

# The Challenges of Subduing Insurgency in Restive and Dysfunctional Societies: Lessons from Nigeria’s Experience with Boko Haram

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I.	INTRODUCTION .....	281
II.	BOKO HARAM IN CONTEXT.....	287
III.	INVOLVING THE MILITARY IN THE FIGHT AGAINST INSURGENCY .....	293
	<i>A. The Military and Counterinsurgency</i> .....	293
	<i>B. Revising Rules of Engagement (ROE)</i> .....	301
IV.	STRATEGIES FOR HANDLING INSURGENCY .....	303
	<i>A. Winning Local Support</i> .....	309
	<i>B. Problems with Public Support</i> .....	311
	<i>C. Propaganda</i> .....	311
	<i>D. Excessive Force</i> .....	313
	<i>E. Insufficient Attention to Grievances and Social     Conditions</i> .....	316
	<i>F. Cultivating Public Support</i> .....	318
	1. Protecting Citizens .....	320
	2. Treating Citizens with Respect and Restraint .....	322
V.	REBUILDING WAR TORN COMMUNITIES .....	324
	<i>A. Physical Damage</i> .....	324
	<i>B. Emotional Damage</i> .....	327
VI.	EXPANDING ECONOMIC OPPORTUNITIES.....	328
VII.	CONCLUSION .....	334

## I. INTRODUCTION

The starkest and most troubling threat to national security in Nigeria comes from Boko Haram.<sup>1</sup> Boko Haram, an insurgency group, unilaterally

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declared war against the government and seems determined to cause social disequilibrium by any means possible, especially violence.<sup>2</sup> The group despises democracy and seeks to destroy the existing system, believing that democracy and Western-style education are antipodal to the Islamic state it so desperately desires.<sup>3</sup> It is uninterested in any peaceful resolution,<sup>4</sup> and seems determined to fight to the end—that is, until the organization is annihilated by the state or it cripples the machinery of government.<sup>5</sup> Boko Haram indefatigably adopts violence as its operational strategy and feloniously unleashes it against innocent civilians with alarming frequency and stunning brutality.<sup>6</sup>

Boko Haram insurgents, according to Sambo Dasuki, former National Security Adviser, “seek to force fundamental changes on society, operating with impunity; they violate all decent human values in an effort to draw a commensurate response from authorities.”<sup>7</sup> Rarely have insurgents managed to unleash mayhem on Nigeria in as vast a scale and with such brutality as Boko Haram.<sup>8</sup> The 2014 kidnapping of 276 Chibok

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1. For an account of the history and activities of Boko Haram, see OLIVIER GUITTA & ROBIN SIMCOX, *THE HENRY JACKSON SOCIETY, TERRORISM IN NIGERIA: THE THREAT FROM BOKO HARAM AND ANSARU* (2014).

2. See ANDREW WALKER, UNITED STATES INSTITUTE OF PEACE, *WHAT IS BOKO HARAM* (2012), <https://www.usip.org/publications/2012/05/what-boko-haram> (“Boko Haram is an Islamic sect that believes politics in northern Nigeria has been seized by a group of corrupt, false Muslims. It wants to wage a war against them, and the Federal Republic of Nigeria generally, to create a ‘pure’ Islamic state ruled by sharia law.”).

3. See ALEX THURSTON, THE BROOKINGS PROJECT ON U.S RELATIONS WITH THE ISLAMIC WORLD, ‘THE DISEASE IS UNBELIEF’: BOKO HARAM’S RELIGIOUS AND POLITICAL WORLDVIEW 5 (2006) [hereinafter *THE DISEASE IS UNBELIEF*] (“Boko Haram’s ideology is often described as comprising two stances: opposition to democracy and rejection of Western-style education.”).

4. See Felix Akpan et al., *Boko Haram and the Counter-Terrorism Policy in Nigeria*, 10 *CAN. SOC. SCI.* 151, 153 (2014) (“What is more worrisome is the fact that the group refused to negotiate with the government when it was offered the opportunity. This means that the group is not ready to dialogue with the government. They are ready to fight until they get what they want.”).

5. See AMY PATE, *BOKO HARAM: AN ASSESSMENT OF STRENGTHS, VULNERABILITIES, AND POLICY OPTIONS* 31-32 (2015) (noting that the National Security Adviser, Sambo Dasuki “made it clear that he was open to negotiation, but Boko Haram dismissed his efforts.”) (footnote omitted).

6. See LAUREN PLOCH BLANCHARD, CONG. RSCH. SERV., *NIGERIA’S BOKO HARAM: FREQUENTLY ASKED QUESTIONS*, at i (2016) (“Boko Haram, a violent Nigerian Islamist movement, has grown increasingly active and deadly in its attacks against state and civilian targets in recent years . . .”).

7. Mohammed Dasuki Sambo, *Challenges of Governance in the Era of Insurgency*, SAHARA REPORTERS (Aug. 10, 2014), <http://saharareporters.com/2014/08/10/challenges-governance-era-insurgency-mohammed-sambo-dasuki#.WeVNEs-MJdg.email>.

8. See Al Chukwuma Okoli & Philip Iortyer, *Terrorism and Humanitarian Crisis in Nigeria: Insights from Boko Haram Insurgency*, 14 *GLOB. J. OF HUM. SOC. SCI.* 39, 44 (2014) (“Since the last five years the Boko Haram sect has continued to wage a vicious campaign of terror against the Nigerian state, as well as the civil population of the country.”).

schoolgirls remains a prime and chilling example of Nigeria's vulnerability to Boko Haram's campaign of terror.<sup>9</sup> The extent of its attacks, along with the deadly efficiency and frequency with which it carries out these attacks led a commentator to note that "Boko Haram insurgency in the northern part of the country represents, perhaps, the gravest security threat and challenge to Nigeria."<sup>10</sup> President Goodluck Jonathan acknowledged the seriousness of the Boko Haram security challenges, stating:

At a stage, almost the entire North-East of Nigeria was under siege by insurgents. Bombings of churches and public buildings in the north and the federal capital became an almost weekly occurrence. Our entire national security apparatus seemed nonplussed and unable to come to grips with the new threat posed by the berthing of terrorism on our shores.<sup>11</sup>

Boko Haram insurgency portends a dangerous defiance that can quickly unravel Nigeria's nascent democracy if the government fails to respond swiftly and decisively. The major problem is that Boko Haram operates with a mix of arrogance and delusion and appears to be egregiously and manifestly beyond the reach of persuasion. It callously ignores the restraints of the nation's laws and wishes to be unhindered in the pursuit of their dream society. Worse, it cannot be mollified by concessions and appears unswervingly committed to the destruction of the country. Nigeria can only restore security and social equilibrium by subduing Boko Haram and its ideology. The question is: how? On May 15, 2013, President Goodluck Jonathan declared a state of emergency in Borno, Adamawa, and Yobe, three northern states under siege by Boko Haram.<sup>12</sup> President Jonathan stated, "What we are facing is not just militancy or criminality, but a rebellion and insurgency by terrorist groups, which pose a very serious threat to national unity and territorial integrity."<sup>13</sup> He further stated, "It would appear that there is a systematic effort by insurgents and terrorists to destabilize the Nigerian state and test our collective resolve."<sup>14</sup>

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9. See Kevin Sieff, *Boko Haram Kidnapped 276 Girls Two Years Ago. What Happened to Them?*, WASH. POST (Apr. 14, 2016), <https://www.washingtonpost.com/news/worldviews/wp/2016/04/14/boko-haram-kidnapped-276-girls-two-years-ago-what-happened-to-them/>.

10. Osumah Oarhe, *The Responses of the Nigerian Defense and Intelligence Establishments to the Boko Haram Security Challenge*, in *BOKO HARAM: ANATOMY OF A CRISIS* 60, 61 (Joannis Mantzikos ed., 2013).

11. Akpan, *supra* note 4, at 153 (quoting President Jonathan).

12. *Nigeria: President Jonathan declares State of Emergency in States*, BBC NEWS (May 15, 2013), [www.bbc.co.uk/news/world-africa-22533974](http://www.bbc.co.uk/news/world-africa-22533974).

13. *Id.*

14. Daniel E. Agbiboa, *Peace at Daggars Drawn? Boko Haram and the State of Emergency in Nigeria*, 37 *Stud. Conflict & Terrorism* 41, 48 (2014).

He concluded, “These actions amount to a declaration of war . . .”<sup>15</sup> Characterizing Boko Haram’s insurgency as a declaration of war, Nigeria deployed military troops to quell the insurgency.<sup>16</sup>

This Article examines Boko Haram insurgency and Nigeria’s efforts to combat it. It identifies weaknesses and errors of the current counterinsurgency scheme, recommending adjustments and recalibrations necessary to subdue Boko Haram insurgency. In this Article, I argue that though Boko Haram’s intransigence makes using military force inevitable, a counterinsurgency strategy that focuses exclusively on military force is deeply flawed, potentially dangerous, and may ultimately prove counterproductive.<sup>17</sup> General Frank Kitson of the British Army eloquently and emphatically stated, “There can be no such thing as a purely military solution to an insurgency because insurgency is not primarily a military activity.”<sup>18</sup>

This Article is divided into five broad parts. Part II reviews Boko Haram’s activities in Nigeria to enhance understanding of the dangers posed by this group and the circumstances in which Nigeria battles to subdue insurgency. Part III examines the military component of the struggle against Boko Haram. Insurgency affronts settled assumptions about warfare and compels the military to creatively adjust to the dynamics of insurgency. The Nigerian military’s effectiveness in the fight against insurgency will be significantly enhanced by adequately training soldiers to cope with the challenges of insurgency and revising the rules of engagement to pragmatically balance the tension between security and civil rights. Training will help the military correct self-destructive missteps that undermine its counterinsurgency efforts. Also, training the military to simultaneously serve as effective counterinsurgents and beneficent restorers of services and infrastructure destroyed by insurgency remains

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15. BBC NEWS, *supra* note 12.

16. See Ryan Cummings, *Boko Haram and the Symmetry of Asymmetric Warfare*, IPI GLOB. OBSERVATORY (Dec. 10, 2014), <https://theglobalobservatory.org/2014/12/boko-haram-asymmetrical-warfare/> (“[T]hese acts of violence remain characteristic of typical asymmetric warfare with suicide and car bombings, targeted assassinations, kidnappings, armed ambushes, and coordinated raids continuing to serve as preferred attack vectors.”).

17. See Aminu Mohammed Umar, *Nigeria and the Boko Haram Sect: Adopting a Better Strategy for Resolving the Crisis* (2013) (M.A. thesis, Naval Postgraduate School) (“Although a military response remains indispensable in counterinsurgency operations, it has remained incapable of addressing the root and immediate causes of insurgencies all over the world.”).

18. U.K. MINISTRY OF DEFENSE, *BRITISH ARMY FIELD MANUAL: COUNTERING INSURGENCY* 11-2 (2010).

the pathway to a durable social order and lasting peace in areas affected by insurgency.<sup>19</sup>

Part IV argues that Nigeria cannot subdue insurgency without addressing the grievances and underlying social conditions that drive insurgency in the Northeast.<sup>20</sup> After years of battling insurgency in the Northeast, it is clear that the prospects of defeating insurgency by force alone are diminishingly thin.<sup>21</sup> Nigeria's former Chief of Defense Staff, General Martin Luther Agwai observes, "you can never solve any of these problems [Boko Haram] with military solutions . . . it is a political issue; it is a social issue; it is an economic issue; and until these issues are addressed, the military can never give you a solution."<sup>22</sup> The task of subduing insurgency is yet to be completed. Whatever gains so far made are shaky, fragile, and easily reversible.<sup>23</sup> The current war against insurgency has not produced the desired result because Nigeria focused obsessively on military might, showed little interest and even less aptitude for addressing the underlying social forces that drive insurgency.<sup>24</sup> Such an approach has diminished neither Boko Haram's vitality nor the danger it poses.<sup>25</sup>

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19. See Nathaniel Allen et al., *Down, Not Out: How to Fight Back Against Boko Haram's Newest Strategy*, FOREIGN AFFAIRS (2015) ("Keeping up the momentum against Boko Haram will require not only changes in Nigeria's armed forces but an overall reconsideration of government strategy.").

20. PATRICIO ASFURA-HEIM & JULIA MCQUAID, DIAGNOSING THE BOKO HARAM CONFLICT: GRIEVANCES, MOTIVATIONS, AND INSTITUTIONAL RESILIENCE IN NORTHEAST NIGERIA 66 (2015) ("[A] new, more comprehensive approach by the Nigerian government—one that seeks to address political, economic, and social grievances—will be needed to degrade and eventually defeat the threat posed by Boko Haram.").

21. MARC-ANTOINE PÉROUSE DE MONTCLOS, NIGERIA'S INTERMINABLE INSURGENCY? ADDRESSING THE BOKO HARAM CRISIS 30 (2014) [hereinafter NIGERIA'S INTERMINABLE INSURGENCY] ("The failure of emergency rule to contain and impede Boko Haram violence clearly shows that the military option with an absolute focus on the violent destruction of Boko Haram is not tenable and an alternative must be sought.").

22. Max Siollum, *How Boko Haram Can be Defeated*, NEW AFRICAN MAG. (Jan. 19, 2015), <https://newafricanmagazine.com/9615/>.

23. See Allen et al., *supra* note 19 ("Boko Haram's tactical flexibility and its roots in northern Nigeria's marginalized communities suggest a prolonged and many-layered struggle.").

24. See JAMES J. F. FOREST, CONFRONTING THE TERRORISM OF BOKO HARAM IN NIGERIA 90 (2012) ("To date . . . the Nigerian government has responded to Boko Haram—and to previous manifestations of violent religious extremism, like the Maitatsine riots—primarily with a show of force.").

25. See NIGERIA'S INTERMINABLE INSURGENCY, *supra* note 21, at 30 (noting that the military offensive against Boko Haram "failed to neutralize the movement, at the same time damaging and alienating the people, while demoralizing and discrediting the armed forces operating in the region").

Problems in the Northeast have come to a head because of Boko Haram, but the roots are deep.<sup>26</sup> Defeating insurgency requires a multilayered approach focused on three components: measured use of military force to subdue insurgents who cannot be persuaded to abandon violence; restoration of basic services and infrastructure disrupted by insurgents; socioeconomic reconstruction that provides opportunities and incentives for citizens to improve their lives and living conditions.<sup>27</sup> Given contemporary challenges and threats posed by insurgency, these approaches are not mutually exclusive goals. The choice is not between forcefully subduing insurgency and addressing the causes of insurgency. If Nigeria cannot simultaneously pursue both objectives, no one measure will succeed.<sup>28</sup> Nigeria must weave together political, economic and military elements into an effective strategy for dealing with insurgency.

Counterinsurgency is not just killing or capturing insurgents, it is also about defeating ideas and social conditions that inspire and sustain insurgency.<sup>29</sup> The Northeast is seething with poorly articulated, but deeply felt grievances, especially complaints of injustice and marginalization against the federal government.<sup>30</sup> These grievances, regardless of their validity, breed and spread discontent and account for the gestating anomie that ultimately leads to insurgency.<sup>31</sup> Nigeria will not establish lasting peace and security in the Northeast unless it credibly and persuasively deals with these grievances and complaints.<sup>32</sup> Nigeria must “defeat the underlying causes of the conflict—the factors that drive young, disaffected, alienated men and women, boys and girls to join Boko Haram

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26. See *infra* p. 25-28.

27. See Adewunmi J. Falode, *Countering the Boko Haram Group in Nigeria: The Relevance of Hybrid Doctrine*, SMALL WARS J. (2017), <https://smallwarsjournal.com/jrnl/art/countering-the-boko-haram-group-in-nigeria-the-relevance-of-hybrid-doctrine-0> (referring to this strategy as the Hybrid doctrine). According to Falode, “[t]he aim of the doctrine is to compel, deter and persuade terrorists/insurgents to end the conflict on terms favorable to the state . . . . The military approach is deployed simultaneously with the political, social, cultural, religious and economic approach to provide a synergistic and effective solution to the conflict.”

28. THURSTON, *supra* note 3, at 6 (“[T]he battle against Boko Haram is a long-term affair; if the battle is to succeed, it must involve not just military successes but also a far-ranging effort to address socioeconomic problems, counteract narratives that the state is anti-Islamic, and constructively engage a rapidly transforming religious landscape in Northern Nigeria.”).

29. See *infra* p. 25-28.

30. See *id.*

31. See Paul Rogers, *Nigeria: The Generic Context of the Boko Haram Violence*, OXFORD RSCH. GRP. \*2, 5 (2012), <https://reliefweb.int/sites/reliefweb.int/files/resources/AprEn12.pdf>; see also Edward Newman, *Exploring the “Root Causes” of Terrorism*, 29 STUD. IN CONFLICT & TERRORISM 749 (2006).

32. See Newman, *supra* note 31, at 749.

in the first place.”<sup>33</sup> Counteracting Boko Haram’s apocalyptic vision and ideology of hatred with hopeful messages backed by concrete measures citizens can see and appreciate offers a more lasting solution to the problems of insurgency.<sup>34</sup> Edward Newman’s admonition deserves more attention than it has received in Nigeria:

Certain underlying conditions and grievances help to explain how, where and why terrorism occurs. As a corollary, a failure to understand the linkages between these underlying conditions and terrorism may result in inadequate counterterrorist policies . . . an approach to counterterrorism that ignores this relationship may even exacerbate the underlying conditions that give rise to terrorism and in turn intensify the terrorist threat.<sup>35</sup>

Part V offers suggestions for rebuilding communities ravaged by insurgency. It argues that rehabilitating citizens damaged by insurgency must form part of the government’s strategy for dealing with insurgency. Citizens whose lives have been blighted by insurgency have little inclination and far less incentive to support the government in the fight against insurgency. The government can coax citizens back to its side not by force but by helping them overcome the ruins – physical and emotional problems – caused by insurgents.

