

PERSPECTIVES ON BOKO HARAM INSURGENCY



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Chapter 6

TRANSITION TO INSURGENCY IN INTERNATIONAL LAW: EMERGING TRENDS IN NIGERIA

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ABSTRACT

Insurgent acts are usually aimed at challenging the recognised sovereign authority in any state. However, acts of insurgency may transmute to international crisis portending challenges to international peace and security attracting international attention under either Chapter VI or VII of the UN Charter. The menace of Boko Haram in Nigeria has attracted international attention and more particularly, the concentrated hybrid geo-regional collective security efforts by governments of Nigeria, Cameroun, Chad, Niger and Benin Republic. Boko Haram is derived from the combination of two words, 'boko' in Hausa meaning 'book' and the Arabic term 'haram' which 'designates things that are ungodly or sinful.' The common slogan of the group based on the name is that western education is forbidden. This article examines the modest origin of the Boko Haram group as a small band of preachers under the leadership of Ustaz Mohammed Yusuf with the jihadist ideology to create an Islamic State based on

the Shari'a (Islamic Law) to being one of the deadliest terrorist groups in the world according to the 2015 Global Terrorism Index. The author traces the origin of the sect to proscription and subsequently examines the ideological motive, rhetoric and operations of the group including affiliations to other terrorist groups such as Al Qaeda, Islamic State of West African Province (ISWAP). The recruitment and funding strategies are emphasised within the context of terrorism, especially domestic terrorism. The paper argues that the operations of the group remain fatal and debilitating notwithstanding the concerted efforts of the affected states in ensuring the eradication of the group within the territory of the five states. The paper therefore maintains that the prevalent challenges of religious manipulations, poverty, corruption, illiteracy, unemployment, political manipulations and inequality will continue to fuel the hostilities of Boko Haram and its variants.

KEY WORDS: Boko Haram, Terrorism, Terrorist groups, Terrorist recruitment, Terrorist Financing, Insurgency, Transition, radicalisation

INTRODUCTION

From the creation of the earth, humans have consistently indulged in crimes. In fact, murder was the first crime committed by man even before the Almighty God gave human laws in form of commandments including the commandment not to murder (New World Translation of the Holy Scriptures, 2015 Gen.4:8). As society evolved, laws were necessary to regulate human affairs. This is because without a law criminalizing an act or omission, it cannot be a crime.

One great area of criminality has been Islamic fundamentalism as propagated by the Boko Haram Sect. Boko Haram translates into 'Western education is prohibited' but with the official name *Jama'atu Ahlis Suna Lidda'awaitiwal Jilad*, an Arabic name which in English means 'People committed to the propagation of Prophet's Teaching and Jihad.' Radical Islam is not a new phenomenon in Northern Nigeria. In the 1980s, reports of violent confrontations took place between a sect of Muslims known as Maitatsine and the Nigeria Police Force in December 1980 in Kano and in Maiduguri October 1982 was the beginning of clashes between radical Islam and the State (Agbiboa, 2013).

However, the nature of terrorism has taken a new dimension with the activities of the 'Boko Haram Sect' whose ideology was to establish and institutionalize Sharia law in Nigeria particularly in North-East region. The sect took on its present form upon the assumption of leadership by Ustaz Mohammed Yusuf in 2002. From 2009, the sect started its aggressive posturing leading to the arrest and execution of Yusuf. The group has become radicalized and engages in kidnapping, abduction, suicide bombing, and murder.

Between May 2011 and December 2019, it is estimated that over 16,928 persons have been killed by the Boko Haram insurgency in Nigeria (Council on Foreign Relations/Nigerian Security Tracker,p29483) and over 1.7 million displaced by June 2017 accounting for about a population of 379,815 as internally displaced persons (IDP) settled in camps (Amnesty International Report, 2017-2018).

The activities of Boko Haram have brought to the fore a new wave of 'terrorism' in Nigeria. This manifested in the

abduction of 276 girls from the Government Secondary School in Chibok, Borno State on 14 April 2014 and more recently, the abduction of 110 girls from the Government Girls Science and Technical College in Dapchi, Yobe State on 19 February 2018. Before the present wave of terrorism, there had been isolated criminal acts which have shocked the sensibilities of Nigerians. The Nigerian Court of Appeal while identifying the pervasiveness of terrorism today, in the case of Pius Oguawa v Federal Republic of Nigeria (2011, 12 NWLR (pt. 1260) dismissed the appeal of the appellant, a member of the Movement for the Actualization of the Sovereign Republic of Biafra (MASSOB) and stated that: 'Law abiding citizens live in fear of the security of their lives and legitimate possession day and night.'

