, rape, arson, or burglary should be taken seriously. Therefore, granting individuals pardon for deliberate and misguided actions of murder is not a proportionate punishment as provided for by the criminal laws of the land. When not duly curbed, such crimes can aggravate and consequently escalate into a global threat to peace and security, which then becomes an international menace such as terrorism. At this juncture, it would not be out of place to describe the activities of the Boko Haram sect as a terrorist. Terrorism characterized by violent criminal activities and dangerous acts that threaten peace and safety. These issues bother on the country's development; hence, the law seeks to curb such excesses.

It is also vital to re-examine the very essence of criminal investigation and proceedings ingrained within the country's criminal justice system. Under criminal investigation, evidence or information garnered from a crime scene are viable tools in establishing if a crime was committed or not. It also provides a lead in identifying and apprehending the perpetrator of a crime and ultimately providing the necessary information needed

in securing the conviction of a perpetrator in a court of law. Similarly, criminal proceedings are proceedings defined by the law that should promptly take its cause, whereby an accused person is arraigned in court to ascertain and determine guilt or innocence. Once due process such as criminal investigation and proceedings are subverted or sabotaged, it becomes a life-threatening situation to the society, individuals in the society, neighboring communities, and eventually the global world. Exceptional and expeditious trial of terrorists will help address the menace and keep terrorists off circulation in society.

6.3 CONCLUSION

The activities of Boko Haram, known as Jama'atu Ahlis Sunna Lidda'awati Wal-Jiha, have received international attention in the international fight against terrorism and promoting human rights. The notoriety of Boko Haram has permeated beyond Nigeria and immense implications for the international fight against terrorism. Virtually no activity of any group and the resultant effect of the same has impacted the security architecture of a particular region and the general safety of the populace like the operations of the terrorist group of Boko Haram. The group has a vast presence in the North-East of Nigeria has been carrying out violent insurgency activities against the Nigerian State. The country has experienced a spike in this group's violence, gaining much momentum in their operations sophistication.

Notably as the right to a peaceful existence, which is embedded in right life, property, freedom of movement, among other rights guaranteed in the Nigerian Constitution and other international human rights instruments. The government owes each citizen a duty to protect these human rights. This relates primarily to the issue of security, which has been truncated by the activities of Boko Haram. The killings done by the Boko Haram sect are a security threat to citizens of the country and by extension, to non-citizens, who are within the shores of Nigeria, either as investors or collaborators and are operating under certain sectors of our economy. Many activities leading to social cohesion, economic development has been jeopardized due to insecurity leading. There are several problems that have challenged the progress of Nigeria through its

history giving to how the Boko Haram terrorist group emerged. The problem of insecurity has become most prominent in recent years. Not minding the fact that such problems are not peculiar to Nigeria, the country has recorded more attacks by the extremist sect widely known as Boko Haram. The international response under the framework of the United Nations and more particularly the UN Security Council Resolution 1373 has not yielded the desired results, even with the availability of the Constitutional provisions and promises offered by international fundamental human rights norms that should offer protection for Nigerians. The law on terrorism and the strategy of the government has been generally called to question because of the continuous attacks ongoing in the country. The peculiarity of the Nigeria situation therefore calls for the need for Nigeria to reassess its approach to the fight against terrorism, through the overall of the overall security architecture of the country.

Furthermore, the quest for development in a society is oftentimes accompanied with a number of advancements as well as setbacks or impediments as seen with the emergence of Boko Haram. While considering development in a society, a major the impediments will need to be addressed either utilizing local measures or alternative efforts as has been approached in the measures to fight the growth of the insurgency in Nigeria. Whatever may be the adopted strategy, every nation should reassess its approach and possibly readjust where its approaches are not yielding the desired results. The factors leading to the emergence of terrorism by Boko Haram in Nigeria should be reassessed and brought within the context of its peculiarities. Thus, implementation of United Nations Security Council Resolution 1373 and Nigerian counter-terrorism strategies will need to conform to the promotion and protection of human rights guaranteed in the Nigerian Constitution and other human rights instruments as it falls short of protecting the rights of the citizens because of the increased operations of the Boko Haram and also as a result of human rights violations in the course of implementation of such measures.

BIBLIOGRAPHY

Journal Articles

A Adesoji, 'The Boko Haram Uprising and Islamic Revivalism in Nigeria' (2010) 45(2) Africa Spectrum 95-108.

Abraham Orhero, 'Economic and Security Implication of Boko Haram Terrorism' (2015) 10 International Journal of African Asian Studies 6-11.

Akindiyo Oladiran, 'Democratizing and legitimizing Constitutional Making in Nigeria: A Focus on the 1999 Constitution of Nigeria' (2014) 4(2) International Journal of Humanities and Social Sciences 205-211.

Alex Schmid, 'Terrorism- The Definition Problem' (2004) 36 Case of Western Reserve Journal of International Law 375-420.

Alex Schmid, 'Terrorism- The Definition Problem' (2004) 36 Case of Western Reserve Journal of International Law 375-420.

Alex Schmid, 'Terrorism: The Definitional Problem' (2004) 36 Case Western Reserve Journal of International 375-420.

Ali Raza Tahir and Jamal Al Din Afghani, 'A First Glow of Dawn on the Horizons of the Muslim World,' (2012) 4(4) Interdisciplinary Journal of Contemporary Research in Business 256-266.

Amir Taheri, 'Saudi Arabia: Between Terror and Reform' (2004) 26 American Foreign Policy Interests 457-465.

Andrea Brigaglia, 'A Contribution to the History of the Wahhabi Da'wa in West Africa: The Career and the Murder of Shaykh Ja'far Mahmoud Adam (Daura, ca. 1961/1962-Kano 2007)' (2012) 3(1) Islamic Africa 1-23.

Anthony Richards, 'Conceptualizing Terrorism' (2013) 37(3) Studies in Conflict and Terrorism 213-236, 214.

Anthony Richards, 'Conceptualizing Terrorism' (2013) 37(3) Studies in Conflict and Terrorism 213-236, 214.

Ardit Memeti, 'The Concept of Erga Omnes Obligations in International Law' (2013) 14 New Balkan Politics (2013) 31-47.

B Saul, *Defining Terrorism in International Law* (Oxford University Press, 2006).

Ben Golder and Williams George, 'What is Terrorism-Problems of Legal Definition' (2004) 27(2) University of New South Wales Law Journal 270-295.

Ben Golder and Williams George, 'What is Terrorism-Problems of Legal Definition' (2004) 27(2) University of New South Wales Law Journal 270-295.

Bianchi A, 'Assessing the Effectiveness of the UN Security Council's Anti-Terrorism Measures: The Question for Legitimacy and Cohesion' (2007) 17(5) The European Journal of International Law 881-919.

BR Olurunyomi, 'Millennium Development Goals and the Universal Primary Education in Nigeria (A Case Study of Ibadan North Local Government Area, Oyo State)' [2014] International Journal for Asian African Studies 94-101.

C Bartolatta, Terrorism in Nigeria: The Rise of Boko Haram. 'The Whitehead Journal for Diplomacy and International Relations' (2011), <http://worldpolicy.org/2011/09/19/terrorism-in-nigeria-the-rise-of-boko-haram/>, accessed 13 January 2021.

Christian N Okeke, 'International Law in the Nigerian Legal System' (1997) 27(2) California Western International Law Journal 311-356.

Cyrille Begorre-Bret, 'The Definition of Terrorism and the Challenge of Relativism' (2006) 27(5) Cardoza Law Review 1987-2004.

Cyrille Begorre-Bret, 'The Definition of Terrorism and the Challenge of Relativism' (2006) 27(5) Cardoza Law Review 1987-2004.

Cyrille Begorre-Bret, 'The Definition of Terrorism and the Challenge of Relativism' (2006) 27(5) Cardoza Law Review 1987-2004.

Cyrille Begorre-Bret, 'The Definition of Terrorism and the Challenge of Relativism' (2006) 27(5) Cardoza Law Review 1987-2004.

DA Ijalaye, 'Coup d'etat and the Nigerian Constitutions' (1997) 1 Nigerian Journal of Public Law 26.

Damilola S Olawuyi, 'Terrorism, Armed Conflict and the Nigerian Child: Legal Framework for Child Rights Enforcement in Nigeria' (2015) 13 *The Nigerian Juridical Review* 1-24.

Daniel E Agbiboa, 'Peace at Daggers Drawn? Boko Haram and the State of Emergency in Nigeria' (2014) 37(1) *Studies in Conflict & Terrorism* 41-67.

Dragon Tancic, Nedeljko Debaljak, and Zekic Velimir. 'Problem of Scientific Definition of Terrorism and Political Propaganda' (2015) 5 *International Journal of Economics and Law* 105-110.

Dragon Tancic, Nedeljko Debaljak, and Zekic Velimir. 'Problem of Scientific Definition of Terrorism and Political Propaganda' (2015) 5 *International Journal of Economics and Law* 105-110.

Elimma Ezeani, 'Responding to Homegrown Terrorism: The Case of Boko Haram' (2017) 22(1) *Annual Survey of International and Comparative Law* 1-32.

Etim O Frank, Wilfred I Ukpere, 'The Impact of Military Rule in Democracy in Nigeria' (2012) 33(3) *Journal of Social Science* 235-292.

Eugene Eji, 'Rethinking Nigeria's Counter-Terrorism Strategy' (2016) 18(3) *The International Journal of Intelligence, Security, and Public Affairs* 198-220.

Fionnuala Ni Aolain 'The Emergence of Diversity: Differences in Human Rights Jurisprudence' (1995) 19 *Fordham International Law Journal* 101.

FT Abioye, 'Constitution-making, Legitimacy and Rule of Law: A Comparative Analysis' (2011) 44(1) *Journal to Comparative & International Law of Southern Africa* 59-79.

Georges Abi-Saab, 'The Proper Role of International Law in Combating Terrorism' (2002) 1(1) *Chinese Journal of International Law* 305-315.

Georges Abi-Saab, 'The Proper Role of International Law in Combating Terrorism' (2002) 1(1) Chinese Journal of International Law 305-315.

H Bruce, *Inside Terrorism* (Columbia University Press, 2006).

H Nasser, *The Jurisprudence of Emergency: Colonialism and the Rule of Law* (University of Michigan Press, 2003).

H Solomon, 'Counterterrorism in Nigeria: Responding to Boko Haram' (2012) 154(4) The RUSI Journal 6-11.