Part VI argues that the government cannot deal with insurgency by force alone. The likelihood of winning the fight against insurgency rises exponentially if the government can engineer economic and social changes that improve the lives of citizens. Poverty, despair, and financial hardships increase citizens’ susceptibility to manipulation by insurgents who promise a better life to those who join them. Economic reconstruction will inspire two admirable results: citizens less concerned about their future will resist overtures by insurgents. Citizens assured of a hopeful future will support the government in the fight against insurgency.

## II. BOKO HARAM IN CONTEXT

The wellsprings of Boko Haram’s disaffection, gleaned from its leaders’ incoherent and forever changing articulation of the group’s grouse with the government, range from allegations of unfair treatment of

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33. Steven Hendrix, *Combating Terrorism and Violent Extremism in Nigeria: Defining a New Approach to Winning Modern Jihadist Conflict*, 49 INT. LAW. 427, 430 (2016).

34. See THURSTON, *supra* note 3, at 6 (urging the government to “counteract Boko Haram’s narrative that the state is anti-Islamic”).

35. Newman, *supra* note 31, at 749.

Muslims<sup>36</sup> to the government's misguided policies that left the Northeast miserably behind other states in the areas of infrastructure; from education and economic development<sup>37</sup> to their desire to Islamize Nigeria.<sup>38</sup> Boko Haram's objective as contained in its mission statement:

We will never accept any system of government apart from the one stipulated by Islam because that is the only way that Muslims can be liberated. We will not respect the Nigerian government because it is illegal. We will continue to fight its military and police because they are not protecting Islam. We do not believe in the Nigerian judicial system and we will fight anyone who assists the government in perpetrating illegalities.<sup>39</sup>

Invertebrate hatred for democracy drives Boko Haram insurgents to embrace nihilism as their operating philosophy. Ustaz Mohammed Yusuf, founding leader of Boko Haram, articulating Boko Haram's distaste for democracy, declared with characteristic chutzpah:

Democracy and the current system of education must be changed otherwise this war that is yet to start would continue for long . . . Our land was an Islamic state (Borno) before the colonial masters turned it to a kafir land. The current system is contrary to true Islamic beliefs . . . We don't have any quarrel with the public, only the authorities, unless the general public supports the authorities."<sup>40</sup>

The desire to Islamize Nigeria, though clearly unattainable, provides a veneer for Boko Haram to violently attack constituted authority and private citizens.<sup>41</sup> Consumed and deformed by an apocalyptic mindset, Boko Haram has taken an inexpugnable position on the kind of society it envisages and is notoriously inflexible in the belief that nihilistic violence

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36. See GUITTA & SIMCOX, *supra* note 1, at 9 ("Boko Haram aspires to create an Islamic state in Nigeria, and is willing to kill Christians and Muslims they deem to be insufficiently pious in order to achieve it.").

37. See NIGERIA'S INTERMINABLE INSURGENCE, *supra* note 21, at 9 ("Poor governance, frustration and a sense of injustice among those who live at Nigeria's peripheries, be it geographically or socio-economically, were certainly important in the establishment of Boko Haram.").

38. GUITTA & SIMCOX, *supra* note 1, at 9 ("Boko Haram aspires to create an Islamic state in Nigeria, and is willing to kill Christians and Muslims they deem to be insufficiently pious in order to achieve it.").

39. Hamza Iris, *Boko Haram Gives Conditions for Cease-Fire*, DAILY TRUST via BBC WORLDWIDE MONITORING (Apr. 25, 2011).

40. Ahmad Salkida, *Sect Leader Vows Revenge*, DAILY TRUST via WORLD WIDE RELIGIOUS NEWS (July 27, 2009), [www.org/articles/31419/?&place=nigeria](http://www.org/articles/31419/?&place=nigeria).

41. See Walker, *supra* note 2; see also Ryan Schmidt, *The Absence of Northern Nigeria's Social Development and the Rise of Boko Haram*, 15 SUSTAINABLE DEV. L. & POL'Y 23, 23 (2015) (arguing that Boko Haram's only objective is to "wreak havoc throughout the region").



offers it the best way of achieving its objectives.<sup>42</sup> It engages in open and brazen acts of brutality to magnify the effect of its powers and influence.<sup>43</sup> Boko Haram's caustic, defiant and overly captious condemnations of government foreclose options for compromise and yield no grounds for peaceful resolutions, thus leaving government and citizens with a chilling Hobbesian choice: submit to Boko Haram's extravagant and importunate demands or be killed.

Boko Haram consists mainly of apocalyptic fanatics who embrace violence as their operating philosophy.<sup>44</sup> They are callow and pliable tatterdemalions—generally uneducated, poor, unemployed youths with no marketable skills, beguiled by Boko Haram's philosophy of hate.<sup>45</sup> Others see Boko Haram as a vehicle for self-improvement and join because of benefits and payments offered by the group,<sup>46</sup> others are dragooned into joining by overbearing members of the group.<sup>47</sup> Sometimes, Boko Haram leaders, unable to inspire and motivate citizens to join them voluntarily, conscript local inhabitants to participate in their activities.<sup>48</sup> Some of their members are moderately educated citizens who fall prey to the rhetoric of hate spewed by charismatic, unhinged, blinkered, and attention-seeking

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42. For an interesting account of the origins of Boko Haram and an insight into the historical and cultural factors that drive the Boko Haram Insurgency, see Andrew Walker, *EAT THE HEART OF THE INFIDEL: THE HARROWING OF NIGERIA AND THE RISE OF BOKO HARAM* (2016) [hereinafter *EAT THE HEART OF THE INFIDEL*].

43. See, e.g., FOREST, *supra* note 24, at 5 (describing terrorism as the creation of fear through violent means to assert power).

44. See AKINOLA OLOJO, INTERNATIONAL CENTRE FOR COUNTER-TERRORISM, NIGERIA'S TROUBLED NORTH: INTERROGATING THE DRIVERS OF PUBLIC SUPPORT FOR BOKO HARAM 6 (2013).

45. See *id.* at 1 ("Boko Haram has been able to draw upon a considerable base of local sympathy and support largely from the ranks of uneducated, unemployed and impoverished youths in northern Nigeria."); Freedom Onuoha, *Understanding Boko Haram's Attacks on Telecommunication Infrastructure*, in *BOKO HARAM: ANATOMY OF A CRISIS* 16, 19 (Joannis Mantzikos, ed., 2013) ("The majority of its foot soldiers are drawn from disaffected youths, unemployed graduates and former Almajiris.").

46. MERCY CORPS, MOTIVATIONS AND EMPTY PROMISES: VOICES OF FORMER BOKO HARAM COMBATANTS AND NIGERIAN YOUTH 13 (2016) [hereinafter *MOTIVATION AND EMPTY PROMISES*], <https://www.mercycorps.org/research-resources/boko-haram-nigerian>. ("Youth see in Boko Haram an opportunity to get ahead, hanging their future on the promise of business support.").

47. See Andrew Walker, *Join us or Die: The Birth of Boko Haram*, *GUARDIAN* (Feb. 4, 2016), <https://www.theguardian.com/world/2016/feb/04/join-us-or-die-birth-of-boko-haram> (discussing how Boko Haram conscripts innocent citizens).

48. *MOTIVATION AND EMPTY PROMISES*, *supra* note 46, at 11 (reporting that a former Boko Haram member described his experience saying, "Boko Haram invaded our village and asked all the youth to come out and follow them or be killed. Initially we intended to resist, but they killed the first person who complained of this, we all followed them.").

religious extremists.<sup>49</sup> Boko Haram leaders also recruit members by casting insurgency as a struggle to liberate citizens from poverty and economic woes,<sup>50</sup> and by promising to do what the government has failed to do.<sup>51</sup> They also seek to broaden their support base among the predominantly Muslim Northeast by “portraying themselves as a vanguard of true Muslims within a wayward society.”<sup>52</sup>

Most members of this group are fanatical and irretrievably betrothed to the leadership and are willing to do whatever the leadership wants them to do, including acting as suicide bombers.<sup>53</sup> They are impervious to discussions or dialogue, remaining convinced in the rightness of their cause.<sup>54</sup> They have discarded reason and adopted violence, inciting fear and hatred as major components of their struggle.<sup>55</sup> Unable to persuade citizens to identify with them, they resort to violence and brutality to impose their views and preferences on the society.<sup>56</sup> They reprove any criticisms or questions as traitorous and deal ruthlessly with anyone who dares to oppose them.<sup>57</sup> Buoyed by support from local inhabitants and some foreigners, they have grown progressively bolder and deadlier in their operations.<sup>58</sup>

Boko Haram operates in a network of loosely organized cells controlled by spiritual leaders<sup>59</sup> and quartered in geographically remote

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49. See PATE, *supra* note 5, at 16 (“Fighters joining voluntarily may be motivated for ideological and religious reasons, but may join due to past victimization by the Nigerian military.”).

50. Samson Eyituoyo Liolio, *Rethinking Counterinsurgency: A Case Study of Boko Haram in Nigeria* (2012) (M.A. thesis European Peace University) (“[I]nsurgents gain members by claiming their struggle is for the people and that they would provide basic necessities for the people if supported.”).

51. See OLOJO, *supra* note 44, at 6 (“[I]ndividual and group grievances, such as poverty, unemployment, illiteracy, discrimination, and economic marginalization, can be used as mobilizing instruments by sinister groups to find support and recruits for terrorist violence.”).

52. THURSTON, *supra* note 3, at 9.

53. See FOREST, *supra* note 24, at 1, 9.

54. See Akpan, *supra* note 4.

55. See Schmidt, *supra* note 41 (arguing that Boko Haram’s only objective is to “wreak havoc throughout the region”); see also FOREST, *supra* note 24, at 5 (describing terrorism as the creation of fear through violent means in order to assert power).

56. See MOTIVATIONS AND EMPTY PROMISES, *supra* note 46, at 11.

57. See WALKER, *supra* note 2, at 12.

58. Terrence McCoy, *Paying for Terrorism: Where Does Boko Haram Get Its Money From?*, INDEPENDENT (June 6, 2014), <https://www.independent.co.uk/news/world/africa/paying-for-terrorism-where-does-boko-haram-gets-its-money-from-9503948.html> (“According to a survey of academic, governmental and journalistic accounts, Boko Haram funds its escalating acts of terror through black market dealings, local and international benefactors, and links to al-Qa’ida and other well-funded groups in the Middle East.”).

59. GUITTA & SIMCOX, *supra* note 1, at 9 (“Boko Haram has a loose operating structure, with disconnected cells provided with spiritual guidance by one overall emir, Abubakar Shekau.”).

areas across the Northeast, making it difficult for security operatives to monitor its activities.<sup>60</sup> Boko Haram insurgents speak the local language, understand the culture and blend easily with the local population, thus making it difficult for soldiers to identify and corral them.<sup>61</sup> They have a better understanding of the terrain than the soldiers deployed to subdue them, therefore able to outflank and outmaneuver the Nigerian military.<sup>62</sup> The ubiquity of insurgents, their mobility and deep connections with the Northeast region make Boko Haram a formidable threat to contain.<sup>63</sup> Its preferred strategy is attacking civilian locations, though it occasionally attacks military installations.<sup>64</sup> Insurgents also engage in sporadic assassination of civilians and religious leaders they believe prevent them from achieving their objectives.<sup>65</sup>

Boko Haram makes no effort to disguise its apocalyptic viciousness, openly and brutally attacking innocent citizens and cities in the hopes of creating mass hysteria and fear.<sup>66</sup> They strike everywhere and anytime, through different means—suicide bombers, car bombs, armed gunmen, and are indifferent to the suffering inflicted on their victims or the enormity of the damage to the nation.<sup>67</sup> Examination of Boko Haram’s activities reveals a catalogue of mayhem, brutality, cruelty and destruction

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60. Adam Nossiter, *Boko Haram’s Civilian Attacks in Nigeria Intensifies*, N.Y. TIMES, (July 7, 2015), <https://www.nytimes.com/2015/07/07/world/africa/boko-haram-intensifies-attacks-on-civilians-in-nigeria.html>.

61. See Falode, *supra* note 27 (noting that members of Boko Haram “are ordinary citizens of the Nigerian state. They are not a military adversary that can easily be identified and destroyed on the battlefield. These people can easily blend into the general population when the situation demands.”).

62. NIGERIA’S INTERMINABLE INSURGENCY, *supra* note 21, at 24 (“Knowing the local terrain in Borno as well as it [Boko Haram] does, it can navigate around the demoralized and deficient security presence to attack villages with impunity.”).

63. Allen et al., *supra* note 19 (“Boko Haram’s tactical flexibility and its roots in northern Nigeria’s marginalized communities suggest a prolonged and many-layered struggle.”).

64. Schmidt, *supra* note 41 (“The group has grown increasingly violent and unsystematic, and it inevitably devolved to become nothing more than a terrorist organization whose only desire is to wreak havoc throughout the region.”); AMNESTY INT’L, STARS ON THEIR SHOULDERS. BLOOD IN THEIR HANDS: WAR CRIMES COMMITTED BY THE NIGERIAN MILITARY 20 (2015), <https://www.amnesty.org/en/documents/afr44/1657/2015/en/> (noting that the vast majority of Boko Haram’s victims are civilians) [hereinafter STARS ON THEIR SHOULDERS].

65. See Hendrix, *supra* note 33, at 435 (“Traditional Muslim mullahs and religious leaders denounce Boko Haram, but often pay for that with their lives.”).

66. See NIGERIA’S INTERMINABLE INSURGENCY, *supra* note 21, at 20 (“A strategy of terror requires combatants to create fear: in this asymmetric conflict, the movement benefits from promoting an image of a behemoth with a wide and growing network that can strike anywhere.”).

67. See Onuoha, *supra* note 45, at 17 (noting that Boko Haram attacks had “traditionally focused on the security establishment and personnel, community and religious leaders, politicians, centers of worship, public schools, hospitals, tertiary institutions, media houses, and more recently, critical infrastructure such as telecommunication facilities to the list of its ruthless attacks”).

unleashed against communities, government establishments, military installations and private citizens deemed insufficiently supportive of Boko Haram and Muslim leaders who criticize them.<sup>68</sup> The late Emir of Kano, Ado Bayero<sup>69</sup> and the current Emir, Muhammadu Sanusi,<sup>70</sup> highly visible critics of Boko Haram, narrowly escaped assassination by Boko Haram who targeted them for their public stands against the group.<sup>71</sup> Most of Boko Haram's vicious attacks have never been about advancing its objectives; they are about inducing fear and creating instability in the nation, thus causing citizens to lose confidence in their government.<sup>72</sup>

Initially, Boko Haram focused on the north-eastern part of the country, but eventually it expanded its campaign of terror to other parts of Nigeria including Abuja, Jos, Kano, Kaduna, and Markudi.<sup>73</sup> Modern technology has significantly broadened its destructive reach and powers. It uses crude but effective and deadly improvised explosive devices [IED] to terrorize and kill defenseless citizens.<sup>74</sup> Its activities and spheres of destruction are also expanded by enablers and abettors who sponsor and

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68. See FOREST, *supra* note 24, at 95 ("Boko Haram members have also killed well-respected Muslim leaders like Ibrahim Birkuti simply because they dared criticize the group's ideology and use of violence.").

69. See Will Ross, *Nigeria: Kano Reels after Emir Attack*, BBC NEWS (Feb. 7, 2013), <https://www.bbc.com/news/world-africa-21340480>.

70. See Will Ross, *Nigeria Unrest: Kano Mosque Attack Kills Dozens*, BBC NEWS (Nov. 28, 2014), [www.bbc.com/news/world-africa-30250950](http://www.bbc.com/news/world-africa-30250950).

71. See Ross, *supra* note 69 (noting that many analysts suspect Boko Haram in the attempted assassination of Emir of Kano, Ado Bayero); see also Ross *supra* note 70 (suggesting that Emir Muhammadu Sanusi may have been the intended target of a fatal attack by Boko Haram); Cummings, *supra* note 16; Hendrix, *supra* note 33, at 435 ("Traditional Muslim mullahs and religious leaders denounce Boko Haram, but often pay for that with their lives.").

72. See Cummings, *supra* note 16 ("By conducting sporadic attacks targeting both state-aligned and civilian interests across much of Nigeria, Boko Haram has created the demoralizing perception that it is a threat which is omnipresent, capable of inflicting harm on Nigerians in any given place at any given time. By doing so, the sect not only exudes a possibly over-inflated perception of its relative strength, but also undermines the role and legitimacy of the Nigerian state as the guarantor of domestic security.").

73. See Rogers, *supra* note 31, at 3 ("Boko Haram does appear to be developing into a substantive and coherent movement, and is now tending to be active away from its original heartland in the north into central and possibly even southern states of Nigeria."); PATE, *supra* note 5, at 18 ("[A]lthough Boko Haram has launched attacks across the north and Middle Belt regions of Nigeria, the majority of attacks are in the Northeast, with Borno State the primary area of concentration.").