Conceptualizing Insurgency

The term 'insurgency' has many meanings depending on the context. Black's Law Dictionary (9th edn. 879) defines 'insurgent' as a person who, for political purposes, engages in armed hostility against an established government. The U.S. government defines insurgency as "the organized use of subversion and violence to seize, nullify, or challenge political control of a region" (US Counter-insurgency Guide, 2009). From the international legal perspective, insurgency is seen as a rebellion, carried out by rebels, who are not recognised as belligerents, against a constituted authority or state that has been recognized by the United Nations. Ewa (2018), defines insurgency as any guerrilla, terrorist, militant, revolutionary, or any other form of irregular warfare that does not follow the rules, laws, and conventions of war and is usually carried out against a state (Ewa, 2018).

Titus Utibe Monday et al stated that, insurgents often pursue some common objectives targeted at undermining the legitimacy and policies of government while increasing their own ties with the communities they lived in.

What is common in all cases of insurgency is the use of violence. Another characteristic is that the insurgents feel that they are weaker in relation to the power of the State. By continuous struggle, they try to effect radical political, social, religious, and economic change or achieve territorial and resource control as well as seek greater accommodation within the state (Monday, Taofiq & Idris, 2017).

Insurgency in Nigeria

Insurgency is not a new phenomenon in Nigerian history. What is new is the level of sophistication, complexity and ramification (Ewa, 2018 p.34). An example was the Isaac Jasper Adaka Boro -led insurgency in Niger Delta which was carried out by 150 militants. The result was the declaration of Boro of 'The Niger Delta Republic' within the Nigerian State on 23 February 1966. This insurgency lasted only 12 days as it was crushed by the Nigerian government (Ewa, 2018). Boro was variously called 'Leader of the Liberation Government' and 'General Officer Commanding the Niger Delta Volunteer Service'. It is said that the revolt of Adaka Boro was the precursor to the insurgency of the region (Ikponikpo, 2018 p.35). There are multifarious acts of insurgency in the Nigerian history.

A. The Niger-Delta Insurgency

Subsequent agitation have arisen from the emergence of militant and separatist and sub-ethnic movement within the Nigerian polity such as Movement for the Survival of the

Ogoni People (MSOP), O'dua People's Congress (OPC), Egbesu Boys (EB), Arewa People's Congress (APC), Igbo People's Congress (IPC), Ijaw People's Congress (IPC), Bakassi Boys (BB), Movement for the Actualisation of the Sovereign State of Biafra (MASSOB), Indigenous People of Biafra (IPOB) (Ewa,2018).

Particularly militant bodies as the Niger Delta Peoples Volunteer Force (NDPVF), led by Asari Dokubo, Movement for the Emancipation of the Niger Delta (MEND), with Henry Okah as leader; the Niger Delta Vigilante Force (NDVF), led by Ateke Tom emerged about 2009. The demands of the various groups were principally for resource control, environmental protection, greater political and economic accommodation, and self-determination. The *modus operandi* of the militants was to attack the oil companies operating and involved in exploration in the Niger Delta. The oil pipelines and loading platforms were bombed and staff of these companies were kidnapped for ransom. The accusations were that there is environmental degradation as a result of the activities of these companies and there was no immediate benefit to the host communities. Major oil companies attacked are the Shell Petroleum Development Corporation, Total Fina Elf, and Chevron. Along with the activities of the militants were the proliferations of arms and ammunitions, illegal refineries, kidnapping, insecurity and loss of revenue to the Nigerian State. (Ewa,2018).

The Niger Delta insurgency had become a threat to national security and the economic survival of Nigeria. In 2008, following the submission of Ledum Mitee reports with other recommendations the Federal Government after consultation with the Council of States granted amnesty to all persons who

have directly or indirectly participated in the commission of offences associated with militants activities in the region. The amnesty proclaimed on 25 June 2009 included forgiveness and automatic freedom from any form of prosecution whatsoever which was expected to run for a 60 day period from August 6 to October 4, 2009 (Imongan & Ikelegbe,2016).