H Toros, "'We Don't Negotiate with Terrorists": Legitimacy and Complexity in Terrorist Conflicts, Security Dialogue' (2008) 39(4) Security Dialogue 407.

Isaac Terwase Sampson, 'Between Boko Haram and the Joint Task Force: Assessing the Dilemma of Counterterrorism and Human Rights in Northern Nigeria' (2015) 59(25) Journal of African Law 25-63.

Isaac Terwase Sampson, 'Between Boko Haram and the Joint Task Force: Assessing the Dilemma of Counterterrorism and Human Rights in Northern Nigeria' (2015) 59(25) Journal of African Law 25-63.

IT Sampson, 'The Dilemmas of Counter-Boko Haramism: Debating State Response to Boko Haram Terrorism in Northern Nigeria' (2013) Security Journal 1-25.

J Ihonvbere, 'How to Make an Undemocratic Constitution: Nigeria's Example, Arguing What Civil Society Participation in Constitutional Making is Critical to the Relevance, Effectiveness and Legitimacy of any Constitution' (2000) 21(2) Third World Quarterly 343-366.

J Lutz and B Lutz, *Terrorism: Origins and Evolution* (Macmillan, 2005) 30.

J Zimmerman, Sayyid Qutb's Influence on the 11 September Attacks (2004) 16(2) Terrorism and Political Violence 222-252.

Jacob A Dada, 'Human Rights under the Nigerian Constitution: Issues and Problems' (2013) 2(12) International Journal of Humanities and Social Sciences 33-43.

Jacob Zenn, Atta Barkindo and Nicholas A Heras, 'The Ideological Evolution of Boko Haram in Nigeria: Merging Local Salafism and International Jihadism' (2013) 158(4) The RUSI Journal 46, 46-53.

John W. Williams, 'Carlos Marighela: The Father of Urban Guerrilla Warfare' (1989) 12(1) Terrorism 1-20.

Joseph Isanga, 'Counterterrorism and Human Rights: The Emergence of Rules Customary International Law from the UN Resolutions' (2009) 37 Development Journal of International Law and policy 233-255.

Kehinde, in Adefuye, A., Nigeria: Boko Haram and Alamiyesaigha- Effect on Nigeria- U. S. Relations, British Journal of Arts and Social Sciences vol. 111 (2013); p.11.

Kelly Mua Kingsley, Samuel F Johnson-Rokosu, and Rasaq Alabi Olarenwaju, 'Combating Boko Haram Terrorism Financing: Case of Nigeria and Lake Chad Basin' (2015) 7(11) International Journal of Current Research 22849-22861.

Kelly Mua Kingsly, Johnson-Rokosu, and Alabi Olanrewaju, 'Combating Boko Haram: The Case of Nigeria and Boko Haram' (2015) 7(11) International Journal of Current Research 22849-22861.

Kia Bariledum, 'Ethnic Terrorism as a Political Tactic in Nigeria: Implications for Nigeria's External Relations' (2013) 15(1) Asian Journal of Humanities and Social Studies 325-336.

Kielsgard Mark, 'A Human Rights Approach to Counter-Terrorism' (2006) 36(2) California Western International Law Journal 249-302.

Lynn L Taylor, 'Boko Haram Terrorism: Reaching Across International Boundaries to Aid Nigeria in the Humanitarian Crisis' (2014) 21 ILSA Journal of International & Comparative Law 1-24.

M Chertoff, 'The Ideology of Terrorism: Radicalism Revisited' (2008) 15(1) Brown Journal of World 11-24.

M Hinojosa, 'Critical Assessment of the Implementation of Security Council Resolution 1373'.

M McDougal, 'Law as a Process of Decision: A Policy-Oriented Approach to Legal Study' (1956) Natural Law Forum 53-72, 54.

M Rudner, 'Using Financial Intelligence Against the Funding of Terrorism' (2006) 19 International Journal of Intelligence and Counter-Intelligence 32-58.

Michael P Scharf, 'Defining Terrorism as the Peacetime Equivalent of War Crimes: Problems and Prospects' (2004) 36 Case Western Reserve Journal of International Law 359-374.

Michael P Scharf, 'Defining Terrorism as the Peacetime Equivalent of War Crimes: Problems and Prospects' (2004) 36 Case Western Reserve Journal of International Law 359-374.

Michael Scharf, 'Defining Terrorism as the Peace Time Equivalent of War Crime: A Case of too much Convergence between International Humanitarian Law and International Criminal Law?' (2001) 7 ILSA Journal of International Comparative Law 39-398.

Michael Scharf, 'Defining Terrorism as the Peace Time Equivalent of War Crime: A Case of too much Convergence between International Humanitarian Law and International Criminal Law?' (2001) 7 ILSA Journal of International Comparative Law 39-398.

Micheal Nwankpa, 'The Political Economy of Securitization: The Case of Boko Haram, Nigeria' (2015) 10(1) *The Economic of Peace and Security Journal* 10-32.

N Jayawickrama, *The Judicial Application of Human Rights Law, Regional and International Jurisprudence* (Cambridge University Press, 2002).

N Okeke, 'The United Nations Security Council Resolution 1373: An Appraisal of Lawfare in the Fight Against Terrorism' (2014) 6 *Journal of Law and Conflict Resolution* 39-47.

Nathaniel A Oladayo, 'The Socio-Economic Implications of Boko Haram Insurgency in the North-East of Nigeria' (2014) 11(1) *International Journal of Innovation and Scientific Research* 144-150.

O Abdulrasheed, A Onuselogu and U Obioma, 'Effect of Insurgency on Universal Basic Education in Borno State of Nigeria' (2015) 3(4) *African Journal on Educational Research* 490-494.

OA Salaam, 'Boko Haram: Beyond Religious Fanaticism' (2012) 7(2) *Journal of Policing, Intelligence and Counter Terrorism* 147-162.

Ogunnaike O Taiwo, 'Two is Better than One: Systemic Integration of International Humanitarian Law and International Human Rights Law to Boko Haram Conflict' (2018) 33(3) *American University International Law Review* 637, 637-666.

Olamide Olanrewaju, 'History of Nigerian Constitutional Development: 1963 Constitution, 1979 Constitution, Independent Constitution, Lyttleton Constitution, Macpherson Constitution, Richard Constitution', <https://djetlawyer.com/history-nigerian-constitutional-development>, accessed 12 January 2021.

Olu Awofeso, 'The of Military Transition Programmes to Democracy in Nigeria 1966-1999' (2017) 22(6) *Journal of Humanities and Social Sciences* 1-11.

Patrick Bamgboye, 'The Military Socio-Economic Development in Nigeria (1983-1999): A Critical Appraisal' (2014) 23(5) *Mediterranean Journal of Social Sciences* 2340-2344.

Paul Schiff Berman, 'A Pluralist Approach to International Law' (2007) 32 *The Yale Journal Of International Law* 301-329.

Perouse De Montclos, 'Introduction', in Marc-Antoine Pérouse de Montclos, *Boko Haram: Islamism, Politics, Security and the State of Nigeria* (African Studies Centre 2015) 1-6.

R Higgins and M Flory, *Terrorism and International Law* (Routledge Press, 2003).

R Higgins and M Flory, *Terrorism and International Law* (Routledge Press, 2003).

Randall D. Law *Terrorism: A History* (Polity Press, 2009).

Reuven Young, 'Definition of Terrorism: The Evolution of Terrorism as a Legal Concept in International Law and its Influence of Definition in Domestic Legislation' (2006) 29 *Boston College International & Comparative Law Review* 23, 23-106.

Roman Loimeier, 'Patterns and Peculiarities of Islamic Reform in Africa' (2003) 33(3) *Journal of Religion in Africa* 237-62.

Saul Ben, 'Definition of Terrorism in the UN Security Council. 1985-2004' (2005) 4 *Chinese Journal of International Law* 141-166.

Saul Ben, 'Definition of Terrorism in the UN Security Council. 1985-2004' (2005) 4 *Chinese Journal of International Law* 141-166.

Scott Dolezal, 'Notes and Comments the Systematic Failures to Interpret article IV of the International Covenant on Civil and Political Rights: Is there a public emergency in Nigeria?' (2000) 15(5) *American University International Law Review* 1163-1208.

Thomas Hegghammer and Stephane Lacroix, 'Rejectionist Islamism in Saudi Arabia: The Story of Juhayman al-Utaybi Revisited' (2007) 39(1) *International Journal of Middle East* 103-122.

U Abdullahi and G Terhema, 'Effects of insecurity on Primary School Attendance in Damaturu Metropolis Yobe State, Nigeria' (2014) 5(1) *Journal of Research, Education Sciences* 32-38.

Umar Mukhtar Bunza 'The North African factor in 'tajdeed' tradition in Hausaland, Northern Nigeria' (2005) 10 *The Journal of North African Studies* 325-338.

Umaru Saidu Zamare and Usman Ahmed Karofi, 'National Unity: A Catalyst for Sustainable Development in Nigeria' (2015) 5(8) *Journal of Developing Countries Studies* 86-89.

Victor T Le Vine, 'The Fall and Rise of Constitutionalism in West Africa (1997) 35(2) *The Journal of Modern African Studies* 181-206.

Viljoen, Frans, 'Application of the African Charter on Human and People's Rights by Domestic Courts in Africa (1999) 43(1) *Journal of the African Law* 1-17.

Wallace Michael, 'US National Security Requires a Legally Binding International Definition of Terrorism: Does a Broader Definition of Terrorism Put Us in the Proper Condition to Punish Does Who Challenge Our National Security' (2012) 3(1) *Creighton International and Comparative Law Journal* 105-127.

Wondwossen D Kassa, 'Rethinking the Definition of Consensus and the Would Have Been Binding Assumption Pertaining to Security Council Resolution 1373' (2015) 17(1) *Finders Law Journal* 127-154

Wondwossen D Kassa, 'Rethinking the Definition of Consensus and the Would Have Been Binding Assumption Pertaining to Security Council Resolution 1373' (2015) 17(1) *Finders Law Journal* 127-154.

Wondwossen D Kassa, 'Rethinking the Definition of Consensus and the Would Have Been Binding Assumption Pertaining to Security Council Resolution 1373' (2015) 17(1) Finders Law Journal 127-154.

Books

A Ali, *Combating Terrorism: Saudi Arabia's Role in the War on Terror* (Oxford University Press, 2009) 3

A Asseri, *Combating Terrorism: Saudi Arabia's Role in the War on Terror* (Oxford University Press, 2009).