74. See FOARD COPELAND, CIVIL-MILITARY FUSION CTR., *THE BOKO HARAM INSURGENCY IN NIGERIA* (2013), available at <https://reliefweb.int/sites/reliefweb.int/files/resources/20130220%20Boko%20Haram%20in%20Nigeria.pdf> ("Since 2009, the group has deployed armed gunmen, suicide bombers, vehicle-borne improvised devices (VBIEDs) and crude, handmade weapons to wreak havoc across an increasingly large area of Nigeria.").

support their dastardly activities.<sup>75</sup> President Goodluck Jonathan acknowledged that sympathizers of Boko Haram were “in the executive arm of government; some of them are in the parliamentary/legislative arm of government, while some are even in the judiciary arm. Some are also in the armed forces, the police and other security agencies.”<sup>76</sup>

What was initially dismissed as isolated, minor infractions by a few disgruntled and attention-seeking miscreants has turned into an existential challenge for Nigeria.<sup>77</sup> As Isaac Sampson observed, “Since 2008, Nigeria has been locked in a vicious circle of violence as Boko Haram and Nigeria’s security forces have engaged in violence and counter violence, with devastating consequences on human and national security.”<sup>78</sup> Some people rank Boko Haram as “the world’s most deadly terrorist organization.”<sup>79</sup> Afeikhen Jerome cautions, “The Boko Haram insurgency has no doubt become Nigeria’s albatross. Unless it is skillfully managed, it may be an indeterminate war and a threat to Nigeria’s fragile democracy.”<sup>80</sup>

### III. INVOLVING THE MILITARY IN THE FIGHT AGAINST INSURGENCY

#### A. *The Military and Counterinsurgency*

Using the military to combat insurgency is the wave of the present, as well as of the future.<sup>81</sup> This is because “the police which are the primary institution responsible for internal security have been overwhelmed by the

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75. See Afeikhen Jerome, *Lessons From Colombia for Curtailing the Boko Haram Insurgency in Nigeria*, 5 PRISM 95, 97 (2015) (“The group has built ties with transnational extremist groups in the region, which have reportedly provided Boko Haram with insurgency training and increasingly sophisticated weaponry.”).

76. *Nigeria’s Goodluck Jonathan: Officials back Boko Haram*, BBC NEWS (Jan. 8, 2012), [www.bbc.co.uk/news/world-africa-16462891](http://www.bbc.co.uk/news/world-africa-16462891).

77. See Okoli & Iortyer, *supra* note 8, at 44 (“The sect started with sporadic attacks on security formations. With time, they graduated to offensives on Christian churches, schools and other public places. The use of improvised explosives and suicide bombing has since added to the ever degenerating complexion of insurgency.”).

78. Isaac Terwase Sampson, *Between Boko Haram and the Joint Task Force*, 59 J. OF AFRICAN L. 25, 27 (2015).

79. Hendrix, *supra* note 33, at 428.

80. Jerome, *supra* note 75, at 105.

81. See Afeno Super Odomovo, *Insurgency, Counter-Insurgency and Human Rights Violations in Nigeria*, 3 THE AGE OF HUM. RTS. J. 46 (2014) (examining the use of the military to quell internal disturbances in Nigeria); see also PAUL FRANCIS, DEIRDRE LAPIN & PAUL ROSSIASCO, WOODROW WILSON INT’L CTR. FOR SCHOLARS, SECURING DEVELOPMENT AND PEACE IN THE NIGER DELTA: A SOCIAL AND CONFLICT ANALYSIS FOR CHANGE (2011), available at [https://www.wilsoncenter.org/sites/default/files/media/documents/publication/AFR\\_110929\\_Niger%20Delta\\_0113.pdf](https://www.wilsoncenter.org/sites/default/files/media/documents/publication/AFR_110929_Niger%20Delta_0113.pdf).

rising wave of insurgency largely because they lack requisite training and expertise in counterinsurgency operations.”<sup>82</sup> The military must be trained to understand and master the nuances, tactics, and dynamics of insurgency in order to undermine and ultimately subdue it. Even if Boko Haram is decisively defeated, there will be new insurgency groups threatening Nigeria’s peace and security.<sup>83</sup>

In this age of terror, most, if not all, security threats come from within national borders.<sup>84</sup> Training in conventional warfare is marginally helpful in preparing soldiers to engage in counterinsurgency operations.<sup>85</sup>

The war against insurgency is a twenty-first century problem that cannot be addressed using twentieth century military strategies and tactics.<sup>86</sup> Military training must incorporate new ideas, tactics and new techniques that prepare the military for counterinsurgency operations.<sup>87</sup> Keith Catazano advises that, “[t]oday’s warfighters must train across all warfare phases for a variety of diverse missions, including counterterrorism, asymmetric threats, traditional threats, reconstruction and humanitarian assistance missions, each requiring its own set of competencies.”<sup>88</sup>

Using the military to subdue insurgency presents its own problems. The military is wired and trained to subdue enemies by force.<sup>89</sup> However, counterinsurgency is different from conventional wars and presents problems for soldiers trained and conditioned for conventional warfare.<sup>90</sup>

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82. Odomovo, *supra* note 81, at 49.

83. Hendrix, *supra* note 33, at 430 (“Even if Nigeria were to defeat Boko Haram on the battlefield, another group could emerge tomorrow to take its place.”).

84. James Adewunmi Falode, *The Nature of Nigeria’s Boko Haram War, 2010-2015: A Strategic Analysis*, 10 PERSP. ON TERRORISM 41 (2016) (“Since her independence in 1960, the country has witnessed attacks by non-state political entities. There was Maitasine crisis in 1980 and 1982; the insurgency of the Movement for the Emancipation of the Niger Delta (MEND) between 2000 and 2010; the Ombatse cult group in 2013; and the activities of the extremist religious group Boko Haram.”) (footnotes omitted).

85. See, e.g., Jerome, *supra* note 75, at 104 (arguing for the importance of military training within a larger training context highlighting the particularities of counterinsurgency).

86. STEVEN METZ & RAYMOND MILLEN, *INSURGENCY AND COUNTERINSURGENCY IN THE 21ST CENTURY: RECONCEPTUALIZING THREAT AND RESPONSE 1* (2004) (“To simply extrapolate the ideas, strategies, doctrine, and operational concepts from several decades ago and apply them to 21st century insurgency is a recipe for ineffectiveness.”).

87. See *id.*

88. KEITH CATAZANO, BOOZ ALLEN HAMILTON, *ENHANCED TRAINING FOR A 21ST-CENTURY MILITARY* (2011).

89. See Tan Giam, *The Evolution of Insurgency and its Impact on Conventional Armed Forces*, 38 POINTER J. SING. ARMED FORCES 34, 34 (2012).

90. See *id.* (“Traditional command and control, force structures, fighting tactics, techniques, leadership, doctrines and training are inadequate for combating irregular modes of low

This subpart examines the challenges faced by Nigerian soldiers involved in counterinsurgency. It reviews training, rules of engagement, and the dangers of excessive force.

Nations wage counterinsurgency, sometimes referred to as the “war on terrorism” under circumstances entirely different from conventional wars.<sup>91</sup> The war on terror “takes place mostly in residential areas where sovereign states attempt to pinpoint evasive terrorists or hidden terrorist infrastructure.”<sup>92</sup> Insurgents, observes Donald Snow “fight in different manners, are organized differently, and often do not wear military uniforms to help identify friend and foe.”<sup>93</sup> Insurgents operate from hidden lairs, typically among civilian populations and blend easily with the population after their attacks.<sup>94</sup> Boko Haram insurgents use the Sambisa forest in southern Borno as their operational headquarters.<sup>95</sup> They do not seek to defend or claim any territory; they simply want to unleash terror on society as part of their efforts to destabilize the society.<sup>96</sup> David Galula observes that the trouble with insurgency “is that the enemy holds no territory and refuses to fight for it. He is everywhere and nowhere.”<sup>97</sup> Paul Cornish correctly notes, “[i]n an asymmetric conflict, the weaker insurgent gains from having a large, cumbersome and vulnerable target to attack, with each successful assault augmenting the insurgent’s credibility and following.”<sup>98</sup> The military may have more physical firepower, but insurgents seem to have more psychological advantages—more will power, no concern for their lives or the lives of others, no rules that constrain their tactics, targets, or efforts, and no regard for the collateral

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intensity conflict, such as harassment, ambushes, sabotages and surprise attacks conducted by insurgents or irregular small combat units.”).

91. See *id.* (listing traditional training and highlighting the use of force).

92. Gil Avriel, *Terrorism 2.0: The Rise of Civilitary Battlefield*, 7 HARV. NAT’L SEC. J. 199, 205 (2016).

93. DONALD SNOW, *UNCIVIL WARS* 110 (1996).

94. Falode, *supra* note 27 (noting that Boko Haram “are not a military adversary that can easily be identified and destroyed on the battlefield. These people can easily blend into the general population when the situation demands”).

95. Moki Edwin Kindzeka, *Sambisa Forest: An Ideal Hiding Place for Boko Haram*, VOA NEWS (May 24, 2016), [www.voanews.com/a/the-forest-concealing-boko-haram/3343895.html](http://www.voanews.com/a/the-forest-concealing-boko-haram/3343895.html).

96. See Cummings, *supra* note 16; see also Sambo, *supra* note 7 (stating that Boko Haram seeks to fundamentally change society by violating decent human values in an effort to provoke the state to do the same).

97. DAVID GALULA, *COUNTERINSURGENCY WARFARE: THEORY AND PRACTICE* 50 (2006).

98. Paul Cornish, *The United States and Counterinsurgency: ‘Political First, Political Last, Politics Always,’* 85 INT’L AFF. 61, 77 (January 2009).

damage that military planners try to avoid or minimize.<sup>99</sup> Andrew Walker provides a captivating account of Boko Haram's mode of operations:

They proved to be very versatile, launching endless bombing attacks on churches, gun attacks on mosques and motor parks, breaking into prisons to free their members and hammering the police and other security forces in coordinated attacks . . . Their attacks formed mini campaigns against these different targets, they would pursue one type of target or method in several places across the Northeast and then turn on a sixpence to pursue another direction . . . The official security forces were seemingly unable to respond other than by deploying ever rudimentary and brutal tactics.<sup>100</sup>

The military's response to Boko Haram insurgency has been ineffective and shambolic, enfeebled by inadequate training and lack of a guiding vision for fighting insurgency.<sup>101</sup> The military's inadequacies and poor performances in the fight against insurgency have been the subject of scathing reports and studies by journalists and researchers.<sup>102</sup> For example, a study by the Africa Center for Strategic Studies concluded that, "[t]he Nigerian Army is a conventional army in mindset, focused on an external enemy . . . . Due to the inability of the police and other segments of the Nigerian security sector to subdue Boko Haram, however, the military has been forced into a domestic security role for which it is ill-equipped and untrained."<sup>103</sup>

After years of using the military to fight insurgency, it became clear that "the Nigerian armed forces, trained in conventional warfare, have found it difficult to effectively counter the activities of the Group [Boko Haram]."<sup>104</sup> The "adherence to conventional military doctrines, strategies and tactics cost Nigeria dearly throughout the duration of major phases of

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99. See Agbibo, *supra* note 14, at 42-47 (listing Boko Haram's atrocities).

100. EAT THE HEART OF THE INFIDEL, *supra* note 42, at 179-180.

101. See Agbibo, *supra* note 14, at 62 ("What Nigeria has lacked so far is a viable concept of strategic counterterrorism that will guide her actions, help undermine the recruitment of terrorists, and change the environment they inhabit into increasingly non-permissive one.").

102. See e.g., *Nigeria's Armed Forces Continue to Stumble in the fight against Boko Haram*, ECONOMIST (Jan. 19, 2017) (reporting that deficiencies in training and equipment are still evident in the military's response to Boko Haram); Habibu Yaya Bappah, *Nigeria's Military Failure Against Boko Haram Insurgency*, 25 AFR. SEC. REV. 146, 146-158 (2016) (attributing the failure of military action against Boko Haram to the erosion of military professionalism, poor handling of the war by top military officers, and lack of decisiveness by the President and the military to end insurgency).

103. AFRICA CTR. FOR STRATEGIC STUD., *Fundamental Security Challenges Nigeria Must Face, Part 6: Military Professionalism* (May 14, 2015), <https://africacenter.org/spotlight/fundamental-security-challenges-nigeria-must-face-part-1-identity/fundamental-security-challenges-nigeria-must-face-part-6-military-professionalism/>.

104. Falode, *supra* note 27.



the conflict between 2010 and 2015.”<sup>105</sup> Soldiers deployed to defeat Boko Haram had no signposts, no template and no training to prepare them for dealing with insurgency, and often resort to their own instincts for guidance.<sup>106</sup> The result has been disastrous. A report by the Global Security Organization noted that:

Chronic under-resourcing has led to low operational readiness, lack of training, and relatively poor conditions of service, along with endemic corruption, have made the Nigerian military somewhat of a hollow giant resting on its reputation—more capable than any other force in the sub-region, but considerably less capable than it should be with tens of thousands of troops and a large stock of major weapons systems and other equipment. A high percentage of the heart of the force—the 60,000-soldier strong Army’s 25 infantry battalions—are capable of little more than basic defensive operations.<sup>107</sup>

Nigeria has long recognized the challenges posed by insurgency, but civilian leaders have been slow and ineffective in prodding the military to readjust military tactics and training to focus upon dealing with the challenges.<sup>108</sup> The current military training leaves the military ill-prepared to function effectively in an altered security environment implacably threatened by asymmetrical warfare mounted by loosely organized but deadly effective insurgents.<sup>109</sup> Highlighting the consequences of inadequate training on counterinsurgency efforts, a report by the Center for Civilians in Conflict noted that, “[a]symmetric warfare instills fear not only in civilian population but also in soldiers on the frontline. This point is important as many of those on the frontline report being ill trained to deal with these threats. If soldiers are not properly trained, they may return fire indiscriminately and risk harming civilians.”<sup>110</sup>

More debilitating is the fact that some officers, fatally invested in old ways of thinking, failed to shift course to undertake counterinsurgency

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105. *Id.*

106. See KYLE DIETRICH, CTR. FOR CIVILIANS IN CONFLICT, WHEN WE CAN’T SEE THE ENEMY, CIVILIANS BECOME THE ENEMY: LIVING THROUGH NIGERIA’S SIX-YEAR INSURGENCY 52 (2015), [https://civiliansinconflict.org/wp-content/uploads/2015/10/NigeriaReport\\_Web.pdf](https://civiliansinconflict.org/wp-content/uploads/2015/10/NigeriaReport_Web.pdf).

107. Global Security, Nigerian Army, <https://www.globalsecurity.org/military/world/nigeria/army.htm>.

108. See Badeh, *infra* note 119; see also Andrew Noakes, *Nigeria is Losing this War: Here’s How to Win the Fight Against Boko Haram*, AFRICAN ARGUMENTS (Apr. 7, 2014), <https://africanarguments.org/2014/04/nigeria-is-losing-this-war-heres-how-to-win-the-fight-against-boko-haram-by-andrew-noakes/>.

109. See Oarhe, *supra* note 10, at 69.

110. DIETRICH, *supra* note 106, at 52.

operations effectively.<sup>111</sup> James Hall, a retired British Colonel interviewed by Andrew Walker as part of his book, *Eat the Heart of the Infidel*,<sup>112</sup> captured this mindset: “the Nigerian military has traditionally favored heavy weaponry, mechanized divisions, armored divisions. These were the types of battles that were fought in the civil war. But counter-insurgency is different, you need to be on the move very quickly.”<sup>113</sup> In 2012, a conference organized by the Chief of the Army Staff, Lt. General Azubuike Ihejirika, found that “the armed forces were not equipped or trained to handle this hybrid terror insurgent threat.”<sup>114</sup>

Despite this recognition, the military has not done much to readjust its training to prepare for the exigencies of counterinsurgency.<sup>115</sup> The problem is that, for a considerable time, the military focused on preparing soldiers for normal warfare with interstate neighbors.<sup>116</sup> Emile Quedraogo observes:

The majority of African militaries are designed and organized mainly to confront foreign aggression and cannot respond appropriately to nontraditional security threats such as internal conflicts, transnational crime, maritime piracy, terrorism, and the proliferation of small arms and light weapons. This mismatch is a key factor in African militaries' ineffectiveness. Increasingly militaries are deployed for policing activities—a function far different than military combat.<sup>117</sup>

Nigeria cannot blindly cling to the techniques of conventional warfare without severely handicapping soldiers who fight a dramatically different kind of warfare.

Boko Haram insurgency exposed, or brought to a climax, a trend that had long been developing—the systematic neglect of the military.<sup>118</sup> At his

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111. This is not peculiar to Nigeria. As Tan Giam notes “it is difficult to convince the military leadership that a major change in terms of force structure, operational methods and leadership styles is required to effectively manage threats that fall outside the conventional conflict spectrum.” Giam, *supra* note 89, at 37.

112. *EAT THE HEART OF THE INFIDEL*, *supra* note 42, at 188.

113. *Id.*

114. Ahmed S. Hashim et al., *Western Ways are Evil: The Emergence and Evolution of Boko Haram*, 4 COUNTER TERRORISTS TRENDS AND ANALYSIS 2, 6 (2012).

115. See Badeh, *infra* note 119; see also Noakes, *supra* note 108.

116. Emile Ouedraogo, *Advancing Military Professionalism in Africa*, AFR. CTR. STRATEGIC STUD. 1, 32 (2014) (“The majority of African militaries are designed and organized mainly to confront foreign aggression and cannot respond appropriately to nontraditional security threats such as internal conflicts.”).