Late President Musa Yar'Adua was at the forefront of facilitating the amnesty program. The amnesty program recorded a major success as oil production stabilised. Although the program was originally designed to last only five years, it remains in operation under the Federal Ministry of Niger-Delta Affairs.

B. The Boko Haram Insurgency

As Nigeria was congratulating itself on the success of the amnesty program in the Niger Delta, another insurgency which had been smouldering since 2002 erupted in the North-Eastern region of the country (Ewa, 2018). The origin of the Boko Haram insurgents is traced to the *Maitatsine* uprisings in the early 1980s which left thousands dead and provided a springboard for the spread of the sect in the North-East.

Accounts of the emergence of Boko Haram in Nigeria vary (Abimbola & Adesote, 2012) but what is clear is that the movement has been known by many names such as 'Yusufiyya' after its founder, the 'Nigerian Taliban' after the 2003-2004 uprising and lastly 'Boko Haram' (Thurston, 2017). Boko Haram is an Islamic fundamentalist group called Jama'atu Ahlis Sunna Lidda'awati Wal-Jihad which in Arabic means 'the Association of the People of the Sunna for Proselytization and Armed Struggle'. The group is better known by its Hausa name 'Boko Haram' which translated in English means 'Western education is forbidden'. In Boko Haram's

eyes, Western-style education belonged to a larger, evil system encompassing multiparty democracy, secular government, constitutionalism and man-made laws. To them, all these institutions are both un-Islamic and anti-Islamic.

Ekpo (2016) traced the emergence of Boko Haram to 1995 when the group began as Shabaab under the leadership of Lawan Abubakar who later left for Saudi Arabia to further his Islamic studies. In his absence, Muhammed Yusuf emerged in 1999 as the leader of the group having been recognized by the Shakyhs Committee (Oyewole, 2013). Incidentally Yusuf had previous history of activism within the Islamist movement known as Jama'at Tajdid al-Islam. He was very radical in his preaching against complacency and called for the return to orthodox Islam through the implementation of Sharia.

The present Boko Haram terrorist group started as a small band of preachers under the leadership of Ustaz Mohammed Yusuf with the jihadist ideology that Western Education is forbidden or 'haram'. The message of Yusuf was 'we want to propagate Islam. Everyone has the right to hear the message of Islam' (<https://www.dw.com/en/10-years-of-radicalization-boko-haram/a-49781704>). With time, the message of Yusuf became popular especially amongst the youths, the illiterates and those dissatisfied with the establishment in the states in the northeast. In early 2009, the group had a confrontation with the security forces. This was one of many such confrontations as the group was becoming unruly and with disrespect to constituted authority. With his popularity, radicalism and indoctrination of followers, Yusuf was becoming a threat to the Nigerian State.

The government had banned the Boko Haram sect around July 2009. The result was rioting and looting. This occurred in Bauchi township, Yobe and Borno States. The clashes lasted several days, and at least 300 people died in Maiduguri alone. The Nigerian government clamped down on the sect and arrested many members including the leader of the sect, Ustaz Mohammed Yusuf. Report came out later that he had been shot dead on 30 July 2009 after the soldiers that arrested him handed him over to the police. (<https://www.dw.com/en/10-years-of-radicalization-boko-haram/a-49781704>).

It can be asserted that the death of Mohammed Yusuf was the beginning of militancy and insurgency of the Boko Haram sect. Abubakar Shekau, who was the deputy to Yusuf succeeded him. Under Shekau, Boko Haram launched a merciless "holy war" against the Nigerian State. The sect's activities moved underground, and its terrorism entered a new dimension (<https://www.dw.com/en/10-years-of-radicalization-boko-haram/a-49781704>).

It carried out many suicide attacks, including one on the police headquarters in the federal capital territory, Abuja. Boko Haram's attacked civilians, military and police establishments, spread fear and terror in the region (BBC News 13 July 2011, Reinert & Garcon, 2014). It became so violent that according to the 2015 Global Terrorism Index, the group was regarded as the deadliest terrorist group in the world by the number of deaths caused in 2014 (Pham, 2016).