A Asseri, *Combating Terrorism: Saudi Arabia's Role in the War on Terror* (Oxford University Press, 2009).

A Guelke, *New Age of Terrorism and International Political System* (Tauris Academic Studies, 1997).

A Merari, 'Terrorism as a Strategy of Insurgency', in G Chaliand, A Blin (eds.), *The History of Terrorism: From Antiquity to Al-Qaeda* (California University Press, 2007).

A Thurston, *Boko Haram: The History of An African Jihadist Movement* (Princeton University Press, 2017).

A Thurston, *Boko Haram: The History of an African Jihadist Movement* (Princeton University Press, 2017).

AA Musallam, 'From Secularism to Jihad: Sayyid Qutb and the Foundations of Radical Islamism' (Praeger Publishers, 2005).

AB Fafunwa, *History of Education in Nigeria* (Routledge Publishers, 2018).

Abubakar Gumi and IA Tsigia, *Where I Stand* (Spectrum Books, 1992).

B Saul, *Defining Terrorism in International Law* (Oxford University Press, 2006).

Bergesen, A. J. 'The Sayyid Qutb Reader. Selected Writings on Politics, Religion, and Society' (2008, New York: Routledge).

C Gerrad and B Arnaud, *the History of Terrorism: From Antiquity to Al-Qaeda* (California University Press, 2007).

C Gerrad and B Arnaud, *the History of Terrorism: From Antiquity to Al-Qaeda* (California University Press, 2007).

CAJ Tony Coady, 'Defining Terrorism' in Igor Primoratz (eds.), *Terrorism: The Philosophical Issues* (Palgrave/Macmillan, 2004).

CL Lim, 'The Paradox of Conceptualism in International Law' in C Harding and L Lim, *Renegotiating Westphalia* (Martinus Nijhoff Publishers, 1999).

Colin P Clarke, *The Financial of Terrorism of Terrorism, Insurgency, and Irregular Warfare* (Praeger Security International, 2015).

David C Rapoport, 'The Four Waves of Terrorism', in Audrey Kurth, Cronin and James ML Ludes, *Attacking Terrorism* (Georgetown University Press, 2004).

Dean C Alexander and Yonah Alexander, *Terrorism and Business. The Impact of September 11, 2001* (Brill–Nijhoff, 2002) 195.

Dean C Alexander and Yonah Alexander, *Terrorism and Business. The Impact of September 11, 2001* (Brill–Nijhoff, 2002).

DM Adeniji, *Boko Haram and National Security* (Garamond Projects Limited, 2014).

Egbert Udo Udoma, *History and the Law of the Constitution of Nigeria* (Malthouse Press, 1994).

EM Joye and K Igweike, *Constitutionalism and Democracy: Transition in the Contemporary World* (Macmillan, 1982).

H Bruce, *Inside Terrorism* (Columbia University Press, 2006).

H Nasser, *The Jurisprudence of Emergency: Colonialism and the Rule of Law* (University of Michigan Press, 2003).

Haraold Lasswell, *Politics: Who Gets What, When How* (Whittlesey House, 1936).

Howarth, C. 'Survey of Academic Literature (2016).

I F Nicolson, *The Administration of Nigeria, 1900-1960: Methods, and Myths* (Clarendon Press, 1969).

John North Moore, *Crisis in the Gulf: Enforcing the Rules of Law* (Oceana Publication, Inc., 1992).

J Calvert, Sayyid Qutb and the Origins of Radical Islamism (Columbia University Press, 2010).

J Lutz and B Lutz, *Terrorism: Origins and Evolution* (Macmillan, 2005) 30.

Jiri Toman, *The Protection of Cultural Property in the Event of Armed Conflict 1996* (Dartmouth Pub. Co, 1996).

Kehinde M Mowoe, *Constitutional Law in Nigeria* (Malthouse Press, 2008).

Kepel, G. *The Prophet and Pharaoh* in Rothchild J. (1985, The Thetford Press Ltd, Thetford, Norfolk, UK).

M Crenshaw, *Explaining Terrorism: Causes, Processes and Consequences* (Routledge Press, 2011) 2.

M Crenshaw, *Explaining Terrorism: Causes, Processes and Consequences* (Routledge Press, 2011).

Masooda Bano, *The Rational Believer: Choices and Decisions in the madrasas of Pakistan* (Cornell University Press, 2012).

Mike Smith, *Boko Haram: Inside Nigeria's Unholy War* (Tauris & Co. Ltd, 2016).

Natana J DeLong-Bas, *Wahhabism Islam: From Revival and Freedom to Global Jihad* (Oxford University Press, 2004).

Ninian Stephen, 'Toward a Definition of Terrorism', in Coady and Michael P Okeafe (eds.), *Terrorism and Justice: Moral Argument in the threatened World* (Melbourne University Press, 2002).

Omer Y Elegab, *International Law Documents Relating to Terrorism*, (Routledge Cavendish Publishing, 1997).

Ousmane Kane, *Muslim Modernity in Postcolonial Nigeria: A Study of the Society for the Removal of Innovation and Reinstatement of Tradition* (Brill, 2003).

R English, *How to Respond to Terrorism* (Oxford University Press, 2009).

R English, *How to Respond to Terrorism* (Oxford University Press, 2009).

R Gunbaratna *Inside al Qaeda* (Columbia University Press, 2002).

R Higgins, M. Flory, *Terrorism and International Law* (Oxfordshire: Routledge Press, 2003).

Randall D. Law *Terrorism: A History* (Polity Press, 2009).

S Maher *Salafi-Jihadism: The History of an Idea* (Oxford University Press, 2016).

S Maher, *Salafi-Jihadism: The History of an Idea* (Penguin Publishers, 2017).

S Simon and A Akil N., *Al-Qaeda and Islamic State's Global Battle of Ideas* (C Hurst & Co., 2016).

S Umar, *the Discourses of Salafi Radicalism and Salafi Counter-Radicalism in Nigeria: A Case Study of Boko Haram*. (Northwestern University Press, 2011).

Smith Mike, *Boko Haram: Inside Nigeria's Unholy War* (I. B Tauris & Co. 2016)

SP Huntington, *The Clash of Civilization and the Remarking of World Order* (Simon & Schuster Ltd., 1996).

T Alexander, *Boko Haram: The History of African Jihadist* (Oxfordshire: Princeton University Press, 2018).

T Mockaitis, *The New Terrorism: Myth and Reality* (Pentagon Press, 2007).

V Comolli, *Boko Haram Nigeria's Islamist Insurgency* (New York: Oxford University Press, 2015).

Book Chapters

A Conte, Human Rights in the Prevention and Punishment of Terrorism: Commonwealth Approaches: The United Kingdom, Canada, Australia and New Zealand (Springer 2010).

A Merari, 'Terrorism as a Strategy of Insurgency', in G Chaliand, A Blin (eds.), *The History of Terrorism: From Antiquity to Al-Qaeda* (California University Press, 2007).

A Pollis and P Schwab P, 'Introduction', in A Pollis and P Schwab P, *Human Rights: Cultural and Ideological Perspectives* (Praeger, 1979).

An-Na'im, 'Ahmed, Islam and Human Rights in Sahelian Africa', in David Westerlund and Eva Evers Rosander, *African Islam and Islam in Africa: Encounters between Sufis and Islamists* (Hurst and Company, 1997).

CL Lim, 'The Paradox of Conceptualism in International Law' in C Harding and L Lim, *Renegotiating Westphalia* (Martinus Nijhoff Publishers, 1999).

DC Rapoport, 'The Four Waves of Modern Terrorism' in Audrey Kurth Cronin and James M Ludes, eds., *Attacking Terrorism: Elements of a Grand Strategy* (Georgetown University Press, 2004).

G Vermeulen and W Debondt and C Ryckman, *Rethinking International cooperation in Criminal Matters in the EU: Moving beyond Actors, Bringing Logic Back, Footed in Reality* (Maklu-Publishersp, 2012).

H Steiner, P Alston and R Goodman, *International Human Rights Law Context* (Oxford of University Press, 2008).

Hoffman, B., (Eds.) "Defining Terrorism. Terrorism and Counterterrorism: Understanding the new Security Environment" Guilford-Connecticut: McGraw Hill Company (1998).

IE Sagay, 'Setting the Agenda for Constitutional Development in Nigeria' in Center for Democracy and Development, *Strengthening Nigeria's Constitution for Sustainable Democracy* (Center for Democracy and Development, 1999).

J Calvert, *Sayyid Qutb and the Origins of Radical Islamism* (Columbia University Press, 2010).

JF Ajayi, 'National History in the Context of Decolonisation: The Nigerian Example' in Erik Lonnroth, Karl Molin and Ragnar Bjork, *Conceptions of National History* (De Gruyter, 1994).

Nikki Tobi, 'The Legitimacy of Constitutional Change in the Context of the 1999 Constitution' in IA Ayua, DA Guobadia and AO Adekunle, (eds.) *Issues in the 1999 Constitution* (NIALS 2000).

Ninian Stephen, 'Toward a Definition of Terrorism', in Coady and Michael P Okeafe (eds.), *Terrorism and Justice: Moral Argument in the threatened World* (Melbourne University Press, 2002).

P Williams, 'Anti-terrorist Financing' in Giraldo JK and Trinkunas HA (eds.), *Terrorist Financing and State Response* (Standard University Press, 2007).

PA Oluyede and DO Aihe, *Cases and Materials on Constitutional Law* (University Press Limited, 1987).

Padeh John N, *Religion and Political Culture in Kano* (California University Press, 1973).

Paul Lubeck, 'Nigeria: Mapping a Sharia Restorationist Movement', in Robert Hefner(ed.), *Shari Politics: Islamic Law and Society in the Modern World* (Indiana University Press, 2011).

Ridley 'Organized Crime, Money Laundry and Terrorism', in "Human Resources and Development in the Arabian Gulf" Emirates Centre for Strategic Studies and Research (2010), p. 374-389.

Saad Abubakar, 'The Established Caliphate; Sokoto the Emirate and their Neighbors', in Obaro Ikime (ed), *Groundwork on Nigerian History* (HEBN Publishers, 1999).

Salihu Mohammed and Moh'd Salleh, 'The Impact of Boko Haram Insurgency on Nigerian National Security' (2015) 5(6) International Journal of Academic Research in Business and Social Sciences 254-266.