117. *Id.*

118. For a detailed examination of the problems with the military in Nigeria, see INT'L CRISIS GRP., NIGERIA: THE CHALLENGE OF MILITARY REFORM (2016), <https://d2071andvip0wj>.

retirement ceremony, the former Chief of Defense Staff, Air Chief Marshall Alex Badeh, stated what should concern all Nigerians:

I was head of a military that lacked the relevant equipment and motivation to fight an enemy that was invisible and embedded with the local populace . . . . Permit me also to add here that the nation's militaries are equipped and trained in peace time, for the conflicts they expect to confront in the future. Unfortunately, that has not been our experience as a nation. Over the years, the military was neglected and underequipped to ensure the survival of certain regimes, while other regimes, based on advice from some foreign nations, deliberately reduced the size of the military and underfunded it . . . . Accordingly when faced with the crises in the North East and other parts of the country, the military was overstretched and had to embark on emergency recruitments and trainings, which were not adequate to prepare troops for the kind of situation we found ourselves in.<sup>119</sup>

The disjuncture between military training and the dynamics of counterinsurgency is dangerous. It has left the military in a chronic state of panic, improvising to deal with attacks for which their training and education offered no guidance.<sup>120</sup> It is disingenuous for leaders to profess shock or surprise when poorly trained soldiers use extreme violence and excessive force to offset their deficiencies. In its 2015 report on the Nigerian response to Boko Haram, Amnesty International reports:

In the course of security operations against Boko Haram in north-east, Nigerian military forces have extra judicially executed more than 1,000 people; they have arbitrarily arrested at least 20,000 people, mostly young men and boys; and have committed countless acts of torture. Hundreds, if not thousands, of Nigerians have become victims of enforced disappearance and at least 7,000 people have died in military detention as a result of starvation, extreme overcrowding and denial of medical assistance.<sup>121</sup>

The military must recognize the current terrorist climate as a spur for reconceiving and reorganizing military training.<sup>122</sup> It will prove unwise, indeed self-defeating, to continue to view Boko Haram threats through the

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cloudfront.net/237-nigeria-the-challenge-of-military-reform.pdf (examining problems in the Nigerian military).

119. Valedictory Speech of Air Chief Marshal Alex Sabundu Badeh CFR at His Pulling Out Ceremony From the Nigerian Armed Forces on July 30, 2015, TRANSFORMATIONWATCH (Aug. 8, 2015), <https://transformationwatch.wordpress.com/2015/08/08/valedictory-speech-of-air-chief-marshal-alex-sabundu-badeh-cfr/>.

120. See DIETRICH, *supra* note 106, at 52.

121. STARS ON THEIR SHOULDERS, *supra* note 64, at 4.

122. See NIGERIA'S INTERMINABLE INSURGENCY, *supra* note 21; see also METZ & MILLEN, *supra* note 86.

prism of conventional warfare.<sup>123</sup> Andrew Noakes's observation deserves more attention than it received:

Improving capabilities should firstly be about training. It is quite clear that the army is not properly trained to carry out a counterinsurgency campaign. They are still being trained as if they were fighting a conventional war. But 95 percent of the time counter-insurgency doesn't involve shooting at anyone. It involves denying insurgents space and support by providing reliable security and winning the confidence of local people. No soldier should be sent north unless they know how to do this.<sup>124</sup>

It is dangerous to assume that every soldier is ready for counterinsurgency operations.<sup>125</sup> This assumption conveys a false sense of security to troops who often take on tasks for which they are unprepared to handle.<sup>126</sup> Failure to adequately train soldiers to adapt to the exigencies of insurgency will imperil both the military and the society they are deployed to protect. The painful, tragic and never to be forgotten lessons of Boko Haram should guide and inspire the military to recognize that counterinsurgency training is an indispensable bulwark against ineffectiveness and incompetence.<sup>127</sup> Soldiers, most of whom have never been in combat before, must be encouraged and trained to understand the challenges and difficulties of counterinsurgency, how it differs from traditional warfare, and understand what they must do to aid society's search for social equilibrium.<sup>128</sup> The training of future combatants according to Tan Giam "will need to do more than just imparting conventional "soldiering skills."<sup>129</sup> From the National Defense Academy through military institutions of higher learning, suppression of domestic insurrection is a vital component of training for military officers.<sup>130</sup> Institutionalizing counterinsurgency training will reshape the military and turn it into a more effective fighting force against insurgency.<sup>131</sup>

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123. See Noakes, *supra* note 108.

124. *Id.*

125. See Noakes, *supra* note 108; Jerome, *supra* note 75, at 100.

126. Jerome, *supra* note 75, at 100 ("Nigerian troops are also not adequately resourced or equipped to counter the insurgency. A lack of investment in training, failure to maintain and equipment and dwindling cooperation with Western forces has damaged Nigeria's armed services.").

127. See Noakes, *supra* note 108.

128. See Jerome, *supra* note 75, at 104; Giam, *supra* note 89, at 40-41.

129. Giam, *supra* note 89, at 40.

130. See Jerome, *supra* note 75, at 100 (noting how a lack of counterinsurgency training has harmed Nigeria's armed services).

131. See *id.*

*B. Revising Rules of Engagement (ROE)*

Insurgency represents an existential threat that cannot be contained through traditional law-enforcement mechanisms.<sup>132</sup> It will therefore be naïve and dangerous to require the military to observe traditional rules and conventions of warfare.<sup>133</sup> Requiring them to do so will needlessly endanger soldiers, damage their morale and make success difficult. Soldiers fighting vicious terrorists committed to nihilistic violence and without any respect for humanity need all the resources and protection necessary to do their job. This protection should not be a *carte blanche*, however. At present, the military adopts the “any means necessary” approach in combatting insurgency.<sup>134</sup> Disquieting and even disgusting use of excessive force is overlooked and even justified by the military as warranted by the dynamic of combat.<sup>135</sup> A report by the International Crisis Group found that “Nigeria and its neighbors have relied on massive, often indiscriminate violence to combat Boko Haram. Security forces and their proxies have been allowed to operate with near total impunity.”<sup>136</sup> Soldiers often show themselves completely unconstrained by any rules and have engaged in abuses and gross violations of citizens’ rights.<sup>137</sup> Their only objective is to defeat insurgents by any means.<sup>138</sup> Such a line of reasoning, encouraged by political and military leaders, is dangerous and accounts for excesses committed by the military.<sup>139</sup> A study conducted by the Center for Civilians in Conflict captured this mindset, “[t]he current political atmosphere has empowered security personnel to ‘take all necessary action’ in their fight against Boko Haram—often to the detriment of the citizens they are sworn to protect.”<sup>140</sup>

The Nigerian military must be encouraged to resist the insidious tendency to adopt an “any means necessary” philosophy in the war against

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132. See METZ & MILLEN, *supra* note 92, at 1.

133. See Giam, *supra* note 89, at 34.

134. See Jerome, *supra* note 75, at 99-100.

135. See INT’L CRISIS GRP., BOKO HARAM ON THE BACK FOOT? 10 (2016), <https://d2071andvip0wj.cloudfront.net/boko-haram-on-the-back-foot.pdf>; Jerome, *supra* note 75, at 99-100.

136. *Id.* at 14.

137. Odomovo, *supra* note 81, at 56 (“Security forces in Nigeria are apparently out of control in the fight against insurgency and terrorism—the internal security operations of the military-dominated JTFs are fraught with human rights abuses and extra-judicial execution of civilians across the country.”).

138. See Jerome, *supra* note 75, at 99-100; STARS ON THEIR SHOULDERS, *supra* note 64, at 92-93.

139. STARS ON THEIR SHOULDERS, *supra* note 64, at 92-93 (detailing the atrocities committed by the military in the fight against Boko Haram).

140. DIETRICH, *supra* note 106, at 29.

insurgency. If field commanders arrogate to themselves the right to define the rules for engaging insurgents, chaos and abuses will result. Some predetermined rules of engagement (ROE) need to be designed.<sup>141</sup> Failure to do so would provide incentives and opportunities for soldiers to engage in abuses. War must be waged with restraint. Containing insurgency should not be seen as an end justifying any means. The war against insurgency requires boundaries, ground rules, accountability, and restraint. Nigeria needs a more nuanced, structured approach that provides a mixture of norms of war and law-enforcement regulations.

Rules of engagement place meaningful limits on the military to prevent war from mutating into savagery, to protect and preserve, as far as practicable, the rights and humanity of combatants.<sup>142</sup> The dubious short-term benefits of violently suppressing insurgency should not overwhelm greater commitment to justice and respect for citizens' rights. Insurgents must be dealt with in ways that respect democratic values and rights of citizens.<sup>143</sup> Whatever the difficulties and dangers posed by insurgency, they do not justify decimating entire communities, extra-judicial killings, or prolonged detentions consistently identified as major complaints against the military.<sup>144</sup> Nigerians were greatly reassured when President Buhari declared that, "we shall overhaul the rules of engagement to avoid human rights violations in operations."<sup>145</sup> He further stated, "[w]e shall improve operational and legal mechanisms so that disciplinary steps are taken against proven human rights violations by the armed forces."<sup>146</sup>

Getting the military to conduct counterinsurgency with greater sensitivity to citizens' rights and liberties is not impossible. However, it will remain unattainable for as long as soldiers are thrown into battle against insurgents without special preparation and training. The right equipment and training, coupled with informed oversight, can curtail the

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141. LTC Tan Giam defines ROE as "a directive issued from competent military authority which delineates the circumstances and limitations under which the armed force will initiate and/or continue combat engagement with other forces encountered." Giam, *supra* note 89, at 39.

142. *See id.*; DIETRICH, *supra* note 106, at 28-29.

143. *See* Noakes, *supra* note 108.

144. *See* AMNESTY INT'L, NIGERIA: TRAPPED IN THE CYCLE OF VIOLENCE 18-43 (2012), <https://www.amnesty.org/en/documents/afr44/043/2012/en/> (listing human rights abuses by the military and accusing the military of using disproportionate force against civilians).

145. Adam Nossiter, *Abuses by Nigeria's Military Found to Be Rampant in War Against Boko Haram*, N.Y. TIMES (June 3, 2015), <https://www.nytimes.com/2015/06/04/world/africa/abuses-nigeria-military-boko-haram-war-report.html>.

146. *Id.*

excesses of the military.<sup>147</sup> As insurgency becomes more sophisticated, the need to protect and vindicate citizens' rights becomes increasingly more imperious. Rules of engagement must therefore be designed in a way that gives the military ample powers to quell insurgency, yet assures citizens that adequate safeguards exist to protect and vindicate their rights and liberties. The rules of engagement should be crafted in such a way as to avoid ambiguity, doubt, or outright misunderstanding by soldiers involved in combat. The rules of engagement must be clear and emphatic about when soldiers should engage, how they should respond to attacks, and what they should not do. In addition, using the military for insurgency requires careful planning and continued vigilance to ensure that military operations do not mutate into open season without either ground rules or boundaries.<sup>148</sup>

#### IV. STRATEGIES FOR HANDLING INSURGENCY

Nigeria initially adopted an improvisational approach in dealing with Boko Haram with no coherent long-term strategy.<sup>149</sup> The Nigerian military envisaged a quick victory and showed no noticeable interest or desire to explore other ways of dealing with insurgency.<sup>150</sup> Nigeria also failed to recognize that insurgency is driven principally by grievances and social conditions that can only be addressed marginally, if at all, by military force. Nigeria quickly realized that military force, far from bringing quick victory anticipated by leaders, produced massive human rights violations, decimation of communities, economic, and infrastructural decay in the region.<sup>151</sup> Military force "may be appropriate in certain cases but it is also

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147. The legislature has significant oversight powers and can review the conduct of military operations. For a detailed examination of the oversight functions of the legislature, see OKECHUKWU OKO, *LEGISLATORS IN CHANGING AND CHALLENGING TIMES: AN ANALYSIS OF THE NIGERIAN NATIONAL ASSEMBLY* 94-100 (2014).

148. See Odomovo, *supra* note 81, at 56 ("Whenever the military is deployed as part of its commitments in protecting civilian citizens from violence and danger, whether to suppress an armed revolt or enforce an emergency order, it must be subjected to rigorous controls and adhere to clearly defined rules of engagement.") (citation omitted).

149. See ASFURA-HEIM & MCQUAID, *supra* note 20, at 45 ("[M]any Nigeria watchers agree that the government, by making no meaningful efforts to provide local security or address root causes of the conflict, has failed to develop a coherent strategy for resolving the conflict.").

150. See Jerome, *supra* note 75, at 99-100 ("Nigerian JTF counterinsurgency operations in the northeast have been 'generally repressive,' relying heavily on military-led operations to kill and capture 'scores' of Boko Haram insurgents since the movement was first brutally crushed in 2009.").

151. See Blanchard, *supra* note 6, at 4 ("Boko Haram attacks have damaged health centers, markets, roads, homes, and schools, deterring the return of the displaced."); DIETRICH, *supra* note 106, at 61.

problematic since its use can create new resentments, grievances and even the next generation of terrorists.”<sup>152</sup> Military force is definitely incapable of restoring order in a society held together by force or fear of it.<sup>153</sup>

A crucial and painful lesson from the experience of fighting Boko Haram is that military force does little or nothing to address the underlying causes of insurgency.<sup>154</sup> It does not produce peace or even reassurance in the society, but anxiety that leaves citizens frustrated and disenchanted.<sup>155</sup> Military force may prove counterproductive, generating what John Lynn describes as “the three Rs: resentment, resistance, and revenge among the population.”<sup>156</sup> Moreover, gains achieved by the military will be short lived unless the community is revitalized by rebuilding infrastructure and embarking upon economic development, thus preventing the community from relapsing into a location for insurgents to regroup.<sup>157</sup> Relying on traditional warfare models that focus on killing or capturing the enemy will be problematic, perhaps even disastrous, in the war against insurgency, since “killing insurgents . . . by itself cannot defeat an insurgency.”<sup>158</sup> In some strange way, military force may strengthen the resolve of insurgents, thus creating more violence.

Counterinsurgency requires nuance and balance, driven by the understanding that military force alone cannot guarantee peace.<sup>159</sup> The choice for Nigeria is not between military force and reconstruction.<sup>160</sup> If

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152. William O’Neill, *Conference Report*, in INT’L PEACE ACAD., RESPONDING TO TERRORISM: WHAT ROLE FOR THE UNITED NATIONS? 18, 20 (2002), [https://www.ipinst.org/wp-content/uploads/publications/conference\\_report\\_terr.pdf](https://www.ipinst.org/wp-content/uploads/publications/conference_report_terr.pdf).

153. Akinola Ejodame Olojo, *Engaging Boko Haram: Militarization, Mediation, or Both?*, IPI GLOB. OBSERVATORY (Sept. 26, 2012), <https://theglobalobservatory.org/2012/09/engaging-boko-haram-militarization-mediation-or-both/> (“While armed action cannot be totally discounted, its utility as a single tactic has proved futile and has underscored the need for the Nigerian government to unify under a common goal and intensify its efforts at dialogue and mediation.”).

154. See Hendrix, *supra* note 33, at 444 (“To combat Boko Haram, the Nigerian government will need a phased strategy of intervention. In the immediate term, it will have to pacify the rural Northeast and take back territory. In the medium term, it needs to reconstitute governance. And, finally, it will have to invest in a longer term strategy to develop the region.”).

155. See John A. Lynn, *Patterns of Insurgency and Counterinsurgency*, 85 MIL. REV. 22, 27 (2015).

156. *Id.*

157. See Jerome, *supra* note 75, at 101 (“The consensus among analysts is that the Government must attack the root causes of disaffection that push unemployed youths towards radicalization by Boko Haram, such as poverty and unemployment.”).

158. THE UNITED STATES DEPT OF THE ARMY, THE U.S. ARMY/MARINE CORPS COUNTERINSURGENCY FIELD MANUAL 5 (2007).

159. See *id.* at 2.

160. See Sarah Margon, *How Do you Beat Boko Haram with an Army that is Almost as Evil?*, HUMAN RIGHTS WATCH (May 14, 2014), <https://www.hrw.org/news/2014/05/14/how-do-you-beat-boko-haram-army-thats-almost-evil>.



the government cannot combine both elements, no one measure will succeed in ending insurgency.<sup>161</sup> A single-minded resort to force as the remedy for quelling insurgency carries an unacceptably high risk of failure.<sup>162</sup> Former United States Secretary of Defense, Robert M. Gates, succinctly captured the right approach to combatting domestic terrorism in stating:

In the long-term effort against terrorist networks and other extremists, we know that direct military force will continue to have a role. But we also understand that over the long term, we cannot kill or capture our way to victory. Where possible, kinetic operations should be subordinate to measures to promote better governance, economic programs should spur development and efforts to address the grievances among the discontented from which the terrorists recruit.<sup>163</sup>

The Northeast faces enormous economic and developmental challenges, many of which result from government's misguided policies.<sup>164</sup> Feelings of alienation, grievance, and resentment are rampant, deep, and widespread in the Northeast and continue to provide the impetus for insurgency.<sup>165</sup> The government must leverage these challenges to introduce measures that reassure local inhabitants of its commitment to their welfare.<sup>166</sup> The government must offer citizens more than security; it must address their grievances and offer them a vision and possibility of a better life.<sup>167</sup> It must liberate citizens not just from insurgents, but also from social and economic debilities that thwart and cramp their lives,<sup>168</sup> and provide perverse incentives for them to join or support insurgency

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161. See THE UNITED STATES DEPT OF THE ARMY, *supra* note 158, at 2.

162. See Margon, *supra* note 160 (“[T]he Nigerian government has failed to adequately address the problem of Boko Haram, primarily because it is relying solely on a hard-nosed, military approach instead of crafting a more wide-ranging strategy to address some of the catalysts of Boko Haram’s existence: rampant corruption, widespread poverty and systemic impunity for abuses.”).

163. UNITED STATES JOINT FORCES COMMAND, UNIFIED ACTION HANDBOOK SERIES BOOK THREE: HANDBOOK FOR MILITARY SUPPORT TO GOVERNANCE, ELECTIONS, AND MEDIA (2010).