Associated Philosophies with the Boko Haram Insurgency
Several studies have tried to identify root causes and growth of terrorism especially the Boko Haram in Nigeria. Theories

identified are Class theory, sub-cultural theory, resource mobilization theory, poverty-violence theory, frustration-aggression theory. Irrespective of the theory, the result can be classified as economic, social, religious, ethnic and political causes.

The class theory of the cause of terrorism draws from Karl Max's Historical Materialism. Ogunrotife (2013) in quoting from Karl Max (1852) stated that the fundamental idea behind Historical Materialism is that 'in the social production of life, men enter into definite relations that are indispensable and independent of their will, relations of production which correspond to a definite stage of development of their material productive forces. The sum total of these relations of production constitutes the economic structure of society, the real foundation, on which raises a legal and political superstructure, and to which correspond definite forms of social consciousness. The mode of production of material life conditions the social, political and intellectual life process in general. It is not the consciousness of men that determines their being, but, on the contrary, their social being that determines their consciousness' The theory focuses on human societies and their development through history, arguing that history is the result of material conditions rather than ideals (Usman,2015).

According to Ogunrotife (2013), the Boko Haram insurgency arose out of long standing grievances with the class structure of the Nigerian capitalist state specifically in the Northern Nigeria where Hausa/Fulani Oligarchic ruling class failed to develop the region, encouraged and entrenched patronage corruption in governance, and place more emphasizes on favouritism in terms of access to qualitative western

education by the rich kids at the expense of children from poor background. These symptoms of capitalist under-development in Northern Nigeria heralded long neglect of *Almajiri* poor street children along with widespread poverty and attendant corruption within the entire Nigerian establishment, thus, provides a fertile ground for Boko Haram's ideology to get support from the rank of lumpen class in society who is frustrated with the current state of affair. He further posited that from his study, it has been revealed that the moment the ideas and campaign of these sects found an echo and support from a sections of disenchanted and frustrated member of lumpen class, the more the latter are willing to join the sects in large number, and thus become a political force capable of challenging the state and the ruling class in power through the use of individual terrorism.

The sub-cultural theory is to the effect that an individual or individuals may be members of a sub-culture within a larger culture and certain acts carried out by members are considered normal in the sub-culture. However, the larger society considers that behaviour reprehensible and punishable by criminal law standards (Lanshima, 2018).

Within the context of Boko Haram, the insurgents have been socialized into believing that the western education or values is *haram* or forbidden. They therefore have a 'right' to murder, destroy lives and properties, kidnap, reject the social, political, economic, and educational norms of the country. They do not appreciate that in the larger Nigerian society they are murders, kidnappers and terrorists (Lanshima, 2018).

The frustration-aggression theory presupposes that

aggressive behaviour is the result of frustration. Frustration produces different responses, one of which is instigation to some form of aggression (Udama, 2013). It is argued by Bello, Abdullahi, & Hassan (2015) that Sigmund Freud (1923) has provided a psychological perspective to the mind of terrorists. Freud believes that frustration and hopelessness are sources of terror and frustration that propels aggression.

He further states that man has an instinctive desire to destroy himself when frustrated. But since the ego in him does not always allow self-destruction, the destructive instinct is turned against others in a process of displaced or transferred aggression. Hence, the frustration aggression theory holds that aggression is always the consequence of frustration and that the occurrence of aggressive behaviour always presupposes the existence of frustration. Thus, frustration is the product of relative deprivation of an expectation that creates a gap between aspiration and achievement. The Sigmund Freud theory helps to explain such actions of the terrorists as suicide bombing, kidnapping of individuals including school children, burning down of entire communities after a raid. Within the context of the Boko Haram insurgency, the frustration may be attributed to some political figures that operate behind the scene for their inability to control the political power in the states of the economic deprivation of the teeming youths. The frustration leads to aggression (Udama, 2013).

Relative deprivation theory. This theory was explained by Ted Robert Gurr (1969). He explained that instead of an absolute standard of deprivation, a gap between expected and achieved welfare leads men to discontent and eventual violence. This theory also applies to individuals who find their own welfare to be inferior to that of others to whom they

compare themselves. He argues that relative deprivation is the term used to denote the tension that develops due to a gap between the individual expectation and achieved welfare results in collective discontent. Within context of the Boko Haram insurgency, it is the result of collective discontent caused by a sense of relative deprivation by the teeming unemployed youths who had believed that with the advent of democratic rule in 1999, their welfare will improve and that poverty, corruption, unemployment will be a thing of the past (Usman, 2015).