VA Leary, 'The Effect of Western Perspectives on International Human Rights' in An-Na'im AA and FM Deng, *Human Rights in Africa: Cross-Cultural Perspectives* (The Brookings Institution, 1990).

Thesis/Dissertation

Alexandra Alderson, *The Validity of British Army Counterinsurgency Doctrine after the War in Iraq 2003-2009* (PhD Thesis, Cranfield University 2009).

SE Liolio, *Rethinking Insurgency: A Case Study of Boko Haram of Nigeria* (MA Thesis, American University in Cairo 2016).

U Sozubir, *Conceptualizing the Definition of Terrorism in the light of Development in the Fields of Academics, History and Legislation* (MA Thesis, Bilkent University 2005).

Online Sources, Technical Papers and Reports

24th African Union Summit-African Union-Peace and Security Department (May, 2015), <https://au.int/en/summit/25>, accessed 17 October 2018.

A As-Salafi, 'The Principle of Salafiyya, a Brief Introduction to the Salafi Dawah', <http://www.spubs.com/sps/sp.cfm?subseclD=SLF02&article1D=SLF020001&pfriend>, accessed 12 January 2021.

A Nossiter, 'Islamic Group says it was Behind Fatal Nigeria Attacks', *The New York Times*, 29th August 2011, <https://www.nytimes.com/2011/08/29/world/africa/29nigeria.html>, accessed 12 January 2021.

A Theophilus 'White Paper on Insecurity: Report Links Boko Haram with London Scholar' (3 June 2012) p. 6-7 available at <http://www.dailytrust.com.ng/Sunday/index.php/topstories/11938-white-paper-on-insecurity-report-link-boko-haram-with-london-scholar> (Accessed 17-May, 2018)

A Walker 'What is Boko Haram?', United States Institute of Peace, <https://web.archive.org/web/20140809045134/http://www.usip.org/sites/default/files/resources/SR308.pdf>, accessed 13 January 2021.

Abacha's 1995 National Constitutional Conference, <http://www.nairaland.com/977832/abachas-national-constitutional-conference-1994-95>, accessed 12 January 2021.

Abdul Hakim, 'The Transformation of Jihad in Islam and Ideology of Terror,' www.academia.edu, accessed 14 December, 2018.

Abdulbasit Kassim, 'The Initial Source of Boko Haram Funding Explained' Medium, 16 May 2017, available at <http://medium.com/@61/the-initial-source-of-boko-haram-funding-explained-1b142fd5a672>, accessed 7 April 2019.

Abimbola Ojomo, 'Historical Reflections on Internal Control Systems in the Nigeria Police Force, Enhancing Accountability Systems in the Nigeria Police Force' (2010) 8 CLEEN Foundation Monograph 30.

Abu Usamatul Ansary, 'A Message from Nigeria' *Al Risalah* 4 (January 2017).

Abubakar Babagana, 'Kanuri Complete', <http://www.researchgate.net/publication/320004428>, accessed 12 January 2021.

Adamu A Uba, 'The Khalifa in London: Sheikh Qaribullah as Ambassador for Peace', *Leadership Newspaper* (April, 2015), <http://sufinews.blogspot.com/2008/04/jakadan-zama-lafiya>, accessed 13 January 2021.

Agba et al available at <http://allafrica.com/stories/20137080649.html>, accessed 2 November, 2018.

Agence France-Presse, 'Jihadists kill 14 soldiers in attack on Nigeria army base' (*The Guardian*, 17 October 2020),

<https://amp.theguardian.com/world/2020/oct/17/jihadists-kill-14-soldiers-in-attack-on-nigerian-army-base>, accessed 2 December 2020.

Agence France-Presse, 'At least 110 dead in Nigeria after suspected boko haram attack' (*The Guardian*, 29 November 2020) www.theguardian.com/world/2020/nov/29/Nigeria-attack-boko-haram-farm-workers-killed, accessed 30 November 2020.

Ahmad Salkida, 'How Boko Haram sustain operations through international Trade in smoked fish' (*Premium Times*, 26 April 2020), www.premiumtimesng.com/news/headlines/389916-how-boko-haram-sustain-operations-through-international-trade-in-smoked-fish.html, accessed 2 December 2020.

Akeem O Bello, 'Countering Boko Haram Insurgency: Investigating Culture Destruction Attempts and Culture Conservation Efforts in North-Eastern Nigeria' (Ekiti State University), https://heritagestudies.eu/wp-content/uploads/2017/08/4.4-ABello_final_clean_13.10.pdf, accessed 13 January 2021.

Al Banna 'Between Yesterday and Today', 21, https://www.islamicbulletin.org/en/ebooks/resources/between_yesterday_and_today.pdf, accessed 13 January 2021.

Although some schools reopening, insecurity remains an obstacle to education, www.unicef.org/media/media_86621.html, accessed 13 January 2021.

Amnesty International, *Human Rights for Human Dignity* (Amnesty International, 2014) 13.

Amy Pate, 'Boko Haram: An Assessment of Strengths, Vulnerabilities, and Policy Options: Report to the Strategic Multilayer Assessment Office, Department of Defense, and the Office of University Programs, Department of Homeland Security' College Park MD: START, January 2014.,

www.start.umd.edu/pubs/START_%20SMA-AFRICOM_Boko%20Haram%20Deep%20Dive_Jan2015.pdf

Amy Pate, 'Boko Haram: An Assessment of Strengths, Vulnerabilities, and Policy Options' (College Park MD: National Consortium for the Study of Terrorism and Responses to Terrorism, 2015), Available at www.start.umd.edu/pubs/START_%20SMA-AFRICOM_Boko%20Haram%20%Drive_Jan2015.pdf,24

Andrew Hinshaw, 'Timbuktu Training Site Shows Terrorist Reach' Wall Street Journal, 1 February 2013, available at <http://www.wsj.com/articles/SB100011424127887323926104578278030474477210>, accessed 12 March, 2019.

Andrew Walker, 'What is Boko Haram.' United States Institute of Peace Special Report 308 (June 2012), 10-11, available at <http://www.usip.org/sites/default/files/SR308.pdf>, accessed 20 March 2019.

Annual Report of the Secretary General: Children and Armed Conflict A/69/926-S/2015/409 (2015)

Ashionye Ogene, 'Nigerian Vigilantes aim to rout Boko Haram: In North-eastern Nigeria, the Civilian Joint Task Force Patrols Streets with Guns, Matches and even Bows and Arrows', <https://www.aljazeera.com/indepth/features/2014/nigeria>, accessed on 4 September 2018.

At least 70 Nigerian soldiers killed in jihadist ambush: Military sources' (*Economic Times*, 24 March 2020) <https://m.economictimes.com/news/defence/at-least-70-nigerian-soldiers-killed-in-jihadist-ambush-military-sources/articleshow/74792149.cms>, accessed 30 November 2020.

Atta Barkindo, 'How Boko Haram Exploits History and Memory' African Research Institute, 4 October 2016, available at

<http://www.africaresearchinstitute.org/newssite/publications/boko-haram-exploits-history-memory/>.Barkindos' contention, accessed 21 March, 2019.

Atta Barkindo, "Boko Haram: Ideology, Ethnicity and Identity" The Centre on Religion and Geopolitics, <http://www.religionandgeopolitics.org/boko-haram/boko-haram-ideology-ethnicity-and-identity>, accessed 12 January 2021.

B Waterfield 'EU and US Clash over Banking Privacy' Daily Telegraph' (February 5, 2010).

BA Raji, Roles of the Armed Forces in Combating Terrorism, delivered to participants of EX HASKE BIYU 2011 at AFCSC on 11 March (2011)

Baiyewu, L., "Boko Haram, Bad Signal to Foreign Investors, Sunday Punch January 29, 2012, <http://www.com/sundaypunch>, accessed 12 January 2021.

BBC News of 14th April, 2014 and 18th January, 2018 respectively, <http://www.bbc.com>, accessed 4 September 2018.

BBC News, 'Abuja Attack: Car Bomb hits Nigeria UN Building', <https://www.bbc.com/news/world-africa-14677957>, accessed 12 January 2021.

BBC News, Boko Haram Crisis: How Have Nigeria's Militants become so Strong, Available at <http://www.bbc.com/news/world-africa-30933860> accessed on 4th September, 2018)

BBC News, Nigeria's Boko Haram Puts Maiduguri Under 'Siege', <https://www.bbc.com/news/world-africa-29155529>, accessed on 12 January 2021.

Blancard, L. and Husted, T.F., 'Nigeria: Current Issues and U.S. Policy (pdf). Available online at <https://www.fas.org/sgp/crs/row/RL33964.pdf> (Accessed 4th May 2019)

Boko Haram kills 'several' soldiers in Nigeria base attack (*TRT World*, 14 June 2019) www.trtworld.com/africa/boko-haram-kills-several-soldiers-in-nigeria-base-attack-27492, accessed 2 December 2020.

Boko Haram members yesterday ambushed a military convoy along the Maiduguri/Monguno highway, and reportedly killed at least eight soldiers and took away arms. Available on line at www.dailytrustnewspaper.com.ng (Accessed 31st August 2019)

Boko Haram Trained in Algeria and Afghanistan, (*ThisDay*, 1 September 2011)

Boko Haram Turns Female Captive into Terrorists, <http://www.nytimes.com/2016/04/08/world/africa/boko-haram-suicide-bombers.html>, accessed 1 November 2018.

Boletín Oficial de las Cortes Generales, Congreso de los Diputados VIII Legislatura, Serie D: General, 13 de Julio 2005, Número 241, p. 18. The report estimates operational costs ranged between 41,000 and 54,000 Euros.

Both the video and the statement are available at <http://jihadology.net/2012/03/23/al-andalus-media-presents-a-new-statement-and-video-message-from-al-qaidah-in-the-islamic-maghrib-to-the-german-government-if-they-release-umm-sayf-allah-al-an%20B9%A3ari-then-we-will-re/>., accessed 19 April 2019.

Bukola Adebayo, 'Caught between roadblocks, they were sitting ducks for Boko Haram massacre' (*CNN*, 15 February 2020), <https://amp.cnn/2020/02/15/africa/nigeria-boko-haram-fire-auno-intl/index.html>, accessed 3 December 2020.

C Okereocha, 'Heatache for the Economy' (*TELL Magazine*, May 14 2012).46-47

Channel TV News available You Tube

Chapter 16: The Administration of Justice during States of Emergencies
www.ohchr.org/Documents/Publication/training9chapter16en.pdf, accessed 1 June 2018.