164. See Noakes, *supra* note 108; ASFURA-HEIM & MCQUAID, *supra* note 20, at 15-16, 17.

165. See ASFURA-HEIM & MCQUAID, *supra* note 20, at v.

166. See Jerome, *supra* note 75, at 101.

167. See Ngozi Egbue et al., *Curbing Boko Haram Terrorist Insurgency in Nigeria: Imperatives of Quadruple Action Package of Limited Military Response, Improved Social Services, Conflict Resolution Initiatives and Modified Pacifism*, 20 BRITISH J. OF ARTS AND SOC. SCIS. 13, 26 (2015) (“Combatting terrorism is as much about promoting cooperation as it is countering extra-legal violent actions of terrorist groups or insurgents. The strategy has an obligation to provide not just security, but hope and progress without apprehensions of injustice and discrimination on the part of parties involved in the initial conflict. That is why sole adoption of ‘might is right’ strategy rarely achieve meaningful results.”).

168. See Allen et al., *supra* note 19 (advocating the “need to promote development in the country’s neglected north to make the militant cause less attractive”).

groups.<sup>169</sup> Security, together with restoration of social services and economic changes, will operate synergistically to erode support for insurgents and to win the hearts and minds of the population.<sup>170</sup> Citizens cowed into submission by insurgents will be inspired to support the military if they recognize it as genuinely interested in their welfare, well-being, and security.<sup>171</sup>

Northeast inhabitants and the federal government have a schizoid relationship. Local inhabitants justifiably blame the government for the social malaise in the area.<sup>172</sup> Boko Haram taps easily into the resentment and grievances in the area to galvanize public support.<sup>173</sup> It is impossible to deal with insurgency without addressing the social forces, preexisting animosities, suspicions, and allegations that animate and inspire the Boko Haram insurgency.<sup>174</sup> As Paul Rogers cautions, “if there is little recognition of the key underlying socio-economic factors, not only will attempts to resolve the Boko Haram issue be limited, but responding to other radical movements should they evolve, will encounter similar problems.”<sup>175</sup> Peter Pham correctly identifies challenges Nigeria must address to subdue Boko Haram:

The government must also better address the many legitimate grievances that have rendered meaningful segments of the population in the north amenable to the militant’s message of overturning the status quo in Nigeria. Frustrations with living conditions are keenly felt in northern Nigeria, where

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169. See IVAN BRISCOE & DR. BIBI VAN GINKEL, INT’L CTR. FOR COUNTER-TERRORISM—THE HAGUE, *THE NEXUS BETWEEN DEVELOPMENT AND SECURITY: SEARCHING FOR COMMON GROUND IN COUNTERING TERRORISM* 3 (2013), [www.icct.nl/download/file/Briscoe-van-Ginkel-Nexus-between-Security-and-Development-March-2013.pdf](http://www.icct.nl/download/file/Briscoe-van-Ginkel-Nexus-between-Security-and-Development-March-2013.pdf) (“Above all, there is now growing evidence of linkages between the emergence of violent extremism and conditions of economic deprivation, bad governance and conflict.”).

170. See Newman, *supra* note 31, at 754-55 (“[E]fforts should be directed at addressing underlying grievances and enabling factors in order to undermine support for terrorism in societies at risk . . .”).

171. See KIM CRAGIN & PETER CHALK, *TERRORISM AND DEVELOPMENT: USING SOCIAL AND ECONOMIC DEVELOPMENT TO INHIBIT A RESURGENCE OF TERRORISM* x (2003) (“Social and economic development policies can help to reduce the pool of potential recruits by reducing their perceived grievances and providing the members of these communities with viable alternatives to terrorism.”).

172. See ASFURA-HEIM & MCQUAID, *supra* note 20, at 15-16.

173. See *MOTIVATIONS AND EMPTY PROMISES*, *supra* note 46, at 14 (“Boko Haram took advantage of deeply held grievances around government inadequacies to gain a foothold in communities.”).

174. See Rogers, *supra* note 31, at 2 (“Boko Haram’s support also stems from three specific aspects of the Nigerian situation: the relative economic neglect of the Moslem north, a country-wide issue of very serious divisions of wealth and poverty (in spite of the oil wealth of the Delta), and an endemic problem of corruption, especially within the political system.”).

175. *Id.* at 5.

the proportion of the population living below the poverty level is between two and three times the rate in the south. Dramatic action is needed to end corruption, build a more inclusive government, alleviate poverty and lack of access to health care, expand access to education and create a transportation, utilities, communications infrastructure capable of sustaining economic growth for Nigeria's 170 million people.<sup>176</sup>

The encouraging thing is that a majority of citizens in the Northeast do not support Boko Haram's ideology of violent extremism.<sup>177</sup> As James Forest observed, "Boko Haram's vision of the future and its strategy to bring about that future is seen as beneficial by almost no one in Nigeria, north or south, Muslim or Christian."<sup>178</sup> It seems that some citizens who were seduced by Boko Haram's notoriety are gradually drifting away, disillusioned by the group's brutality and lack of guiding vision or any agenda for a better society.<sup>179</sup> Boko Haram is being subdued, its public support and appeal are shriveling, quietly and surely dying a slow death.<sup>180</sup> The military can cash in on Boko Haram's declining popularity and actively hasten the demise of Boko Haram by enlisting the local population's support to choke off this group's own dwindling support.

In the initial stages of the war against insurgency, Nigeria focused on subduing Boko Haram and showed no interest in courting public support.<sup>181</sup> However, after several years, Nigeria seems more interested in exploring other means.<sup>182</sup> More importantly, Nigeria has realized that in addition to military might, the military needs to win the hearts and minds of citizens to enhance the prospects of subduing insurgency.<sup>183</sup> Marc-Antoine Perouse de Montclos argues that "without a reordering of priorities and visible efforts to regain the trust of communities, Nigeria's

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176. J. PETER PHAM, THE AFR. CTR. FOR STRATEGIC STUD., BOKO HARAM'S EVOLVING THREAT 7 (2012), <https://africacenter.org/wp-content/uploads/2016/06/ASB20EN-Boko-Haram's-Evolving-Threat.pdf>.

177. *See id.* at 2 ("Boko Haram can be described as fanatical sects whose beliefs are not held by the majority of Nigerian Muslims.").

178. FOREST, *supra* note 24, at 84.

179. *See* THE DISEASE IS UNBELIEF, *supra* note 3, at 9 ("Rejecting Boko Haram's worldview and violence, many Nigerian Salafi leaders have denounced the sect . . .").

180. *See* OLOJO, *supra* note 45, at 11 ("Boko Haram's loss of public support is evidenced by the increasing frustration and resentment among many Nigerians against the group's increasingly violent and destructive activities.").

181. *See* NIGERIA'S INTERMINABLE INSURGENCY, *supra* note 21, at 15.

182. *See* MOTIVATIONS AND EMPTY PROMISES, *supra* note 46, at 5 ("The Nigerian government, non-governmental agencies, and international donors are increasingly turning their attention to addressing the underlying causes of the conflict in the Northeast. . .").

183. *See* Jerome, *supra* note 75, at 101.

military will be caught fighting an interminable insurgency.”<sup>184</sup> Declan Amaraegbu notes:

The local population should be taken into confidence by offering them opportunities and a sense of belonging . . . they can act against the terrorists because they have good knowledge of the local terrain and can give more accurate information about the activities of the group, their movement and location . . . the only people in a position to do this are members of the local community.<sup>185</sup>

Support of citizens—their sincere cooperation—in areas affected by insurgency is an important asset, an essential foundation upon which the difficulties of subduing insurgency can be surmounted.<sup>186</sup> Winning the support of the local population is central to the success of any counterinsurgency plan.<sup>187</sup> Insurgents typically draw strength and support from the local population.<sup>188</sup> They need the local population to expand their power base, to escalate the level of attacks and violence against their perceived enemies.<sup>189</sup> Insurgents increasingly find it difficult to operate in areas where citizens neither like nor support them.<sup>190</sup> Aaron Pennekamp states:

The fight for popular support is therefore the central battle of any COIN (counterinsurgency). The insurgent wants to win support to increase his political power in order to overthrow the sitting government; the counterinsurgent want to win the population in order to dry up support for the insurgent.<sup>191</sup>

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184. *Nigeria's Interminable Insurgency*, *supra* note 21, at 17.

185. Declan A. Amaraegbu, *Failure of Human Intelligence, Boko Haram and Terrorism in Nigeria*, 15 J. SUSTAINABLE DEV. AFR. 66, 79 (2013).

186. See Aaron Pennekamp, *Standards of Engagement: Rethinking Rules of Engagement to More Effectively Fight Counterinsurgency Campaigns*, 101 GEO. L.J. 1619, 1645 (2013).

187. See Noakes, *supra* note 108.

188. See *id.*

189. See *id.*

190. See *id.* (“Insurgents are only able to succeed when they have some support among the local population . . . . The only way to defeat an insurgency is to drain it of this support. The battle, then, is primarily political rather than military. Put simply, you’ve got to make a better offer to the people than the insurgents can. You’ve got to encourage them to turn insurgents in rather than shelter and join them.”).

191. Pennekamp, *supra* note 186, at 1626.

A. *Winning Local Support*

Boko Haram is on the run, severely weakened, but not defeated.<sup>192</sup> Some citizens still support and sympathize with Boko Haram, while some communities provide sanctuary and logistical support for them.<sup>193</sup> Even if Boko Haram is defeated, its members will never wave the white flag or surrender to the military,<sup>194</sup> as the Biafra military did in 1970 to signify the end of the thirty-month civil war.<sup>195</sup> They will probably disperse within the communities, regroup under a new name and continue their campaign of terror against innocent civilians.<sup>196</sup> Nathaniel D. F. Allen et al. confirmed this phenomenon:

Internal wars rarely end quickly or decisively. And even when hostilities dissipate, insurgencies foster legacies of violence, mistrust, and destruction that can eventually result in renewed conflict. Nigeria's history is rich in recent examples. The Boko Haram insurgency itself has an antecedent in the Maitatsine religious upheavals of the 1980s, a tumultuous chapter in northern Nigerian history that claimed over 5,000 lives. Even if Boko Haram is contained, the violence may have aggravated tensions with dissident Islamic groups and marginalized northern communities that could provoke renewed conflict.<sup>197</sup>

The most important challenge is not militarily subduing insurgency—the military has overwhelming firepower for that. The important battle is for the hearts and minds of citizens.<sup>198</sup> As Steven Hendrix poignantly pointed out, “in conflicts like Nigeria’s Northeast, in so-called “asymmetric warfare,” civilians are no longer bystanders; they are the battlefield, the objective, and target.”<sup>199</sup> The success of counterinsurgency depends on the

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192. See Rogers, *supra* note 31 at 2 (noting that attacks by Boko Haram “confirm that the movement remains active and may even be growing in support, in spite of repeated and singularly violent actions by police, army and other security forces to try to control it”).

193. See OLOJO, *supra* note 45, at 4 (“The spectrum of public support for Boko Haram is representative of both active and passive elements of Nigerian society. Passive supporters may not make personal sacrifices in the form of suicide attacks. However, their sympathy with the activities of insurgents, as well as refusal to betray them, is a key factor that undermines the government’s counter-terrorism efforts.”).

194. See Hendrix, *supra* note 33, at 438 (“Asymmetrical warfare is no longer like the wars of old, when one side surrendered to the other. In Nigeria, there will be no formal disarmament or peace deal and no laying down of arms in front of the cameras.”) (footnotes omitted).

195. For an interesting account of the civil war and Biafra’s surrender that marked the formal end of the civil war, see CHUDI OFFODILE, *THE POLITICS OF BIAFRA AND THE FUTURE OF NIGERIA* (2016).

196. See Allen et al., *supra* note 19.

197. *Id.*

198. See FOREST, *supra* note 24, at 93.

199. Hendrix, *supra* note 33, at 432-3.

ability to win the hearts and minds of citizens.<sup>200</sup> Hearts and minds, according to David Kilcullen, an expert on counterinsurgency, has two components.<sup>201</sup> “Heart” means persuading people their best interests are served by your success.<sup>202</sup> “Minds” means convincing them that you can protect them, and that resisting you is pointless.<sup>203</sup>

Winning the hearts and minds of citizens is a crucial issue on which the effectiveness of counterinsurgency ultimately depends.<sup>204</sup> The local population has been rightly described as the “center of gravity of an insurgency movement”<sup>205</sup> which gives “insurgency its source of power from which it derives its morale, its physical strength and its freedom of action and its will to act.”<sup>206</sup> Sarah Sewall underscores the importance of enlisting public support in the fight against insurgency:

The civilian population is the center of gravity—the deciding factor in the struggle . . . The real battle is for civilian support for, or acquiescence to, the counterinsurgents and host national government. The population waits to be convinced. Who will help them more, hurt them less, stay the longest, earn their trust? . . . Civilian protection becomes part of the counterinsurgent’s mission, in fact, the most important part. In this context, killing the civilian is no longer just collateral damage . . . The fact or perception of civilian deaths at the hands of their nominal protectors can change popular attitudes from neutrality to anger and active opposition.<sup>207</sup>

Winning the peace is neither different from nor subsidiary to the war against insurgency; it should be the centerpiece of a counterinsurgency strategy. Inducing significant and positive changes in the views, sentiments and attitude of inhabitants is therefore central to the success of counterinsurgency operations. Counterinsurgency stands a good chance of succeeding if the military can secure the support of citizens, or at least their tolerance. Counterinsurgency is bolstered anytime inhabitants no longer see soldiers as oppressors but as their friends and allies with a benignant understanding of their needs and challenges. Similarly, the allure of

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200. See FOREST, *supra* note 24, at 93.

201. DAVID KILCULLEN, COUNTER INSURGENCY 37 (2010).

202. *Id.*

203. *Id.*

204. See GUITTA & SIMCOX, *supra* note 1, at 7 (“As part of a successful Nigerian counter-insurgency strategy, gaining the support of civilians with whom Boko Haram is trying to embed itself will be necessary.”).

205. KILCULLEN, *supra* note 201, at 7.

206. *Id.*

207. Sarah Sewall, *Introduction to the University of Chicago Press Edition to THE UNITED STATES DEPT OF THE ARMY, THE U.S. ARMY/MARINE CORPS COUNTERINSURGENCY FIELD MANUAL*, at xxv (2007).

insurgency diminishes significantly anytime the government effectively counteracts the insurgents' claim of acting as tribunes for the citizens.<sup>208</sup>

### B. *Problems with Public Support*

Nigeria's effort to deal with Boko Haram insurgency has been severely undercut by lack of public support.<sup>209</sup> The greatest impediment to successful counterinsurgency measures, according to Jonah Fisher, is "the lack of cooperation from the local population. Boko Haram members live among the community, but people are either too scared or unwilling to inform on them."<sup>210</sup> Efforts to enlist public support have been undermined by three factors: Boko Haram propaganda, military brutality, and insufficient attention to the grievances and social conditions that drive insurgency.<sup>211</sup>

### C. *Propaganda*

Propaganda, distortions, and blatant falsehoods are among the weapons of choice for insurgent groups all over the world as they struggle to elicit public support and sympathy.<sup>212</sup> Boko Haram continues to propagandize massively and incessantly, using lies, distortions, and wild allegations against the government to galvanize support and ignite enthusiasm among its members.<sup>213</sup> Boko Haram has been successful in persuading some generally unsophisticated inhabitants of the Northeast that the central government is anti-Muslims and that government's discriminatory practices and policies account for the lack of development in the area.<sup>214</sup> In 2009, Muhammad Yusuf, a Boko Haram leader stated, "the government of Nigeria has not been built to do justice . . . It has been

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208. Examining extremist groups in Nigeria, Chris Ngwodo notes, "It is their advocacy of the cause of the poor and their opposition to social injustice that lends these groups their appeal." Obi Anyadike, *What Will Follow Boko Haram?*, NEW HUMANITARIAN (Nov. 24, 2011), <https://www.thenewhumanitarian.org/analysis/2011/11/24/what-will-follow-boko-haram>.

209. See Noakes, *supra* note 108.

210. Jonah Fisher, *Are Nigeria's Boko Haram Getting Foreign Backing?*, BBC NEWS (June 21, 2011), <http://www.bbc.co.uk/news/world-africa-13843967>.

211. See OMAR S. MAHMOOD, INST. FOR SEC. STUD., MORE THAN PROPAGANDA: A REVIEW OF BOKO HARAM'S PUBLIC MESSAGES 1, 1(2017), <https://issafrica.s3.amazonaws.com/site/uploads/war20.pdf>; Noakes, *supra* note 108; PHAM, *supra* note 176, at 7.

212. For an interesting study of the use of propaganda by insurgents, see NEVILLE BOLT, THE VIOLENT IMAGE: INSURGENT PROPAGANDA AND THE NEW REVOLUTIONARIES (2012).

213. See MAHMOOD, *supra* note 211, at 1 ("Messaging has been an important aspect of the public outreach of the violent extremist organization commonly known as Boko Haram.").

214. See THE DISEASE OF UNBELIEF, *supra* note 3, at 5 ("Boko Haram claims that its violence responds to what it sees as a decades-long history of persecution against Muslims in Nigeria.").

built to attack Islam and kill Muslims.”<sup>215</sup> These blatantly false and tendentious statements resonate among the inhabitants of the Northeast and elicit support for insurgents.<sup>216</sup> The persistence of these narratives probably explains the vitality of Boko Haram despite efforts by the government to subdue the group.

The number of people with the capacity to separate facts from fiction is not very high in the Northeast, thus increasing the likelihood that public assessment of events and reactions to insurgency and efforts to counter it will be based on agitprop propagated by Boko Haram.<sup>217</sup> These lies, distortions and falsehoods warp and distort citizens’ minds, leaving them to form negative impressions about both the government and the military.<sup>218</sup> Worse, Boko Haram’s concocted implausible justifications for violence, along with other equally false allegations linger and eventually congeal into hatred for the government and the military.<sup>219</sup> Boko Haram’s propaganda seems to be having the desired effect because even when soldiers approach local inhabitants with the best of intentions, they face deep wellspring of distrust.<sup>220</sup> A vital challenge for Nigeria is not just to defeat Boko Haram militarily but also to “derogate its capacity for influencing Muslim communities.”<sup>221</sup>

The government has not done much to counteract Boko Haram’s propaganda in the vain hope that the group will discredit itself upon display of violence and brutality.<sup>222</sup> On the contrary, Boko Haram’s propaganda, even though withered in distortions and fallacies, has become the prism through which local inhabitants view both the military and the government.<sup>223</sup> Consciously or subliminally, Boko Haram’s propaganda sway public opinion against the government and move citizens not to

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215. *Id.* at 17 (footnote omitted).