We are of the opinion that the relative deprivation theory is akin to the frustration-aggression theory. In this work, we shall rely on the Frustration-Aggression Theory and the Relative Deprivation Theory. The transition from a small band of preachers to a terrorist group can be explained within these theoretical frameworks.

Transition to 'Insurgency' and Consequent Alliance with Al-Qaeda and Islamic State West African Province

After the murder of Yusuf in 2009, the group underwent a dramatic transformation. The Al-Qaeda in the Maghreb (AQIM) through a pronouncement by the emir, Abu Musab Abdel Wadoud (a.k.a Abdelmalek Droukdel) stated that his group would provide Boko Haram with weapons, training, and other support in order to expand its own reach into sub-Saharan Africa as a way of gaining "strategic depth," "defend[ing] Muslims in Nigeria and stop[ping] the advance of a minority of Crusaders." The credentials of Droukdel to carry out the mission was doubted because of the conflicts within AQIM itself (Pham, 2016).

Upon the assumption of leadership of the group by the former deputy of Yusuf, Abubakar bin Mohammed Shekau, the insurgents became more violent. There were several coordinated attacks on federal establishments including the breaking into the Federal prisons (correctional facility) in Bauchi state in 2010 where more than 100 of the members of the group were set free including 750 other prison inmates.

On the eve of December 25, 2010, Jos Plateau State was attacked, and 80 people were killed in an attack targeted at Christian communities. Several attacks followed in 2011 including the suicide attacks on Churches, Police formations and the UN office in Abuja. This was the first international target of the terrorists. By 2012, the influence of AQIM had given additional impetus to the insurgents. In 2013, they were controlling at least 10 local government areas in Northeastern Nigeria including borders of Chad, Niger and Cameroon with full-fledged authority. There were several kidnappings for ransom including the Chibok girls (Pham 2016).

In 2015, Shekau formally pledged allegiance to Islamic State (IS), turning his back on Al-Qaeda. IS accepted the pledge, naming the territory under Boko Haram's control as the Islamic State of West Africa Province (ISWAP) and as being part of the global caliphate, it was trying to establish. ISIS accepted the group's pledge and the group began calling itself ISIS-West Africa (ISWAP). In August 2016, ISIS announced that Abu Musab Al-Barnawi was to replace Abubakar Shekau as the new leader of the group. Infighting then led the group to split. Shekau maintains a group of followers and affiliates concentrated primarily in the Sambisa Forest; this faction is known as Boko Haram. The Governments of Cameroon, Chad, Niger, and Nigeria routinely call both groups Boko

Haram, with some differentiation on the 'Shekau faction' versus the 'Al-Barnawi' faction.

It is estimated that ISWAP has approximately 3,500-5,000 fighters (Warner & Hulme, 2018). Thus, today, ISWAP is led by Barnawi and operates primarily in the Lake Chad Basin region. Shekau, whose group operates alternatively under the international name of Boko Haram or the local name *Jama'at Ahl as-Sunnah lid-Da'wah wa'l-Jihad* (JAS) but is also sometimes referred to as a second branch of ISWAP, operates near the Sambisa Forest further south (Warner & Hulme, 2018).

It is argued that the affiliation of Boko Haram to ISIL has not resulted in much success. This is because, a few months after pledging alliance to ISIS, the insurgents have continued to suffer defeats with no territory under their control. However, Boko Haram's affiliation with the Islamic State is strategically significant, insofar as it could lead to the internationalization of a threat that has up to now largely been confined geographically. There is a risk that fighters from North Africa and other areas, finding it harder to migrate to the self-proclaimed caliphate's territory in the North, could well choose to move to the Boko Haram emirate instead (Pham, 2016).