Christian Walter, 'Defining Terrorism in National and International Law',
<http://edoc.mphil.de/conference-on-terrorism/index.cfm>, accessed 12 January 2021.

CNN News, 'Nigerian Military ill-Equipped in Fight with Boko Haram', Available at
<http://www.cnn.com/africa>, accessed 19 October 2018.

Combating International Terrorism: the Contribution of the United Nations, Vienna International Center IAEA Board Room, 3 and 4 June 2002. Available at
https://www.unodc.org/pdf/event_2002-06-03 (Accessed 20th June 2019).

Commission Nationale Des Droits de l'Homme et des Libertes v Chad (2000) AHRLR 66 (ACHPR 1995) Para 21.

Committee on Financial Services, April 22, 2015, Task Force to Investigate Terrorism Financing Hearing Entitled A Survey of Global Terrorism and Terrorist Financing (memoranda) Washington, DC: House of Representatives, 2015) available at
[www.http://financialservices.house.gov/](http://financialservices.house.gov/) (accessed 2nd July, 2019).

Council on Foreign Relations (<http://www.cfr.org/nig/nigeria-security-tracker/p29483>),

D Bugg, speech to IAP Conference, 8 December 2003, available at
www.cdpp.gov.au/Media/Speeches/20030812db.aspx (accessed 19th February, 2019)

D Cook, 'Boko Haram: A New Islamic State in Nigeria', James A. Baker III Institute for Public Policy Rice University 2014,
<https://www.bakerinstitute.org/media/files/files/5f1f63c4/BI-pub-BokoHaram-121114.pdf>, accessed 12 January 2021.

D Rumsfeld, Memo to General Dick Myers, Paul Wolfowitz, etc., 16 October 2003, available at www.globalsecurity.org/military/library/policy/dod/rumsfeld-d20031016sdmemo.htm> (Accessed 19th February 2019).

DA Elkmeier, 'Qutbism: An Ideology of Islamic-Fascism', <https://apps.dtic.mil/dtic/tr/fulltext/u2/a485995.pdf>, accessed 13 January 2021.

Displaced by Boko Haram, hungry IDPs protest food shortage (*Premium Times*, 7 March 2018) www.premiumtimesng.com/news/headlines/260994-displaced-boko-haram-hungry-idps-protest-food-shortage.html, accessed 2 December 2020.

E Rosand, 'Security Council Resolution 1373 and Counter-Terrorism Committee and from Law 1244 at University of Santos Tomas', <https://www.coursehero.com/files/p6eki0mo/E-Rosand-Security-Council>, accessed 4th November 2019.

EG Parrinder, 'Islam and West African Indigenous Religion', <http://www.jstor.org/stable/3269310>, accessed 12 January 2021.

Emir of Gwoza Killed after Abduction by Boko Haram' available at <https://www.premiumtimesng.com> accessed 7 November, 2018.

English Translation of the character of jama'at Ansar al-Muslimin fi Bilad al-Sudan, (2013), available at http://azelin.files.wordpress.com/2013/04/jamc481_at-ane1b9a3c481r-al-muslimc4abn-fi-bilc481d-al-sc5abdc481n-e28009cthe-character-of-jamc481_at-ane1b9a3c481r-al-muslimc4abn-fi-bilc481d-al-sc5abdc481ne2809d.pdf, accessed 8 March, 2019.

EO Alemika and IC Chukwuma, 'Police-Community Violence in Nigeria', Centre for Law Enforcement, and National Human Rights Commission, available at <http://www.cleen.org/police-violence>. Pdf, accessed on 27 May 2018.

F Clothia, 'Who are Nigerian Boko Haram Islamist?' (BBC News May, 20th 2014) <http://www.bbc.com/news/world-africa-13809501>, accessed 13 January 2021.

F Soyombo, 'Before we grant amnesty to Boko Haram' (*The Cable*, 24 February 2020) <www.thecable.ng/before-we-grant-amnesty-to-boko-haram/amp, accessed 3 December 2020.

Felbab-Brown, V. "Nigeria's Troubling Counterinsurgency Strategy Against Boko Haram: How the Military and Militias Are Fuelling Insecurity", *Foreign Affairs*, 30 March (2018), available at [https:// www.foreignaffairs.com/articles/nigeria/2018-03-30/nigerias-troublingcounterinsurgency-strategy-against-boko-haram](https://www.foreignaffairs.com/articles/nigeria/2018-03-30/nigerias-troublingcounterinsurgency-strategy-against-boko-haram) (Accessed 22nd April 2019)

FelbaBrown, V. 'Nigeria's Troubling Counterinsurgency Strategy against Boko Haram: How the Military and Militias Are Fuelling Insecurity', *Foreign Affairs*, (30th March, 2018). Available at <https://www.foreignaffairs.com/articles/nigeria/2018-03-30/nigerias-troublingcounterinsurgency-strategy-against-boko-haram> (Accessed 21st June, 2019).

Financial Action Task Force, *Terrorist Financing in West Africa* (Paris: Financial Action Task Force, 2013), available at www.fatf-gafi.org/media/fatf/documents/reports/tf-in-west-africa.pdf, accessed 1st July, 2019.

First Report of the Analytical Support and Sanctions Monitoring Team appointed pursuant to resolution 1526 (2004) concerning Al Qaeda and Taliban and associated individual and entities, S/2004/679/, 25 August 2004, available at <http://www.un.org/sc/committees/126/monitoringteam.shtml> (accessed 5nd December, 2018)

Foreign Affairs Committee. *Global Security: UK-US Relations*. (London Stationary Office Limited, 2010)

Freedom C. Onuoha, 'Boko Haram and Nyanya Bomb Blast' (*Aljazeera*, 29 April 2014) <<https://studies.aljazeera.net/en/reports/2014/04/20144299643486571.html>> accessed 30 November 2020.

Garza, J. 'African Land Forces Summit 2018 Kicks off in Nigeria', U.S. Army, 17 April 2018. Available at <https://www.army.mil/article/203950/african-land-forces-summit-2018-kicks-off-in-nigeria> (Accessed 19th June 2019)

Graca, Machel Comment on Child's Right to Education (1 November, 2018), <https://gracamacheltrust.org/childrens-ri>, accessed 2 December 2020.

H Allamin, 'Boko Haram: How Politicians, Security Agents others turned Insurgency into Business Intelligence, Comprehensive approach, Analysis and Security Capabilities: Mali-Sahel Region. Available at <https://httpsahel-elte.com/2019/08/25/boko-haram-politicians-sec>, accessed 25 August 2019-Boko Haram: How politicians, security agents, others turned insurgency into all have turned Boko Haram into a money making venture (Accessed 7th June 2019).

H Habila, *The Chibok Girls: A Control, Lucid and Deeply Felt Account* (Colombia Global Report, 2016) 23

Hammagan, A.M. 'Military Operation not Solution to Boko Haram', Daily Trust, (November 21, 2012), p.8

Heather Murdock, 'Analysts: Nigeria's Boko Haram Funding Vast, Varied', <https://www.voanews.com/africa/analysts-nigerias-boko-haram-funding-vast-varied>, accessed 13 January 2021.

Helene Cooper, 'Boko Haram and ISIS Are Collaborating More, U.S. Military Says', (The New York Times, 20 April 2016, <https://www.nytimes.com/2016/04/21/world/africa/boko-haram-and-isis-are-collaborating-more-us-military-says.html>, accessed 13 January 2021.

Henry Jackson Society Briefing, 'Terrorism in Nigeria The Threat from Boko Haram and Ansaru', The Henry Jackson Society (June, 2014),

<http://henryjacksonsociety.org/wp-content/uploads/2014/06/Nigeria-Boko-Haram-Strategic-Briefing.pdf>, accessed 13 January 2021.

Horst Rustch, *A More Secured World: Our Shared Responsibility*, High Level Panel Represent *New Vision of Collective Security*, U.N. CHRON. <http://www.un.org/Pubs/chronicle/2004/issue4/0404p77.html> (Accessed 15th June 2018).

House of Commons, The Stationary Office, Report of the Official Account on the Bombings in London on 7th July 2005, HC 1087, 11 May 2006, available at www.offical-documents.gov.uk/document/hc0506/hc1087/1097.pdf. (Accessed 14th January, 2019)

How Modu Sheriff Sponsored Boko Haram, saharareporters.com/.../09/40/how-modu-sheriff-sponsered-boko-haram, accessed 12 January 2021.

<http://www.sunnewsonline.com/new/buni-yadi-students-massacre-yobe/>, accessed 2 November, 2018.

<https://digibug.ugr.es/bitstream/handle/10481/31650/SC%20Res%201373%20Chapter.pdf?sequence=1&isAllowed=y>, accessed 13 January 2021.

<https://djetlawyer.com/history-nigerian-constitutional-development/>, accessed 13 January 2021

Human Rights Council, *Violations and abuses committed by Boko Haram and the impact on human rights in the countries affected* (Human Rights Council 2015).

Human Rights Council, *Violations and abuses committed by Boko Haram and the impact on human rights in the countries affected* (Human Rights Council, 2015).

Human Rights Council, *Violations and abuses committed by Boko Haram and the impact on human rights in the countries affected* (2015).

Human Rights Council, *Violations and abuses committed by Boko Haram and the impact on human rights in the countries affected* (2015).

Human Rights Council, *Violations and abuses committed by Boko Haram and the impact on human rights in the countries affected* (2015).

Human Rights Watch, 'Essential Background' <https://www.hrw.org.innopac.up.ac.za/wordreport99/Africazambia.html>, accessed 28 May 2018.

I Omipidan, 'Foreigners Involved in Terror Acts in Nigeria,' Daily Sun Newspaper, available at <http://www.dailysun.com>, 12 January 2021.

Internal Displacement Monitoring Centre, www.internal-displacement.org/countries/nigeria, accessed 2 December 2020.

International Organization for Migration (IOM), 2018. Available online at <https://www.iom.int/countries/nigeria> (Accessed 24th June 2019)

International Crisis Group, 'Curbing Violence in Nigeria (11): The Boko Haram Insurgency,' 3 April 2014, 23 available in [http://www.crisisgroup.org/~media/files/africa/west-africa/nigeria/216-curbing-violence-in-nigeria-ii-the-boko-haram-insurgency.pdf](http://www.crisisgroup.org/~/media/files/africa/west-africa/nigeria/216-curbing-violence-in-nigeria-ii-the-boko-haram-insurgency.pdf), accessed 9 February, 2019.