216. See THURSTON, *supra* note 3, at 6.

217. See *id.* at 7; Robyn Dixon, *In Nigeria, Distrust Hampers the Fight Against Boko Haram*, L.A. TIMES (June 23, 2014), [www.Latimes.com/world/africa/La-fg-nigeria-military-2014-0623-story.html](http://www.latimes.com/world/africa/La-fg-nigeria-military-2014-0623-story.html).

218. See Dixon, *supra* note 217 (noting the prevalence of conspiracy theories regarding the Nigerian security forces, which are perpetrated in part by Boko Haram invading towns disguised as the military and then shooting indiscriminately).

219. See THURSTON, *supra* note 3, at 17; Dixon, *supra* note 217.

220. See Dixon, *supra* note 217 (noting how there is “a legacy of distrust” between the locals and the security forces, which is a result of the military’s use of excessive force and the prevalence of conspiracy theories within the Northeast).

221. FOREST, *supra* note 24, at 95-96.

222. See *id.*

223. See Dixon, *supra* note 217.



support the military.<sup>224</sup> It will take serious efforts to restore public confidence and faith in both the government and the military. Expecting brutalized and victimized local inhabitants to support the military is both unrealistic and naïve. The challenge is to dislodge the harsh, distrustful culture that prevents local inhabitants from seeing anything good in government. Unless the government carefully and methodically counteracts Boko Haram's propaganda, these false narratives will continue to affect and color citizens' assessment of events and may ultimately swing public support in favor of insurgents.<sup>225</sup>

The government must liberate citizens from the delusional illusions propagated by Boko Haram that the government is anti-Islam and anti-Northeast.<sup>226</sup> As James Forest powerfully advocates, "those who find some resonance in the group's ideology must be convinced that the leaders of Boko Haram are not the vanguard of a movement toward positive changes; they are murderers of Muslims, seeking power to shape and control the future in a way that adheres to their fundamentalist version of Islam."<sup>227</sup> The government must demonstrate in concrete and easily verifiable ways, not only the errors of Boko Haram's message, but also that it is genuinely interested in improving the lives and living conditions of inhabitants of the Northeast region. Successfully counteracting Boko Haram's narrative will positively affect the struggle against insurgency.

#### D. *Excessive Force*

The excesses of soldiers disaffect citizens, create corrosive resentment and cause them to view counterinsurgency in an entirely negative light.<sup>228</sup> Initially, soldiers focused obsessively on subduing insurgents and remained indifferent to the rights and liberties of local inhabitants and cared far less about their needs and welfare.<sup>229</sup> The excesses of the military fuel citizens' paranoia about government, unwittingly lend credence, at least in the minds of the unsophisticated

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224. *See id.* ("The local reaction reflects a legacy of distrust that helps explain why it has been so difficult for Nigeria to battle the insurgents. The country struggles with long-standing animosity between the north, which is largely Muslim, and the Christian-dominated south. Its army has a reputation for brutality, neglect and failure. Those problems hamper the type of close cooperation between the military and civilian population that is essential to a successful counterinsurgency.")

225. *See* Falode, *supra* note 27 ("The fluidity and dynamism of the conflict means it is crucial for Nigeria to be proactive in its efforts to counter the Group's narratives.")

226. *See id.*

227. FOREST, *supra* note 24, at 95.

228. *See* Noakes, *supra* note 108; Odomovo, *supra* note 81, at 58.

229. *See* NIGERIA'S INTERMINABLE INSURGENCY, *supra* note 21, at 15.

Northeast inhabitants, to the Boko Haram's propaganda.<sup>230</sup> Soldiers in the inevitable frenzy of war often have problems distinguishing friends from foes, and treat all as insurgents or insurgent sympathizers.<sup>231</sup> Some innocent citizens are mischaracterized as insurgents and are viciously brutalized by the military.<sup>232</sup> Brutality against entire communities for the alleged acts of a few insurgents sustains and exacerbates negative sentiments that ultimately drive citizens toward insurgency.<sup>233</sup> As accounts of brutality after brutality caused by incompetence and intemperance of soldiers mounted and were widely reported by the press, the military faced intense criticisms by citizens and the international community.<sup>234</sup>

Brutality, repression, and the military's failure to treat inhabitants with respect and civility doomed meaningful relationships with citizens.<sup>235</sup> Local inhabitants rarely forget or forgive the brutality unleashed on them by the military.<sup>236</sup> Outrage at the military's brutality and abuses spread quickly across the Northeast with disconcerting intensity.<sup>237</sup> Sometimes, Boko Haram lures the military into using excessive force as part of the group's scheme to inflame hatred and sustain animosities toward the military.<sup>238</sup> Excessive force has polarized and fractured communities and

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230. See Dixon, *supra* note 217.

231. See DIETRICH, *supra* note 106, at 30-31; ASFURA-HEIM & MCQUAID, *supra* note 20, at 21.

232. ASFURA-HEIM & MCQUAID, *supra* note 20, at 21 (“[T]he military joint task force (JTF)—a unit comprising army, police, and custom officials tasked with combatting Boko Haram—operates like an army of occupation. Unable to distinguish Boko Haram members from innocent civilians, they resort to arbitrary dragnet arrests, collective punishment, illegal detentions, and in some instances, extra judicial killings.”).

233. See NIGERIA'S INTERMINABLE INSURGENCY, *supra* note 21, at 15 (“[C]ontinued massacres, extra-judicial killings and arrests without trial have widened the gap between communities and the armed forces, to the point where some civilians have sought the protection of Boko Haram, even if they did not initially sympathize with, support or subscribe to the actions and doctrine of the movement.”).

234. See STARS ON THEIR SHOULDERS, *supra* note 64, at 4, 109.

235. See Odomovo, *supra* note 81, at 57 (“So far, the internal security operations of JTFs have not fostered healthy relationships between security forces and the local communities they are apparently deployed to protect.”).

236. See NIGERIA'S INTERMINABLE INSURGENCY, *supra* note 21, at 15-16 (“In addition to the failure of the JTF to protect civilian life and property, it lost the trust of the people, an important resource in the battle against Boko Haram, as communities were also abused by the armed forces.”); Dixon, *supra* note 217 (noting how there is “a legacy of distrust” between the locals and Nigerian security forces).

237. See Odomovo, *supra* note 81, at 54 (“Not surprisingly, the cycles of human rights abuses and retaliatory executions of civilians have led to resentment of JTFs operations by the host communities including members of the general public.”); ASFURA-HEIM & MCQUAID, *supra* note 20, at 21.

238. See GUITTA & SIMCOX, *supra* note 1, at 19 (“Some military abuses have resulted in locals not trusting government forces, and subsequently being more unwilling to assist them.”);

moved citizens to vilify the military as an arbitrary, repressive, and abusive behemoth.<sup>239</sup> Some citizens actively support Boko Haram, while others are reluctant to volunteer information that will assist the military in the fight against insurgency.<sup>240</sup> Citizens' disaffection with the military is further exacerbated by the military's failure to hold soldiers accountable for maltreating citizens.<sup>241</sup> Citizens feel that lack of accountability emboldens the military and provides the impetus for further abuse by soldiers.<sup>242</sup>

The hemorrhaging of public support has affected the military's ability to deal with insurgency.<sup>243</sup> If the military persists in its excesses, the resulting public disaffection will undermine the prospects of containing insurgency in the Northeast. Skepticism about the military's commitment to citizens' interest and welfare is one thing; outright hostility is debilitating to the search for security in areas affected by insurgency.<sup>244</sup> Hostility towards the military breeds ineluctable incentives for citizens to support insurgents, and it also forecloses the option of cooperating with the military.<sup>245</sup> Unaddressed, lack of public support will further degrade the military's ability to wage the war against insurgency. Besides the foot soldiers who wage the war, Boko Haram's activities are significantly bolstered by the tacit acquiescence and passive support of citizens who despise the government and the military for its repressive and brutal attacks on their communities.<sup>246</sup> Andrew Noakes states:

Insurgents are only able to succeed when they have some support among the local population. Since they do not have the capacity to win a conventional war involving constant battles out in the open, they must be able to hide

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DIETRICH, *supra* note 106, at 30 (noting how Boko Haram will often use civilians as human shields).

239. See GUITTA & SIMCOX, *supra* note 1, at 19; Odomovo, *supra* note 81, at 54, 81.

240. Odomovo, *supra* note 81, at 57 (“[T]he acrimonious relationship between host communities and security forces makes it difficult to gather important security intelligence in support of government counterinsurgency efforts. . .”).

241. See Oarhe, *supra* note 10, at 66 (“Despite allegations of widespread security force abuses, the Nigerian authorities have rarely held anyone accountable. . .”).

242. See *id.*

243. See FOREST, *supra* note 24, at 91 (“Intelligence gathering in support of the government's counterterrorism efforts is made difficult by the immense distrust toward the government that is found among many Muslim communities in the north. This distrust is in part a response to actions taken by the police and military that damaged an already fragile perception of government legitimacy.”).

244. See Odomovo, *supra* note 81.

245. *Id.* at 57 (“the acrimonious relationship between host communities and security forces makes it difficult to gather important security intelligence in support of government counterinsurgency efforts, and consequently makes it easy for insurgents to win the support and sympathy of local communities that dislike JTF tactics.”).

246. See Noakes, *supra* note 108.

themselves and their equipment from the army in between surprise attacks. They must recruit people into their ranks. Both of these require some level of local support.<sup>247</sup>

*E. Insufficient Attention to Grievances and Social Conditions*

Insurgents are gradually being subdued, but the ideology, grievances, and social conditions that inspired Boko Haram insurgency still resonate among citizens in the Northeastern region.<sup>248</sup> This probably explains the vitality of Boko Haram even in the face of orchestrated campaigns to subdue the group. For a long time, Nigeria focused on subduing insurgency militarily and approached dealing with underlying social conditions and grievances in the Northeast with little enthusiasm and far less commitment.<sup>249</sup> Citizens in the Northeast view government's failure or unwillingness to address their legitimate concerns as presumptive evidence of government's discriminatory attitude toward the Northeast. More importantly, decrepit conditions in the Northeast provoke resentment and frustration that insurgents easily exploit to broaden their support base and justify attacks against the government.<sup>250</sup>

Finally, as the frenzy and din of the fiercely waged war on insurgency peter out, government will have to squarely and resolutely address the underlying social and economic factors that inspire insurgency. Sometimes insurgency is powered and driven by dysfunctions in the nation.<sup>251</sup> In some cases, unfair and inequitable treatment of individuals and groups provides the impetus for insurgency.<sup>252</sup> Seeking to subdue

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247. *Id.*

248. See INT'L CRISIS GRP., *supra* note 135, at 9 ("Even if it may be on its back foot, Boko Haram is likely to be difficult to eradicate, because it originates from Nigeria's deep structural challenges. Key factors include: demoralization resulting from massive, oil-fed corruption; chronic mismanagement; growing inequalities between regions, with high birth rates, poverty and low levels of formal education particularly acute in the Northeast; instrumentalisation of sharia by northern elites in the context of sudden democratization; and dysfunctional federalism.").

249. *Id.*

250. Abimbola Adesoji, *The Boko Haram Uprising and Islamic Revivalism in Nigeria*, 45 AFR. SPECTRUM 95, 95 (2010) ("whereas the religious sensitivity of Nigerians provided fertile ground for the breeding of the Boko Haram sect, the sect's blossoming was also aided by the prevailing economic dislocation in the Nigerian society."); PAUL COLLIER, ET AL., *BREAKING THE CONFLICT TRAP: CIVIL WAR AND DEVELOPMENT POLICY* 53, (2003) (the key root cause of conflict is the failure of economic development.").

251. See INT'L CRISIS GRP., *supra* note 135, at 9 (arguing that Boko Haram is likely to be difficult to eradicate because it originates from Nigeria's deep structural challenges).

252. D.K. GUPTA, *THE ECONOMICS OF POLITICAL VIOLENCE: THE EFFECT OF POLITICAL INSTABILITY ON ECONOMIC GROWTH* 1, 2 (1990) (noting that "people take up violent resistance when they feel frustrated by the gap between what they actually have and what they feel they should have.").

insurgency without addressing these dysfunctions and grievances will lead to unsatisfactory results. Bad governance remains one of the most propulsive elements for unrest in Africa.<sup>253</sup> An effective counterinsurgency plan must therefore include measures that address the offshoot of bad governance and bring hope, justice, economic development and social amenities to impoverished Northeast communities in Nigeria.<sup>254</sup> Addressing the problems of bad governance is very important because “there is much that Nigeria’s government can and must do to reduce alienation and build trust and legitimacy among its citizens—particularly in the northern region—and address other enablers of terrorism.”<sup>255</sup>

Government’s neglect of the Northeast is of long standing. This historic neglect of the area has left a vast majority of citizens poor, uneducated, and angry. Disillusionment and feelings of alienation, maltreatment, and injustice are deep and pervasive. Decrepit, dilapidated infrastructure, and economic development that lags miserably behind development in other areas remain damnable signposts of misguided government policies. Until these problems are addressed, the Northeast will remain violent and unsafe, a breeding ground for criminals and home to insurgents who will continue to express their dismay and dissatisfaction with the federal government.<sup>256</sup> Without hope or opportunity for Northeast citizens to improve their circumstances, it will be difficult for the youths to resist both the allure of violence and manipulation by disgruntled politicians and charismatic insurgents.<sup>257</sup> By providing better facilities and amenities in the Northeast, the federal government can restore hope, calm passions, and put the area on the path toward economic development, progress, and social equilibrium.

Government will capture the hearts and minds of the inhabitants of the Northeast when they turn this area into a place where the agonies and devastation of the past are supplanted by economic growth, opportunities for employment, and means for citizens to uplift their lives and improve

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253. See OKECHUKWU OKO, *supra* note 147.

254. *Id.*

255. See FOREST, *supra* note 24, at 111.

256. See ASFURA-HEIM & MCQUAID, *supra* note 20, at 16 (“the poverty and lack of services affecting the northern Muslim population have caused an intense resentment of the political status quo and have fueled extremist and rejectionist thinking. In particular, there is a strong sense among the ethnic Kanuri group (from which most members of Boko Haram originate) that they have been economically marginalized and have been cheated out of their fair share of Nigeria’s resources by national government.”).

257. See OLOJO, *supra* note 44, at 13 (arguing that the failure of government to constructively tap into the youth bulge in Nigeria has inadvertently created a steady supply of young and violent extremists for groups like Boko Haram.).

their living conditions.<sup>258</sup> U.S. Assistant Secretary, Johnnie Carson stated that “the government must also win over the population by addressing the social and economic problems that have created the environment in which Boko Haram can effectively thrive.”<sup>259</sup> As the hope of a better life takes hold among the inhabitants, insurgency will lose traction, and support for insurgents will erode as youths that form the core of Boko Haram’s support base find legal ways to improve their lives.<sup>260</sup>

#### F. *Cultivating Public Support*

In the Northeast, trust and confidence in government, public support for and cooperation with the military have declined significantly because citizens blame the government and the military for their woes.<sup>261</sup> Local inhabitants are instinctively suspicious of the military and resist overtures to enlist their support in the fight against insurgency. Citizens will support the military only if they are inspired to do so, if they see tangible and credible manifestations of the military’s desire and commitment to treat citizens with respect and sensitivity to their rights and welfare.<sup>262</sup> The military must realize that disdain for Boko Haram does not automatically translate into support for the military.

The biggest challenge to convince local inhabitants demoralized and dismayed by unsatisfactory social conditions to support the government. Attitudinal changes come neither quickly nor easily. But counterinsurgency cannot succeed without persuading local inhabitants to change their views and attitude toward the government.<sup>263</sup> The government cannot convince local inhabitants to support it unless it offers concrete viable alternatives to Boko Haram’s propaganda.<sup>264</sup> The military, unlike Boko Haram, must respect citizens’ rights, show concern for their welfare and present themselves as capable of restoring security and social equilibrium in the area.<sup>265</sup> Professor Ganesh Sitaraman notes:

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258. See Rogers, *supra* note 31, at 4.

259. *Id.*

260. See OLOJO, *supra* note 44, at 13 (“The extent to which youths are constructively engaged in their societies intrinsically determines their resolve to be less vulnerable to factors such as economic deprivation and political alienation which may be conducive to the spread of violence.”).