Notable acts of terrorism that has brought the menace to the fore include the series of bombing in Maiduguri and neighbouring towns, the 2010 New year's Eve bombing of Mogadishu Military Cantonment Mammy Market Abuja, May 29, 2010 Presidential Inauguration bombing in Abuja, October 1, 2010 bombing that disorganized the Independence Anniversary celebration, June 16, 2011 Nigerian Police Force

Headquarters bombing in Abuja, August 26, 2011 bombing of UN House in Abuja, November 4 2011 bombing of Army Task Force Operational , December 25, 2011 St. Theresa Catholic Church bombing in Madalla near Abuja. On April 14, 2014, the insurgents attacked the Federal Government College Chibok and abducted 276 girls. Between January 3 and 7, 2015, Baga was attacked and the insurgents seized a military base resulting to the death of about 2000 people (Pham, 2016, Amnesty International 9 January 2015). On 19 February 2018, 110 school girls were kidnapped from the Government Girls' Science and Technical College Dapchi, Yobe State. On 21 March 2018, 106 of the kidnapped children were released. The list is endless. These acts were attributed to Boko Haram (Reinert & Garcon, 2014). Thereafter, the sect killed about 70 Chadian soldiers in 2019.

The Implications of the Transition to Insurgency

The result of the Boko Haram insurgency has led to loss of lives and properties in the country especially in the Northeastern part of Nigeria. Some of these activities include bombing, suicide bomb attacks, sporadic shooting of unarmed and innocent citizens, burning of police stations, churches, kidnapping of schoolgirls and women, e.t.c. Many lives and properties have been lost and many citizens rendered homeless. Families have lost their loved ones. Many women are now widows. Children become orphans with no hope of the future. The internally displaced persons as a result of the activity of Boko Haram has been put at 2.5 million according to an UNHCR report (2019-2020). This has implications for national development. Government had made frantic efforts to tackle these challenges posed by terrorism and insecurity in the country and put an end to it, but the rate of insurgency and insecurity is still alarming.

A. Economic Effect

According to Chuku, Abang & Isip (2019) the cost of terrorism to Nigeria, in terms of lost GDP per annum, is estimated at 0.82%. Moreover, there is evidence that terrorism leads to the reallocation of economic activity away from private investment spending to government spending; that is, terrorism crowds out investment at a higher rate than its potential to crowd in government spending. Lastly, terrorism alters the composition of government expenditure – with the defence component of government expenditure rising vis-à-vis other expenditure items. The Global Terrorism Index 2016, stated that Nigeria was one of the five countries with the highest impact from Terrorism. Others were Afghanistan, Pakistan and Syria. They all accounted for 72% of all deaths from terrorism in 2015 (Global Terrorism Index, 2016).

B. Social Effect

The Boko Haram insurgency has had a negative effect on the people regardless of status and the society at large. Some legislators have had cause to cry out on the floor of the national assembly that due to the activities of the insurgents, they are unable to go to their constituencies in the North-East. There is dislocation in families with some in neighbouring countries like Cameroon as refugees, running away from the attacks of the insurgents.

C. Political Effect

The result of the activities of the Boko Haram insurgents in the North-East has resulted in fear and break down of law and order. In some states in Northeastern Nigeria, elections could not hold since some local governments were under the control of the insurgents where they had set up a caliphate.

According to a federal lawmaker, Ahmadu Jaha representing Damboa-Gwoza-Chibok in the Federal House of Representatives, eight out of ten Local Government Areas in the Northern part of Borno State were under the control of the Boko Haram insurgents. This was on September 14, 2019 (Sahara Reporters September 25,2019).

The insurgents have spread fear across the country resulting in political polarization based on ethnicity. The result is evident mistrust between the North and the South. As most attacks were targeted at Christians, this has also resulted in Muslim-Christian polarization.

Conclusion

Though Boko Haram started as a peaceful but radical preaching band of youths propagating that Western education and values, was *haram* or forbidden. They have presently metamorphosed to a terrorist group in Nigeria. The activities of the insurgents have resulted in the destruction of lives and property, posing as threats to international community.

In the international arena, Nigeria's image has suffered immensely due to acts of international related crimes, such as money laundering, advanced free fraud, drugs and human trafficking since some of these crimes relate to terrorism. From 2009 till date, Nigeria's image seems to be tied to the activities of the insurgents.

Investors have left the country, especially in the North-East. The sustenance of the IDP camps has become a drain to the Nigerian economy. Furthermore, the activities of the

insurgents have resulted in national insecurity. The fight against the insurgents by the Nigerian military has reportedly been mired in allegations of corruption and compromise especially in the procurement of arms and ammunition.

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