International Organization of Migration, <https://www.iom.int/>

Ismail Alfa, Ruth Maclean, 'Bomb attack on busy market kills 30 people in north-east Nigeria' (*The Guardian*, 17 June 2019), <https://amp-theguardian-com.cdn.ampproject.org/v/s/amp.theguardian.com/global-development/2019,jun/17/nigeria-bomb-attack-konduga-suicide>, accessed 30th November 2020.

J Jide Adeniyi-Jones, 'The Lament of the Boko Haram 'Brides'' (27 August 2017) www.npr.org/sections/goatsandsoda/2017/08/27/545912049/the-lament-of-the-boko-haram-brides, accessed 2 December 2020.

J Roth, D Greenberg, and S Wille, *Monograph on terrorist Financing* (Staff Report to the Commission), National Commission on Terrorist Attacks Upon the United States, 2004, p.3 Online available at www.9-11commission.gov/staff_statements/911_Terr_Fin_Monograph.pdf#search=%229%2F11%20commission%20monograph%22> (accessed 4th December, 2018).

J Zenn, *Boko Haram and the Kidnapping of the Chibok School Girls* (Combating Terrorism Centre, 2014).

Jacob Zenn, 'Before Boko Haram: A Profile of al-Qaeda's West Africa Chief Ibrahim Harun (a.k.a Spinghul)' *Jamestown Militant Leadership Monitor*, March 2017.

Jacob Zenn, 'Boko Haram: Recruitment, Financing, and Arms Trafficking in the Lake Chad Region', www.ctc.usma.edu/posts/boko-haram-recruitment-financing-and-arms-trafficking-in-the-lake-chad-region. (accessed 9 June 2019).

Jade Hameon, 'Au Mali, dans la maison du jihadiste Mokhtar Belmokhtar', *L'Express*, 9 February 2013, available at http://www.lexpress.fr/actualite/monde/afrique/exclusif-au-mali-dans-la-maison-du-dijihadiste-mokhtar-belmokhtar_1218712.html, accessed 1 April 2019.

James Flints, 'Assessing the British Counter-Insurgency Efforts in Malaya, the World Leading Access to Students and Scholars of International Politics', <http://www.e-ir.info/2015/02/11/assessing-the-british-counter-insurgency-effort-in-malaya>, accessed on 25th November 2018.

Jason Burke, 'Nigerian Islamists kill scores of soldiers in military base attack' (*The Guardian*, 23 November 2018) <https://amp-theguardian->

com.cdn.ampproject.org/v/s/amp.theguardian.com/world/2018/nov/23/nigerian-islamists-kill-scores-of-soldiers-in-military-base-attack, accessed 30 November 2020

Jide Adeniyi-Jones, 'The Lament of the Boko Haram 'Brides'' (27 August 2017) www.npr.org/sections/goatsandsoda/2017/08/27/545912049/the-lament-of-the-boko-haram-brides, accessed 2 December 2020.

Jide Adeniyi-Jones, 'The Lament of the Boko Haram 'Brides'' (27 August 2017) www.npr.org/sections/goatsandsoda/2017/08/27/545912049/the-lament-of-the-boko-haram-brides, accessed 2 December 2020.

JN Padeh, 'Islamic and Democratic Federalism in Nigeria' (Center for Strategic and International Studies, 2002).

Joe McCarthy, 'Fires in Nigeria Camp Leave 7200 Displaced People without shelter' (*Global citizen*, 4 November 2020), www.globalcitizen.org/en/content/fires-nigeria-internally-displaced-people-camp/, accessed 2 December 2020.

John Campbell, 'Boko Haram Christmas Bombings' (*CFR*), www.cfr.org/blog/boko-haram-christmas-bombings, accessed 3 December 2020.

John Hopkins University School of Advanced International Studies (<http://www.connectsaisafrica.org/research/african-studies-publications/social-violance-nigeria/>), and the Armed Conflict Location and Event Data Project (<http://www.crisis.acleddata.com/category/boko-haram/>), accessed 12 June 2020.

Jonathan Declares State of Emergency in Borno, Yobe and Adamawa States' Channels Television, 14 May 2013, <http://www.youtube.com/watch?v=3Gg1Rw0urlw>, accessed 9 February 2019.

Khubara' Yahdhurun min Khatar Tahaluf (al-Qa'ida) fi al-Maghrrib wa-Taliban Niyjiriya, AFP/Al-Riyadh, 15 June 2010, <http://www.alriyadh.com/534835>, accessed 6 April 2019. See also 'Hal Tahalaf al-Qa'ida ma'a Buku Haram' Al Jazeera, 16 June 2010, <http://>

www.aljazeera.net/news/reportsandinterviews/2010/6/16%D9%87%D9%84-%D8%AA%D8%AD%D8%A7%D9%84%D9%81%AA-%D8%A7%D9%84%D9%82%D8%A7%D8%B9%D8%AF%D8%A9-%D9%85%D8%B9-%D8%A8%D9%88%D9%83%D9%88-%D8%AD%D8%B1%D8%A7%D9%85, accessed 6th April 2019.

Kieran Guilbert, 'Boko Haram 'Lures, Traps' Young Nigerian Entrepreneurs with Business Loans' Reuters, April 11, 2016 (available at <http://uk.reuters.com/article/uk-nigeria-boko-haram-idUKKCN0X8265?feedType=RSS&feedName=worldnews>, accessed 13 January 2021).

Kofi Annan, Foreword to Secretary-General's High-Level Panel on Threats, Challenges and Change, *A More Secure World: Shared Responsibility* (2004) [Hereinafter *A More Secure World*], AVAILABLE ON <http://www.un.org/seureworld/report2.pdf>. (Accessed on 11th June 2018).

Lansana Gberie, 'Terrorism Overshadows Internal Conflicts', *African Renewal* (2016), <http://www.un.org>april-2016>terrorism>, accessed on 19th October, 2018.

Lesley Stahl, 'The Chibok Girls: Survivors of kidnapping by Boko Haram share their stories' (*CBS*, 17 February 2019), www.cbsnews.com/amp/news/the-chibok-girls-survivors-of-kidnapping-by-boko-haram-share-their-stories-60-minutes/#app, accessed 2 December 2020.

Letter from Abd al-Malik Droukdel to Boko Haram, September 2009, reproduced in *Nasa'ih wa-Tawjihah Shari'yya min al-Shaykh Abi al Hasan Rashidi li-Mujahidi Nayjiriya*, edited by Abd al-Numan Qutaybal al-Shinqiti (*Mu'assasat al-Andalus*, April 2017), 3 available at <https://azelin.files.wordpress.com/2017/04/shaykh-abucc84-al-hcca3asan-rashicc84d-22asharicc84ah-advice-and-guidance-for-themujacc84hidicc84n-of-nigeria22.pdf>, accessed 4th April 2019.

Letter from Abu Muhammad al-Hawsawi et al. to Abu al-Hasan al-Rashid al-Bulaydi, 2011 reproduced in *Nasa'ih wa-Tawjihah Shariyya min al-Shaykh Abi al-Hasan Rashid li-Mujahidi Nayjiriya*, edited by Abu al-Numan Qutayba al-Shinqiti (*Mu'assasatal-al-Andalus*, April 2017), available at <http://azelin.files.wordpress.com/2017/04/shaykh-abucc84-al-hcc3asan-rashicc84d-22sharicc84ah-advice-and-guidance-for-the-mujacc84hidicc84n-of-nigeria22pdf>, accessed 3rd April, 2019.

Letter from Abu Muhammad al-Hawsawi et al., reproduced in *Nasa'ih wa-Tawjihah Shari'iyya*, 12

Letter from Abubakar Shekau to Abd al-Hamid Abu Zayd, 7 October 2010, reproduced in *Nasa'ih wa-Tawjihah Shar'iyya*, 8.

Letter from AQIM Shura Council to the Shura Council of the Veiled Men Battalion, 3 October 2012, available at http://hosted.ap.org/specials/interactives/_international_pdfs/al-qaida-belmoktar-letter-english.pdf, accessed 22 March 2019.

Local-Pulse.ng at "Boko Haram: Full Story of how 100 Soldiers were Killed" <https://www.pulse.ng/.../boko-haram-full-story-of-how-100-soldiers-were-killed-id9132>, (Accessed 20th November, 2018).

Loretta Bondi, *Legitimacy and Legality: Key Issues in the Fight against Terrorism* (The Fund for Peace, 2002).

Louise Arbour, High Commissioner for Refugees, *Security Under the Rule of Law*, Keynote Address Before the Biennial Conference for the International Jurists (Aug. 27, 2004), available at <http://www.hchr.org.co/publico/comunicados/2004/cp0431.pdf>, accessed 7th June 2018.

LP Blancard, 'Nigeria's Boko Haram: Frequently Asked Questions' CRS Report for Congress, *Congressional Research Service Vol. 10*, (2014),

https://digital.library.unt.edu/ark:/67531/metadc306560/m1/1/high_res_d/R43558_2014May28.pdf, accessed 13 January 2021.

M Mark, 'Amnesty International: Baga Massacre, Deadliest Boko Haram Attack', <http://mg.co.za/article/2012-01-25-boko-haram-bombers-trained-by-alqaeda-says-niger>, accessed 17 October 2018.

M Nicholas, United Nations Committee Blacklists Nigeria's Boko Haram, Reuters Report, May, 2014.

M. J. White, "The Constitution of Terrorism, and Civil Liberties," 2004 Constitution Address at Dickinson College, 21 September 2004, available at www.clarkcentre.org/content/occasionalpapers/Constitution-Civil%20Liberties-Whitepdf#search=%22%evey%20dollars%00matters%22%20Mary%20Jo%20White%22 > (Accessed 2nd February, 2019).

Mathew Hassan Kukah, 'Boko Haram: Some Reflections on Causes and Effects,' Unpublished Article, (2009).

Media Development Association and Konrad Adenauer Foundation, 'History of Constitution-making in Kenya (2012), <http://www.kas.de/welcome>, accessed 12 January 2021.

Medinat A Malefakis, 'Religion and Religious Fundamentalism in Nigeria: Boko Haram's Claims to Truth' (WZB Discussion Paper, No. SP VI 2019-102) 7, <https://www.econstor.eu/handle/10419/205231>, accessed 12 January 2021.