261. See Rogers, *supra* note 31, at 2.

262. See Sewall, *supra* note 207.

263. Ganesh Sitaraman, *Counterinsurgency, The War on Terror, and the Laws of War*, 95 VA. L. REV. 1745, 1771 (2009).

264. *Id.*

265. *Id.*

Counterinsurgency's win-the population approach differs from kill-capture in two ways: first although counterinsurgency has a place for killing and capturing the enemies, kill-capture is not the primary focus. Because insurgency gains strength from the acquiescence of the population, the focus of counterinsurgency is building the population's trust, confidence, and cooperation with the government. Second, counterinsurgency is not limited to military operations. It includes political, legal, economic, and social reconstruction in order to develop a stable, orderly society, in which the population itself prevents the emergence or success of insurgency.<sup>266</sup>

Public support and trust are important assets in the fight against insurgency. Government can recapture both assets if it can demonstrate sincerity and good faith in addressing legitimate grievances and social conditions that either drive citizens to join Boko Haram or cause them not to support the military.<sup>267</sup> A crucial preliminary step towards winning the hearts and minds of citizens will be to counteract the prevailing notion in the Northeast that the federal government is an uncaring, brutal, and abusive behemoth.<sup>268</sup> Andrew Noakes powerfully makes the point:

A successful counterinsurgency must create favorable political dividing lines between government forces and the insurgents. In theory, Boko Haram does not make it difficult to do this. They primarily kill Muslim civilians and are responsible for disorder and violence. The government has the opportunity to portray itself as a champion of security and development. But as long as troops continue to be ineffective and commit human rights violations, and as long as the poverty rate remains high, this will be difficult.<sup>269</sup>

To portray itself as "a champion of security and development," Nigeria must focus on four main issues: (a) protecting citizens; (b) treating local inhabitants with restraint and respect; (c) rebuilding areas ravaged by insurgency; and (d) providing economic opportunities for citizens to improve their lives and living conditions.<sup>270</sup>

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266. *Id.*

267. Dipak K. Gupta, *Exploring Roots of Terrorism*, in *ROOT CAUSES OF TERRORISM: MYTHS, REALITY AND WAYS FORWARD 27* (Tore Bjørge ed., 2005) ("in our zeal to fight terrorist's atrocities, it is easy to disregard legitimate grievances. Although absolute poverty and other aspect of economic deprivation have a weak link to terrorism, a pervasive sense of humiliation and hopelessness does not.").

268. See GUITTA & SIMCOX, *supra* note 1.

269. See Noakes, *supra* note 108.

270. *Id.*

## 1. Protecting Citizens

Citizens depend on the government for safety and protection of their rights and liberties.<sup>271</sup> When this is not forthcoming, as is the case in areas affected by insurgency, frightened and alarmed citizens seek alternative avenues to protect themselves.<sup>272</sup> It will be counterintuitive for local inhabitants crippled by fear to support the military. Boko Haram deliberately brutalizes civilians as part of its strategy of demonstrating the government's impotence to anxious and fearful citizens.<sup>273</sup> In the minds of insurgents, citizens are pawns to be manipulated and abused to prevent them from supporting the government.<sup>274</sup> Sarah Sewall observes that insurgents "kill civilians to show that the government can't protect its own citizens."<sup>275</sup>

The aftermath of insurgency, especially the disruption of institutions and processes that protect citizens, push the Northeast further down the path of anarchy and dystopia. Stripped of virtually all the protections enjoyed by citizens in a democratic society, citizens in the Northeast find themselves placed squarely between Boko Haram and the military, exposed to abuses and maltreatment from every side. Their security and even their lives depend on the good faith of the military or forbearance of insurgents—a dependence with calamitous consequences.<sup>276</sup> The agonies and pain inflicted by Boko Haram are still recent and gnawing, and the damages so deep that citizens live in fear of the group.<sup>277</sup> Fear of Boko Haram loom large in the minds of local inhabitants and unless assuaged may move them to shun efforts by the government to enlist their support.<sup>278</sup> Insecure and conscious of the powers of Boko Haram, citizens hesitate to openly declare support for the military because they feel vulnerable to reprisals from Boko Haram. Vulnerable citizens are

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271. Constitution of Nigeria (1999), § 14(1)(b) (the security and welfare of the people shall be the primary purpose of government.”).

272. See Noakes, *supra* note 108 (noting that insecurity will undermine confidence in the state and encourage people to look for alternative sources of authority and protection.).

273. See Schmidt, *supra* note 41.

274. See Odomovo, *supra* note 81.

275. See Sewall, *supra* note 207, at 25.

276. Odomovo, *supra* note 81, at 58 (“citizens trapped in the theatre of violence, especially in the north-eastern part of Nigeria have fallen victims to violent attacks by both security forces and insurgents—attacked by security forces for allegedly harboring insurgents, and killed by insurgents for assisting security forces with information that often leads to the arrest of their members.”).

277. See Noakes, *supra* note 108.

278. See *Boko Haram Kills 11 “Traitors” in Northeastern Nigerian Town*, CHI. TRIB. (July 3, 2015), [www.chicagotribune.com/news/nationworld/ct-boko-haram-20150703-story.html](http://www.chicagotribune.com/news/nationworld/ct-boko-haram-20150703-story.html).



compelled by their difficult and dangerous circumstances to offer loyalty, even support to Boko Haram in exchange for their lives.

A new, less-flattering image of the military emerged out of the crucible of Boko Haram insurgency in the Northeast. Allegations of brutality adumbrate the military's many beneficent activities in the area. Citizens view the military as ill-trained, undisciplined soldiers who cannot be trusted to defend them against Boko Haram.<sup>279</sup> This may be an inaccurate distortion of the military's role in society, but it is prevalent in the Northeast and is gaining currency in other parts of the nation.<sup>280</sup> This narrative risks becoming the template for the public's attitude toward the military unless it is countered in concrete ways citizens can see and appreciate. The military can offer a counter narrative to the public's dreary assessment of its role in fighting insurgency by improving and deepening its aptitude and capacity to serve as defenders of the people. As Sarah Margon advises, "Nigeria's senior military leaders also need to reject outright the harassment and abuse of these communities, or the destruction of their property as a military strategy. Clear guidelines for how to protect—not prey on—vulnerable communities would be helpful."<sup>281</sup> The military must quickly establish itself as a bulwark against injustice, providing an effective counterweight to the excesses of Boko Haram, and acting as stabilizing agents in a region surfeited by abuses, disorder, and chaos. Apprehensions about the military's inadequacies and the fear of Boko Haram will subside if the military demonstrates the capacity and the willingness to respond swiftly, effectively, and vigorously to attacks by Boko Haram. David Kilcullen offers useful ideas that ought to be the guiding philosophy for counterinsurgents anxious to gain the support of the local population:

Convincing threatened population that we are the winning side, developing genuine partnerships with them, demonstrating that we can protect them from the guerrillas and that their best interests are served by cooperating with us is the critical path in counterinsurgency, because insurgents cannot operate without the support—active, passive, or enforced—of the local population.<sup>282</sup>

Public support for the military is built on a bedrock of respect and concern. Only a strong demonstration of commitment to citizens can allay the uneasy feeling percolating in the area about the military's lack of concern

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279. Noakes, *supra* note 108, at 3.

280. *Id.*

281. See Margon, *supra* note 160.

282. KILCULLEN, *supra* note 201, at 4.

for the rights and welfare of local inhabitants.<sup>283</sup> The military must find ways to subdue insurgents without maltreating or abusing citizens. “Champions of liberty” do not degrade or abuse their objects; they protect them. The public’s negative reaction to excessive force will be lessened if the military’s response is measured and calibrated, meaning that they use sufficient force to suppress insurgent activities without tipping over into abuse.<sup>284</sup> Advocating caution in the use of force against insurgents by American troops, Professor Dominic Tierney offers advice that the Nigerian military can find useful in the battle against insurgents:

The use of force will be necessary. Irreconcilable enemies must be killed, captured, or otherwise marginalized. Large-scale offensives may be necessary to dislodge entrenched guerrilla forces. Decapitation tactics to eliminate rebel leaders can prove effective—especially if the insurgents are led by a charismatic figure who can’t easily be replaced. But U.S. troops should use firepower with discretion. More force may mean less security. Indiscriminate violence can alienate the local people and provoke an antibody response against the American presence . . . American soldiers should act with restraint and respect toward the people. In other words, knock on doors rather than break them down.<sup>285</sup>

## 2. Treating Citizens with Respect and Restraint

Local inhabitants’ lives are affected, and their angst aroused by how the military conducts counterinsurgency operations. The military’s excesses—repression, brutality, and insensitivity to citizens’ rights and welfare—coarsen local inhabitants’ sensibilities and lead them to abominate both the government and the military that liberated them. The military must address these clearly avoidable problems and ensure that it remains a source of security and strength to the community, not object of terror and fear. The military must act as antidotes to the brazen savagery and ruthlessness of insurgents. Treating citizens with respect is an effective and practical way of enlisting public support.<sup>286</sup> The military must ensure that the recklessness or excesses of its members that envenom and disaffect local inhabitants do not compromise the search for public support. It must therefore train soldiers to refrain from needlessly killing, attacking, or abusing noncombatant civilians, to react to provocations with

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283. See KILCULLEN, *supra* note 201.

284. *Id.*

285. *Id.* at 163.

286. See KILCULLEN, *supra* note 201.

restraint, adroitly displaying discipline and professionalism.<sup>287</sup> The military must encourage soldiers to rein in their retaliatory impulse and refuse to be drawn into unnecessary confrontation with inhabitants.<sup>288</sup> Inevitable disagreements and controversies should be settled peacefully and with punctilious regard for the rights and welfare of citizens.

Soldiers involved in counterinsurgency must be trained to show restraint and caution in dealing with citizens. These virtues are not automatic and do not come naturally to soldiers accustomed to violently subduing enemies. They are inculcated through constant reinforcement by the combined dynamic of training and sanctions. Training enhances the ability of soldiers to subdue their retaliatory impulses and to resist being lured into using excessive force. The military must continually stress the need for caution and restraint and challenge soldiers to observe them with commitment and vigor. Punishing those who fail to display these important virtues will have a chastening influence on the conduct of soldiers, thus providing incentives for soldiers to act in ways that elicit public support. As Allen et al. observes, “[a] concerted effort to prevent human rights abuses and investigate past violations will be a crucial step toward regaining the shattered trust of residents in the north.”<sup>289</sup>

Treating local inhabitants with respect and civility, ensuring accountability for violations, and calibrated use of force will lead to a tectonic shift in the military’s search for public support. Doubts, suspicions, and fears that deform the local population’s relationship with the military will subside when the military reestablishes its bona fides as a disciplined, caring institution committed to the rights, security, and welfare of citizens. Charges of insensitivity will wither as citizens see the beneficent side of the military. Positive perception of the military will easily and automatically translate into respect and affection for soldiers who risked everything to free local inhabitants from Boko Haram. Anguished and exhausted citizens, especially those who witnessed firsthand the inherent cruelty and wastefulness of insurgency, will feel secure enough to engage in mutually beneficial interactions with the military. They will enthusiastically and fearlessly support the military’s counterinsurgency measures, offering information, assistance and support

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287. *Id.*

288. *Id.* at 4 (arguing “violence against noncombatants by security forces, whether intentional or accidental, is almost always entirely counterproductive. Besides being simply the right thing to do, protecting and defending local noncombatant civilians is a critical component of making them feel safe, and this is thus one of the keys to operational success.”).

289. See Allen et al., *supra* note 19.

that will help the military to subdue insurgency. More importantly, they will treat insurgents with contempt and disdain appropriately reserved for scofflaws, criminals, and unhinged sociopaths, thus hastening the deracination of Boko Haram' ideology.

## V. REBUILDING WAR TORN COMMUNITIES

Insurgency and government's efforts to counter it leave behind a trail of wreckages, agony, and disaster. Citizens who generally want security and opportunities to rebuild their lives find both prospects daunting and nearly unattainable. Local inhabitants striving to rebuild their lives labor under severe limitations, deprived of economic and social infrastructure that invest their lives with meaning. Some suffer emotional trauma that affect their interactions with fellow inhabitants and the military that liberated them. Two areas require urgent attention: physical damage and emotional damage.

### A. *Physical Damage*

Insurgency cripples commercial and business activities and social services. Economic development, already sclerotic before Boko Haram insurgency, is moribund. Investors, ordinary citizens, and government find it difficult, if not impossible, to invest in an atmosphere disrupted and deformed by violence and chaos.<sup>290</sup> Ngozi Egbue and her team of researchers note,

The Boko Haram terrorist insurgency in Nigeria has done too much harm in the past six years of its violent activities in Nigeria. The loss of lives, loss of government owned and private property, failure of sustainable development initiatives by well-meaning Nigerians and government, loss of prospective foreign investments are a few of the fallouts of Boko Haram insurgency in Nigeria.<sup>291</sup>

Decimation of infrastructure by insurgency complicates an already difficult task because "it is true that . . . Muslim-majority Northern Nigeria trails the heavily Christian South in infrastructural development and educational attainment."<sup>292</sup> Schools, hospitals, public services, and infrastructure, already lagging behind other states in Nigeria are in

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290. See Ngozi Egbue et al., *supra* note 167, at 26.

291. *Id.*

292. See THURSTON, *supra* note 3, at 7.

alarming states of decay, dilapidation and decrepitude due to the violent struggles between insurgents and the military.<sup>293</sup>

Reestablishing social order requires—or is greatly facilitated by—rebuilding war torn communities.<sup>294</sup> The government must map out a clear strategic vision for rebuilding decrepit and endangered public institutions such as schools, hospitals, along with restoration of social services in the area.<sup>295</sup> Economic reconstruction and development that provide inhabitants with opportunities for a better life remains the pathway to lasting peace.<sup>296</sup>

Besides the benefits of improved civil-military relations, aiding in reconstruction is a moral imperative. The military cannot remain smugly indifferent to the pain and devastation around them. They should help to restore normalcy to the communities and the lives of the inhabitants.<sup>297</sup> “Winning the population involves securing the population, providing essential services, building political and legal institutions, and fostering economic development.”<sup>298</sup> The military must dig deep into its reservoir of talents to find professionals—economists, sociologists, medical doctors, engineers, and teachers to deal with a *mélange* of issues facing liberated communities.<sup>299</sup> The success of the military in this venture will propel inhabitants toward hope, towards engaging in ventures and activities leading to a better, brighter future. The quiet, often unnoticed actions of soldiers actively working to help citizens to rebuild speak more loudly and convincingly than the bombs and guns trained on insurgents.

It will also be a great mistake for the military to see its task as ending with the defeat of insurgency. The military should never be blithely unconcerned about the welfare of inhabitants of war-torn areas.<sup>300</sup> Citizens who have watched their livelihoods and homes go up in flames will be reluctant to embrace peace moves without a commitment from the

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293. See Blanchard, *supra* note 6, at 4; Agbibo, *supra* note 14, at 51 (“in 2013 Northeastern Nigeria remains the most underdeveloped part of the country, with chronic unemployment and poverty writ large.”).

294. See Hendrix, *supra* note 33, at 400 (arguing that this will not be a program for “reconstruction” but rather construction” and that “the problem is trying to differentiate between damage from insurgency and what was rotten beforehand.”).

295. *Id.*

296. See Walker, *supra* note 2, at 14 (“the only way to remove the threat of the group in the long run is widespread reform of Northern Nigeria that improves the livelihoods of northern Nigerians and gives them a bigger stake in their politics.”).

297. See Sitaraman, *supra* note 263.

298. *Id.* at 1747.

299. *Id.*

300. See Margon, *supra* note 160 (advocating that military force should be part of a wider plan than includes governance, accountability and development).

government to help them put their lives back together. The most effective way to regain the trust and confidence of communities sundered by terrorism is to rebuild infrastructure and social services rendered derelict by years of fighting insurgency.<sup>301</sup> Successfully rebuilding a tortured and broken society—even serious efforts at rebuilding—will deepen citizens' faith in their government, increasing their morale and support for the military.<sup>302</sup> Allen et al. powerfully make the point that:

Over the long term, containing extremism in Nigeria will demand an unrepresented commitment by officials in Abuja to invest in the impoverished and unstable Northeast. Even under the best circumstances, it will require years to rebuild the communities, towns and lives that Boko Haram has torn asunder – just as it will require more than military success to regain the trust of citizens in Nigeria's Northeast and to secure a protracted peace.<sup>303</sup>

Carl Von Clausewitz, the famed Prussian military strategist, cautioned against taking the first step in war “without considering the last.”<sup>304</sup> Militarily subduing Boko Haram, as important as that might be, is not the end of everything. It is an essential first step toward creating a durable social order in communities ravaged by insurgency. The last step is establishing vibrant and prosperous communities where the allure and rhetoric of insurgency cannot take hold. Defeating insurgency means little or nothing if violence, disorder and lawlessness remains. It will be counterproductive for soldiers who invested so much to defeat insurgents to walk away without showing concern for the distressed, displaced, and injured citizens they liberated.<sup>305</sup> Dominic Tierney, an American scholar and columnist, expresses this cogently: “You cannot march away from smoking ruins and call it victory.”<sup>306</sup> Leaving communities reclaimed from insurgents without adequate arrangements to safeguard peace and without opportunities for economic improvement could push these communities into renewed violence and chaos.

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301. See Hendrix, *supra* note 33, at 444 (arguing that to effectively deal with Boko Haram, “the Nigerian government will need a phased strategy of intervention. In the immediate term, it will have to pacify the rural Northeast and take back territory. In the medium term, it needs to reconstitute governance. And finally, it will have to invest in a longer term strategy to develop the region.”).

302. See GUITTA & SIMCOX, *supra* note 1.

303. See Allen et al., *supra* note 19.

304. DOMINIC TIERNEY, *THE RIGHT WAY TO LOSE A WAR: AMERICA IN AN AGE OF UNWINNABLE CONFLICTS* 306 (2015).

305. *Id.* at 275 (“Handling the aftermath of war requires dealing with the psychological as well as the physical wreckage of conflict . . . It is the moral thing to do—and it’s also good policy.”).

306. Dominic Tierney, *The War on ISIS: What’s the end Game*, ATLANTIC (Nov. 24, 2015) <https://www.theatlantic.com/international/archive/2015/11/isis-war-syria-iraq/417552/>.