Mercy Corps, 'Motivations and Empty Promises: Voices of Former Boko Haram Combatants and Nigerian Youth' April 2016, 14 https://www.mercycorps.org/sites/default/files/motivations%20and%20Empty%20Promises_Mercy%20Corps_Full%20Report.pdf, accessed 13 January 2021.

Mohammed Ibrahim, 'Counter-Insurgency: Is Human Rights a Distraction or sine qua non?' (Paper Presented at the 55th Session of the Nigerian Bar Association Conference, 25 August 2015).

Moses Ochonu, 'The Roots of Nigeria's Religious and Ethnic Conflict', <http://www.pric.org/stories/2014-03-10/roots-nigeria-religious-and-ethnic-conflict>, accessed on 12 January 2021.

Muhammad Sanusi II, Boko Haram: 'Manifestation of State Failure; Not the Nature of Islam', premiumtimes.com, accessed on 13 January 2021.

Musa, N. 'Maiduguri: Life on Edge in a city under siege', *The Guardian*, (July 2, 2012), p.54-55.

N Fielding, 'How al Qaeda Utilises Family Networks?' Presentation at Watson Institute, Workshop on the Financial and Transnational Dynamics of Terrorism, Providence, RI, 24-25 October 2003.

N Ibeh, 'Boko Haram: Nigerian Military Moves Command Centre to Maiduguri', <https://www.premiumtimesng.com/news/headlines/184543-boko-haram-nigerian-military-moves-command-center-to-maiduguri.html> (Accessed 13th April 2019).

National Population Commission and ICF International Nigeria Demographic and Health Survey 2013, available at <http://dhsprogram.com>pubs>pdf> (Accessed 3rd November, 2018).

United Nations: Tackling the Financing of Terrorism. CTITF Working Group Report, New York CTITF, (2009).

FATF, FATF 40 Recommendations. Financial Action Task Force, 2003.

ND Danjibo, 'Islamic Fundamentalism and Sectarian Violence: The Maitastine and Boko Haram Crises in Northern Nigeria (Peace and Conflict Studies Paper Series, 2009) 1-21

ND Danjibo, 'Islamic Fundamentalism and Sectarian Violence: The Maitastine and Boko Haram Crises in Northern Nigeria (Peace and Conflict Studies Paper Series, 2009).

News 24 'More than 1500 Boko Haram Suspects to go on Trial in Nigeria' available <https://www.timeslive.co.za/.../2018-09-17-due-process-concerns-over-boko-haram-tr>, accessed 1 December 2018.

Niger Trial: 475 Boko Haram Suspects Freed for Lack of Evidence, <https://.com/475-boko-haram-suspects-freed-for-lack-of-evidence>, accessed 1 December, 2018.

Nigeria Unveil Soft Approach to Counter Terrorism, available <https://www.pmnewsnigeria.com>2014/03/18>nigeria-unveils-soft-appr>

Nigeria: Acute hunger-outrage as IDP Children feed on onion leaves, (*Vanguard*, 22 April 2019) <https://allafrica.com/stories/201904220313.html>, accessed 2 December 2020.

Nigeria: Casualties reported following attack on governor's convoy in Borno state' (*Garda*, 26 September 2020) www.garda.com/crisis24/news-alerts/383451/nigeria-casualties-reported-following-attack-on-governors-convoy-in-borno-state-september-25, accessed 30th November 2020.

Nigeria: No justice for the 640 men and boys slain by military following Giwa barracks attack two years ago (*Amnesty International*, 14 March 2016) www.amnesty.org/en/latest-news/2016/03/Nigeria-no-justice-for-the-640-men-and-boys-slain-by-military-following-giwa-barracks-attack-two-years-ago/, accessed 2 December 2020.

Nigerian Police Station Bombed in Boko Haram attack', Guardian Newspaper, August 10th 2009.

Nigerian President Meets Leaders of Lake Chad Region', <https://www.yenisafak.com> accessed 1 December 2018.

Nigerian violence: 'Boko Haram' kill 27 in Village Attacks (*BBC*, 21 May 2014) <www.bbc.com/news/world-africa-27498598> accessed 30 November 2020

North Insists on Amnesty for Boko Haram Members, *ThisDay* 30 March 2013.

Obasanjo Explodes-April Polls Do or Die Affair for PDP, (11 February, 2007) available at <http://allafrica.com/stories/200702110015.html>, accessed 19th April 2019.

Office of the National Security Adviser to the President of Nigeria (National Center for counter-Terrorism), available at <http://pnigeris.com/2016/08/23/onsa-reviews-national-counter-terrorism-strategy-nactest/> (accessed 29th August, 2018).

Office of the National Security Adviser, 2017. Policy Framework and National Action Plan for Preventing and Countering Violent Extremism (PCVE). Available online at <https://ctc.gov.ng/pcve-nsa-book/> (Accessed 24th June 2019)

Office of the National Security Adviser, National Counter Terrorism Strategy (NACTEST), 2016 (pdf). Available at <https://www.reuters.com/article/us-nigeria-secutiry-/suspected-boko-haram-suicide-bombers-kill-12injure-48-idUSKBN1F627C> (Accessed 8th June 2019).

Office of the Spokesperson for the U.S. Dept. of State, Terrorist Designations of Boko Haram and Ansaru (13 November 2013), <http://www.state.gov/rlpalprs/ps/2013/11/217509.htm>, accessed 12 January 2021.

OHCHR 'Human Rights, terrorism and Counter-Terrorism' (Fact Sheet No 32, 2008), <https://www.ohchr.org/Documents/Publications/Factsheet32EN.pdf>, accessed 12 January 2021.

Oscarline Onwuemenyi, 'U. S. Fears Boko Haram Funded with Stolen Crude Money' August 7, 2015, available at <http://sweetcrudereports.com/2015/08/07/us-fears-boko-haram-funded-with-stolen-crude-money/>. (accessed 6th July, 2019).

P Brykczynski, 'Radical Islam and the Nation: The Relationship between Religion and Nationalism in the Political Thought of Hassan al-Banna and Sayyid Qutb' (2005) 5(1) *History of Intellectual Culture*1, 1-19.

Phil Stewart and Lesley Wroughton, 'How Boko Haram is Beating U.S. Efforts' <https://finance.yahoo.com/news/boko-haram-beating-u-efforts-choke-financing-052820382.html>, accessed 13 January 2021.

Premium Time online Newspaper, 'Amnesty International Commends Nigeria' Trial of Boko Haram Suspects Available in <https://www.premiumtimesng.com/news> (Accessed on 5th September, 2018)

Principles and Guidelines on the rights to a fair trial and legal assistance in Africa, [http://www.Afrimap.org/English/images/treaty/ACHPR_Principles&Guildlines_FairTrail.pdf](http://www.Afrimap.org/English/images/treaty/ACHPR_Principles&Guildlines_FairTrial.pdf), accessed 17, April 2018.

Protection Sector Working Group 2015, available at https://www.humanitarianresponse.info/en/system/files/documents/files/idp_protection_strategy_march_2015_1.pdf, 8, accessed 2 November 2018.

Punch Newspaper 'The Economic Impact of Boko Haram on northeast Estimated at \$274.5 million,' available at <http://www.punchng.com/economic/impact-of-boko-haram-northeast-estimated-274.5>, accessed 12 January 2021.

R Neumann, 'Negotiating with Terrorists' <www.foreignaffairs.com/articles/2007-01-01/negotiating-terrorists?amp> accessed 3 December 2020.

R Windrem, 'FAQ: Osama Bin Laden,' MSNBC, 12 January 2004, available at <http://www.msnbc.msn.com/id/3907198> (accessed 5 December, 2018).

Report on Board of Inquiry Investigating the Involvement of the Nigerian Army Troops in Boko Haram Crisis, 2010.

Ridley 'Central Banks and their role against Financing of Terrorism in the post 2001 period' (London Metropolitan University by the Institute of Security Analysis and Strategic, 2008).

Ruperez, 'The United Nations in the Fight against Terrorism', https://www.un.org/sc/ctc/wp-content/uploads/2017/01/2006_01_26_cted_lecture.pdf, accessed 12 January 2021.

S Akhaine, E Nzeh, and A Musa, 'Why we can't negotiate with Boko Haram: by Government, Northern CAN opposes talks with sect', *The Gurdian* (August 3, 2011): p. 1-2.

Samuel Ogundipe, 'Boko Haram now collecting taxes from Nigerians in Borno, Yobe' (*Premium Times*, 30 April 2018), www.premiumtimesng.com/news/headlines/266636-boko-haram-now-collecting-taxes-from-nigerians-in-borno-yobe-report.html, accessed 2 December 2020.

Secretary-General's High-Level Panel on Threats, Challenges and Change, *A More Secure World: Our Shared Responsibility, Executive Summary 1* (2004) hereinafter [executive summary], <http://www.un.org/secureworld/bronchure.pdf>;

Sectary General, *Protection of Human Rights and Fundamental Freedoms While Countering Terrorism* ¶ 1, delivered to the General Assembly, U.N. Doc. A/58/266 (August 8 2003) {Herein *Protection of Human Rights and Fundamental Freedoms While Countering Terrorism*} [referring to G. ARes.57/219 ¶ 1, U.N. Doc. A/RES/57/219 {Dec. 18, 2002} accessed 9th June 2018.

Shadi Hamid, 'Does ISIS Really Have Nothing to Do with Islam? Islamic Apologetics Carry Serious Risks', *Washington Post*, 18 November 2015, <https://www.washingtonpost.com/news/acts-of-faith/wp/2015/11/18/does-isis->

really-have-nothing-to-do-with-islamic-apologetic-carry-serious-risks/, accessed 27 April 2019.

Shaikh Saleem al-Hilaale, 'Misconceptions About the Scholars of Salaf', www.salafipublications.com/sps/sp.cfm?subsecID=MSC06articleID, accessed 20 February 2019.

Shaykh Muhammad Yusuf, T'arihin Musulmai (History of Muslims)' available on YouTube.

Shekau, 'I Abducted your Girls says Boko Haram Leader' available on You Tube

Shettima, 'Putting an End of Boko Haram Obsured', Daily Trust, vol.36, no. 16 (April 14, 2011): p. 51

Sneha Bhura, 'Can Nigeria's Anti-Terrorism Law Address the Boko Haram Threat?', Institute for Defense Studies and Analyses, https://idsa.in/africatrends/nigeria-anti-terrorism-law-address-the-boko-haram-threat_sbhura_1212, accessed 13 January 2021.

Special Report, Nigeria's Boko Haram Insurgency Increased Scope of Militancy Disapproves Ceasefire; Group's Para-Military Tactics to Challenge Security Forces. Max Solution Limited (November, 2014)

Suicide Bombing of No 2 Egged bus in Jerusalem-19August-2003, available at www.israel.org>MFA>MFA-Archive>2003>Pages (accessed 1st September 2019).

Suite No. FHC/ABJ/CS/900/2015.

T Stefan 'Security Council as World Legislature', https://www.academia.edu/1868393/The_Security_Council_as_World_Legislature, access 6 December 2019.

T Suleiman, 'The Wages of Evil,' TELL Magazine, May 14, 2012, 44-51.

Technical Guide: To the Implementation of Security Council Resolution 1373. Technical Guide, Counter-terrorism Committee (2009).

The Funding of Boko Haram and Nigeria's Actions to Stop it', available at <https://www.hsd1.org>>view, accessed 12 August 2020.

The Global Intelligence Files- Nigeria/CT- Boko Haram: Presi...., available at https://wikileaks.org/docs/2322772_nigeria-ct-boko-haram-pr.27 September 2011- While Presenting the Committee's Final Report, Gamtimari Indiicted Governmnets at all Levels,Attributing Boko Haram's Violent Campaign to (Accessed 7th June 2019).

The Guardian Newspaper online, Chris McManus Killed by Kidnappers minutes after Rescue Mission Beagn, Available at <http://www.theguardian.com>, accessed 11 October 2018.

The Hidden War, Nigeria's War against Boko Haram, Documentary. Available on Channel TV on You Tube (2014).

The mistake Rotimi Williams and I made about Nigeria's Constitution (Vanguard Newspaper, 22 March 2013), <https://www.vanguardngr.com/2013/...the-mistake-rotimi-williams-and-i-made-about>, accessed 12 January 2021.

The Nigerian Scholars for Dialogue to the Constitution Debate Coordinating Committee 'Comments and viewpoints on the Nigerian Constitution' http://www.waado.org/nigerian_scholars/.../constitution/viewconst1, accessed 12 January 2021.

Thomas Hobbes, 'Leviathan: Chapter 13', <http://www2.econ.iastate.edu/classes/econ362/hallam/Readings/LeviathanXiiiXv.pdf>, accessed 13 January 2021.

Tim Cooks and Isaac Abrak, 'Nigeria's Boko Haram Threaten to Sell Kidnapped Schoolgirls,' Reuters, May 5, 2014, available at www.reuters.com/article/us-nigeria-bokoharam-idUSBREA44BJ20140505 (accessed 1 July, 2019).

Tom Heneghan, 'Muslim Scholars Recast Ibn Taymiyyah's Fatwa on Jihad', www.israinternational.com/component/content/article/42-rokstories/318-muslim-scholars-recast-ibn-taymiyyahs-fatwa-on-jihad.html, ccessed 17th December, 2018)

Trans-Sahara Counterterrorism Partnership' available at https://www.cna.org/cna_files/pdf/cm-2014-007203-final The Trans Sahara Counter Terrorism Partnership Building Partner capacity to Counter Terrorism and Violent Extremism. Lesley Anne Warner. Cleared for.../ (Accessed 19th June 2019).

U.S. Department of State, 'Country Reports on Terrorism 2016 (pdf). Available at <https://www.State.gov/documents/organization/272488.pdf> (Accessed 12th 2019)

U.S. Department of Treasury, Office of Public Affairs, 'Treasury Designates Director, Branches of Charity Bankrolling Al Qaida Network,' 3 August 2006, <http://www.treas.gov/press/releases/hp45.htm>.

UAE and Boko Haram funders (*Vanguard*, 16 November 2020), www.vanguardngr.com/2020/11/uae-and-boko-haram-fnders/amp/, accessed 3 December 2020.

UN Environment Programme, 'What are environmental rights?' (UNEP) www.unenvironment.org/explore-topics/environmental-rights-and-governance/what-we-do/advancing-environment-rights/what, accessed 3 December 2020.

UN News, 'Women in displacement camps in Nigeria resort to transactional sex for survival' (*UN NEWS*, June 2016) <https://www.un.org/africarenewal/news/women-displacement-camps-nigeria-resort-transactional-sex-survival>, accessed 2 December 2020.

Une oïste nigériane dans l'enquête sur la mort des deux otages français enlevés au Niger, RFI, 14 November 2011, available <http://www.rfi.fr/afrique/20111113-une-piste-nigeriane-enquete-mort-deux-otages-francais-enleves-niger>, accessed 19 April 2019.

United Nations Office on Drugs and Crime (UNDOC), 2018. Partnership with United Nations System Entities. Available online at https://www.undoc.org/undoc/en/terrorism/partnerships/CTC_CTED.html (Accessed 26th May 2019).

UNODC. Good Practices for the Protection of Witnesses in Criminal Proceedings Involving Organized Crime 2008.

United Nations, 'Illicit Drug Trafficking Fuels Terrorism, Undermines Development Says Secretary-General in Message to Ministerial Conference,' Press Release, April 23 2015, available in www.un.org/press/en/2015/sgsml16694.doc.htm, accessed 3 July 2019.

United States District Court, Eastern District of New York, 'United States of America against Ibrahim Suleiman Adnan Harun: Government's Memorandum of Law in Support of Motion in Anonymous and Partly Sequestered Jury' 8 April 2016, <http://www.courthousenews.com/wp-content/uploads/2017/02/Harun.pdf>, accessed 21 February, 2019.

US Fwatshak, 'Radical Islam in the Lake Chad Basin, 1805-2009: From the Jihad to Boko Haram' (Armed Forces Command and Staff College, Jaji, Nigeria 2010).

Uyo Salifu and Martin Ewi, *Boko Haram and Violent Extremism Perspectives from Peacebuilders* (Institute of Security Studies, 2017).

Vanguard Newspaper, '\$1Billion loan to Procure weapons: Matter Arising, www.vanguardngr.com, accessed 12 January 2021.

Vanguard Online Newspaper, 'Chibok Girls Fingered as Suicide Bombers, <https://www.vanguardngr.com>, accessed 25 October, 2018.

Vortmeyer. M, Financial Intelligence Units: An Overview World Bank, International Monetary Fund, (2004)

Vote in European Parliament Strasbourg, 'Voting; 378 against 196, with 31 abstentions BBC World Service: European SWIFT deal for Sharing Bank Data with US' (February 11, 2010) available on <http://news.bbc.co.uk/2hi/europe/8510471.stm>, accessed 13 January 2021.

Wassawa D Obi, 'Terrorism: Who Pays Boko Haram?', Nigerian News, last modified 2014, (Available at www.naija.com/310779-who-pays-to-boko-haram.html, accessed 6th June 2019.

WEISS v. National Westminster Bank Plc, Following OFAC's designation of Interpal as an SDGT, Natwest Sought Guidance from the Financial Sanctions Unit of the Bank of England, available at <https://caselaw.findlaw.com> (accessed 1st September 2019).

Wolfram Lacher and Guido Steinberg, 'Spreading Local roots: AQIM and its Offshoots in the Sahara', in by Guido Steinberg and Annette Weber, *Jihadism in Africa: Local Causes, Regional Expansion, International Alliances* (Stiftung Wissenschaft und Politik, 2015 70, http://www.swp-berlin.org/fileadmin/contents/products/research_papers/2015_RP05_sbg_web.pdf, accessed 6 March 2019.

Women in displacement camps in Nigeria resort to transactional sex for survival' (*UN News*, June 2016) www.un.org/africarenewal/news/women-displacement-camps-nigeria-resort-transactional-sex-survival, accessed 2 December 2020.

World Bank and the International Monetary Fund, *Comprehensive Reference Guide to Anti-Money Laundering and Combating the Financing of Terrorism*, (2nd edn, The World Bank and the International Monetary Fund, 2003)1-1 available at www.i.worldbank.org/finance/html/amlcft/referenceguide.htm> (accessed 4th December, 2018).

www.premiumtimeng.com/.../177962-america-ban-owners-of-amigo-super-market-wonderland-amusement-park, accessed 30th June, 2019.

Xan Rice, 'Nigeria begins Amnesty for Niger Delta Militants', The Guardian, 6 Aug 2009, accessed 3 December 2020 <www.theguardian.com/world/2009/aug/06/niger-delta-militants-amnesty-launched>

Zagga M.'Azazi's Bombshell and other Issue', The Guardian (5, 2012): p.3

International Instruments

African Charter on Human and Peoples' Rights 1981.

African Charter on the Rights and Welfare of the Child 1990.

Convention for the Protection of Cultural Property in the Event of Armed Conflict 1954

Convention for the Suppression of Unlawful Acts against the Safety of Civil Aviation 1971

Convention for the Suppression of Unlawful Seizure of Aircraft 1970.

Convention on Offences and Certain Other Acts Committed on Board Aircraft 1963,

Convention on the Physical Protection of Nuclear Material 1980.

Convention on the Prevention and Punishment of Crimes against Internationally Protected Persons 1973

Convention on the Rights of the Child 1989.

EU Council Framework Decision, 2002/475/JHA (Combating Terrorism), June 13, 2002, 2.

International Convention against the Taking of Hostages 1979.

International Convention for the Suppression of Acts of Nuclear Terrorism 2005.

International Convention for the Suppression of Terrorist Bombings 1997.

International Convention for the Suppression of the Financing of Terrorism 1999.

International Covenant on Civil and Political Rights 1966

International Covenant on Economic, Social and Cultural Rights 1967.

United Nations Convention against Transnational Organized Crime and the Protocols Thereto 2004.

United Nations General Assembly Resolution 1566.

United Nations General Assembly Resolution 2200A (XXI) 1966.

United Nations General Assembly Resolution 42/159.

United Nations Security Council Resolution 1566.

United Nations Security Council Resolution 1373, 2001.

United Nations Security Council Resolution 827 1993.

United Nations Security Council S/RES/2178, 2014.

Universal Declaration of Human Rights 1948.

Statutes and Statutory Instruments

Constitution of the Federal Republic of Nigeria 1999.

Criminal Code Act 1916

Penal Code 1960.

Police Force Order 237: Rules for Guidance in use of Firearms by the Police 2019.

Terrorism Prevention (Amendment) Act 2013.

Terrorism Prevention Act 2011.