Rebuilding communities decimated by insurgency carries ennobling transformative potentials on citizens. It will crucially and immediately gather public support for the government, and eventually and ultimately cause insurgency to lose its appeal. Jennifer Cooke, director of the Africa Program at the Center for Strategic and International Studies, recommended the right approach to combatting insurgency in Nigeria, stating “the Nigerian government’s response to Boko Haram will need to be integrated into a comprehensive political, economic, and security strategy that offers some promise of real improvement to northern populations and communities and limits the appeal of Boko Haram and its potential successors.”<sup>307</sup>

### B. Emotional Damage

Insurgencies and war against insurgents not only damage infrastructure and disrupt social services; they cause enormous emotional damage to the lives of inhabitants. Communities ravaged by insurgency are usually characterized by a miasma of anxiety about the future. They are atomized, distressed, and deeply distrustful, with mounting resentment and bitterness against the government and even the soldiers who liberated them.<sup>308</sup> Unspeakable brutality unleashed against civilians by Boko Haram damaged citizens’ souls, distort their perceptions and make it difficult for them to respond to events in the way normal citizens do. Some inhabitants lose the habits of citizenship: they rarely trust anybody, preferring to stay on their own out of fear of offending the wrong people. They live in fear of both terrorists *and* the soldiers who liberated them. Some citizens, though happy to return to their communities, blame the military for their predicament.<sup>309</sup> Some feel that military presence in their neighborhoods blocks their expectations of regaining normalcy in their lives; they therefore challenge the military to leave their communities.<sup>310</sup>

Rebuilding infrastructure destroyed by insurgency is important, but equally as important is repairing the emotional balance of local inhabitants. Citizens haunted by the gnawing fears that the brutality they experienced in the hands of insurgents could be repeated rarely behave

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307. *Boko Haram—Emerging Threat to the U.S. Homeland: Hearing Before the Subcomm. Counterterrorism and Intelligence of the H. Comm. on Homeland Sec.*, 112th Cong. (2011) (statement of Jennifer Cooke, Director, Africa Program, Center for Strategic and International Studies).

308. See Jeffrey Gettleman, *Africa’s Forever Wars*, FOREIGN POL’Y (Feb. 11, 2010), <https://foreignpolicy.com/2010/02/11/africas-forever-wars/>.

309. *Id.*

310. *Id.*

normally. Extreme violence and brutality leave them insular, distrustful, suspicious and unable to lead normal lives. Internecine antagonisms, reciprocal suspicions and *tu quo que* recriminations color and affect how they deal with one another and with the government.<sup>311</sup> Local inhabitants cannot be expected to suppress the anguish and pain they suffered in the hands of both insurgents and soldiers. It is also unrealistic to expect fearful, exhausted, and brutalized citizens living in fractious communities tethering on the brink of anarchy to rise above their problems without assistance.

The government may be rightly preoccupied with subduing insurgency, but care must be taken not to ignore the emotional damage wrought by insurgency. Local inhabitants desperately want to overcome their debilitating emotional trauma and enjoy the benefits of security and social equilibrium.<sup>312</sup> Government must pay more attention to the emotional damage that protracted conflict can inflict on citizens. Tremendous efforts and government policies and programs will be needed to repair the damage and help citizens overcome the trauma. It is also important to recognize that some of the local inhabitants were coaxed into taking part in insurgency.<sup>313</sup> Some of them are “traumatized children, with experience and skills . . . totally unsuited for civilian life.”<sup>314</sup> As they grapple with the difficulties of rebuilding their lives, some citizens will need psychiatric care, psychological attention, and others may require counselling and therapy to help them repair their lives and prepare for participating in communal life and activities.

## VI. EXPANDING ECONOMIC OPPORTUNITIES

The most pressing and immediate concern is to contain insurgency. However, the immediate goal should not be confused or conflated with the ultimate goal of creating a durable social order.<sup>315</sup> Counterinsurgency entails not just defeating insurgents; it calls for rebuilding and creating a better society so that insurgency will lose both its appeal and traction.<sup>316</sup> Economic underdevelopment and the loss of confidence in government that it breeds continue to provide the tinder for violence in developing

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311. *Id.*

312. *Id.*

313. *Id.*

314. *Id.*

315. See Hendrix, *supra* note 33.

316. *Id.* at 450 (“the long term solution is to take away the drivers of the conflict . . . when the youth are educated and have jobs, when they feel they belong to broader Nigerian society and economics, then book Haram ‘s allure will come to its end.”).



nations, especially Nigeria.<sup>317</sup> Evans argues that, “a downward spiral of economic decline, often exacerbated by official corruption and mismanagement, has created governments that are at or near the point of collapse and that are being challenged often violently, by their own citizens. Economic decline has hastened the process of national disintegration and vice versa.”<sup>318</sup>

The reasons for underdevelopment in the Northeast may be open to different interpretations, but the consequences are obvious and continue to provide the tinder for insurgency in the area. Economic development that provides opportunities for local inhabitants to uplift themselves is necessary to assuage the fears of local inhabitants whose natural tendencies are to blame the government for their problems. Insurgency in the Northeast cannot be contained without offering viable and hopeful alternatives to the current decrepitude threatening to engulf the area. As Eelco Kessels and Christina Nemr noted, unmet expectations coupled with a perceived absence of hope stemming from limited economic mobility, lack of political representation, and discrimination can leave many feeling as though they lack recourse.<sup>319</sup> These individuals may become vulnerable to violent extremist ideologies that promise a sense of belonging, purpose, and method of retribution against the state and other powers that be—ideologies that actively tap into stated grievances.<sup>320</sup> Development assistance that increasingly promotes inclusive governance and supports equitable service delivery can directly address some of these systemic conditions that can contribute to conflict, instability, and violent extremism.<sup>321</sup>

Unless the government changes the affected communities’ economic and social circumstances, the Northeast will continue to seethe with negative emotions that too often channel frustrated citizens down the path of insurgency.<sup>322</sup> Young men and women living in economically and

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317. See OLOJO, *supra* note 44, at 6 (noting that one significant factor that has stimulated the drive towards violent extremism, recruitment and support for Boko Haram is economic deprivation).

318. G. Gareth Evans, *Cooperative Security and Intrastate Conflict*, 96 *Foreign Pol’y* 3, 3 (1994).

319. *Id.*

320. *Id.*

321. Eelco Kessels & Christina Nemr, Global Ctr. on Coop. Sec., *Countering Violent Extremism and Development Assistance: Identifying Synergies, Obstacles, and Opportunities*, 1, 4-5 (2016), [www.globalcenter.org/wp-content/uploads/2016/01/Feb-2016-CVE-and-Development-policy-brief.pdf](http://www.globalcenter.org/wp-content/uploads/2016/01/Feb-2016-CVE-and-Development-policy-brief.pdf).

322. See Umar, *supra* note 17, at 2 (“there are a high number of home grown terrorists driven to violence by poverty, illiteracy and hopeless situations in their localities. They fall into the hands

socially stagnant communities in the Northeast find themselves trapped in an unpromising situation and often fall easy prey to the voices of resentment resonating there.<sup>323</sup> Improved economic conditions will have immediate and clearly discernible effects on the attitude and conduct of inhabitants, especially how they view and treat government and Boko Haram. Economic reconstruction will help to sand off the edges of anger and bitterness toward the military and make citizens supportive of efforts to subdue insurgency in their communities.<sup>324</sup> It will evoke support, even gratitude from inhabitants, and cause them to view both the military and the government in an entirely new and positive light. On the other hand, citizens energized by economic developments that significantly enhance their prospects of uplifting themselves and improving their living conditions will be less inclined to embrace violent extremism. As Afeikhen Jerome notes:

There are no purely military solutions to pulling a nation or region out of the death spiral of violent extremism . . . While not ignoring the importance of using military force, stability, political-economic-social development, rule of law, popular well-being, and sustainable peace all depend on effective and legitimate control of the national territory. Thus, a military-centric approach must be balanced with a population-centric approach for maximum effect and legitimacy.<sup>325</sup>

Security will be hard to maintain in desperately impoverished and underdeveloped communities where opportunities for self-fulfillment are palpably absent.<sup>326</sup> Moreover, hatred for government festers more easily in an environment of poverty, unemployment, and economic hardship.<sup>327</sup> As Collier et al. argues, “[i]n the absence of economic development, neither good political institutions, nor ethnic and religious homogeneity,

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of radical clerics who entice them with the creation of an Islamic state that will address all the social and economic issues.”).

323. See Oarhe, *supra* note 10, at 70 (“Boko Haram capitalizes on widespread poverty and limited economic opportunities in the north. The poor economic condition and inequality, which conflate to create a climate of desperation must be dealt with by the Nigerian government if the defense and intelligence establishments are to ensure sustainable counter terrorism operations.”).

324. See *id.*

325. See Jerome, *supra* note 75, at 104.

326. See MOTIVATION AND EMPTY PROMISES, *supra* note 46, at 7 (“Macro-level evidence indicates that poorer countries and regions remain exposed to higher risk for conflict because poverty increases the attraction of financial compensation for participating in political violence.”).

327. William O’Neill, *Concept Paper—Beyond the Slogans: How Can the UN Respond to Terrorism?*, in INT’L PEACE ACADEMY, RESPONDING TO TERRORISM: WHAT ROLE FOR THE UNITED NATIONS? 10 (2002), [https://www.ipinst.org/wp-content/uploads/publications/conference\\_report\\_terr.pdf](https://www.ipinst.org/wp-content/uploads/publications/conference_report_terr.pdf). (“Attacking the poverty that breeds despair, alienation and grievances will help limit the size of the next generation of terrorist foot soldiers.”).

nor high military spending provide significant defenses against large scale violence.”<sup>328</sup> Without hope or opportunity for local inhabitants to overcome their difficult circumstances, it will be difficult for them to resist both the allure of violence and manipulation by charismatic Boko Haram leaders.<sup>329</sup> Pathologies that disfigure the Northeast—poverty, unemployment, illiteracy—constitute the gravest long-term threats to security in the region and will continue to provide the tinder for violence in the area.<sup>330</sup> Without addressing underlying social problems that incite violence, especially hard-core poverty, efforts at promoting social equilibrium and maintaining security will be doomed to disappointment and failure.<sup>331</sup> Professor J.O. Irukwu is correct in his observation that “poverty is easily the worst form of human misery and no human society with a high level of poverty will be secure, peaceful and stable.”<sup>332</sup> Citizens afforded avenues and opportunities to improve their lives will muster the will to transcend the temptation to resort to illegal conduct.<sup>333</sup> Repairing lives wrecked by insurgency and addressing the social maladies that scourge citizens offer an effective guarantee against violence.<sup>334</sup> If Nigeria fails to promote economic development in the region, temptations for violence will grow and become almost irresistible.<sup>335</sup>

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328. Collier, *supra* note 250, at 53.

329. See Kessels & Nemr, *supra* note 321.

330. See Rogers, *supra* note 31, at 4 (stressing the linkage between lack of opportunities and terrorism, Dr. Sope Williams Elegbe, Research Director of the Nigerian Summit Group (NESG) observes,

“the increasing poverty in Nigeria is accompanied by increasing unemployment. Unemployment is higher in the north than in the south. Mix this situation with radical Islam, which promises a better life for martyrs, and you can understand the growing violence in the north. Government statistics show that the northern states have the highest proportion of uneducated persons. If you link a lack of education and attendant lack of opportunities to a high male youth population, you can imagine that some arears are actually breeding ground for terrorism.”).

331. *Id.*

332. J.O. IRUKWU, NATION BUILDING AND ETHNIC ORGANIZATIONS, THE CASE OF OHANAEZE IN NIGERIA 245 (2007).

333. See BRISCOE & VAN GINKEL, *supra* note 169 at 3 (noting that there is growing evidence of linkage between the emergence of violent extremism and conditions of economic deprivation, bad governance and conflict).

334. Saskia Brechenmacher, *Stabilizing Northeast Nigeria After Boko Haram*, *Carnegie Endowment for International Peace Paper* (Carnegie Endowment for International Peace, Working Paper, 2019), <http://www.jstor.com/stable/resrep20975.1> (discussing multi layered approach to dealing with Boko Haram that includes programs that seek to provide psychosocial and livelihood support to Boko Haram victims and returnees).

335. Laurie Nathan, *The Four Horsemen of the Apocalypse: The Structural Causes of Crisis and Violence in Africa*, in *SEEDS OF THE NEW HOPE: PAN AFRICAN PEACE STUDIES FOR THE TWENTY-FIRST CENTURY* 207, 211 (Matt Meyer & Elavie Ndura-Quedraogo eds., 2009) (“where

Despite vigorous and sustained military crackdown on Boko Haram, the sect remains able to conduct attacks on both military and civilian targets. This indicates that the current strategy that focuses predominantly on military force obviously needs to be reviewed.<sup>336</sup> Robert McNamara, former United States Secretary of Defense, noted that:

Any society that seeks to achieve adequate military security against the background of any acute food shortage, population explosion, low level of productivity, inadequate and inefficient public utilities, and chronic problems of unemployment, has a false sense of security.<sup>337</sup>

Implicit in McNamara's statement is that the quest for security amid the chaos and disorder created by Boko Haram will prove illusory in the absence of genuine, concrete efforts to address the underlying factors that spurn violence.<sup>338</sup> It is clear "abject poverty and economic dislocation of livelihoods have drastically reduced the options of many young Nigerians in the northern region."<sup>339</sup> Poor, distressed, unemployed citizens yield easily to the alluring temptation of criminal activities.<sup>340</sup> Economic reconstruction as part of the strategy for reestablishing social equilibrium in the Northeast is both right and inevitable. Without economic reconstruction efforts that provide incentives for inhabitants to move beyond the past and improve their lives, military victory will be short-lived and may ultimately prove vain.<sup>341</sup> Economic reconstruction pursued with commitment and concern for citizens remains the most viable route to lasting peace.<sup>342</sup> Economic reconstruction will blunt insurgent propaganda and diminish its appeal.<sup>343</sup> If citizens have access to social amenities and economic opportunities, they will seek ways to improve their own lives and living conditions. Economic development will give frustrated and angry citizens whose lives have been etiolated by biting economic

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underdevelopment is coupled with extreme inequality, sporadic acts of violence may occur as expressions of anger, frustrations and fear.").

336. See Umar, *supra* note 17, at 53 ("the fact that the sect continues to survive a series of crackdowns by the security forces to emerge stronger, better organized, and more lethal indicates that the wrong approach is being carried out and that it is based on wrong assumptions.").

337. ROBERT MCNAMARA, *THE ESSENCE OF SECURITY: REFLECTIONS IN OFFICE* 149 (1968).

338. *Id.*

339. See OLOJO, *supra* note 44, at 6.

340. See BRISCOE & VAN GINKEL, *supra* note 169, at 5 (noting that individual and group grievances, such as "poverty, unemployment, illiteracy, discrimination, and political or economic marginalization, can be used as mobilizing instruments").

341. See Allen et al., *supra* note 19.

342. *Id.*

343. See OLOJO, *supra* note 44, at 26 ("The socio-economic security of individuals in northern Nigeria certainly needs a boost. . . . Progress in these areas will help to undercut the ability of violent extremists who exploit the economically vulnerable in society.").

hardships a new lease on life.<sup>344</sup> They may condemn violence and grow more understanding and reasonable in their dealings with others, thus reducing their inclination towards violence.<sup>345</sup> Achumba et al. stated that:

The establishment of development projects tailored to the needs of the people would improve societal welfare and reduce the extent of social and economic insecurity which consequently would reduce social conflicts and aggression. Once people's needs are met, they become naturally less agitated and confrontational, and the tendency to want to use illicit and criminal means to ensure their survival or try to force government to behave in certain ways or make certain decisions, would be reduced.<sup>346</sup>

After years of dithering and indecisiveness, the government has recognized the need to broaden its counterinsurgency policy to include reconstruction of the areas affected by Boko Haram insurgency.<sup>347</sup> A study by Mercy Corps reports that:

Until recently, the Nigerian government and the international community have dedicated almost all of their political attention and resources to military efforts to counter Boko Haram. Focus is now shifting to reconstruction plans—in particular, physical reconstruction of buildings and roads. While this type of brick-and-mortar reconstruction is indeed necessary, the government and multilateral agencies supporting it should also promote human development, social cohesion, and opportunities for youth to thrive.<sup>348</sup>

The establishment of Northeast Economic Development Commission suggests government's seriousness in addressing the social conditions that blight the Northeast. The newly established Northeast Development Commission represents the boldest and most dramatic move to bolster economic development in the Northeast.<sup>349</sup> A major challenge is to help citizens, especially youths, break out of the poverty circle resulting from misguided government policies. The commission can proactively devise schemes and programs to catalyze business activities, encouraging investments in the area that will create employment opportunities for local inhabitants.<sup>350</sup> The functions of the commission are to:

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344. I.C. Achumba et al., *Security Challenges in Nigeria and Implications for Business Activities and Sustainable Development*, 4 J. ECON. & SUSTAINABLE DEV. 79, 92 (2013).

345. *Id.*

346. *Id.*

347. See Ngozi Egbue et al., *supra* note 167.

348. MOTIVATION AND EMPTY PROMISES, *supra* note 46, at 19.

349. North East Development Commission Establishment Act (2017) Cap. (A125) (Nigeria).

350. See Hendrix, *supra* note 33.

Conceive, plan and implement, in accordance with set rules and regulations, projects and programs for sustainable development of the North East States in the field of transportation including roads, health, education, employment, agriculture, industrialization, housing and urban development, water supply, electricity and telecommunications.<sup>351</sup>

Symbolism, as much as substance, is at stake in the establishment of the North East Development Commission. Federal and state governments have in the past behaved in ways that called into question their commitment to the welfare of citizens in the area.<sup>352</sup> Misguided policies and lack of adequate planning set off a cascade of pathologies that haunt inhabitants in the area and undercut their efforts to improve their lives and living conditions. The commission, properly administered, will be a vital and indispensable mechanism for addressing the errors of the past. Hopefully, the new Commission will provide a structured and coherent framework for economic development in the Northeast, and excite a sense of optimism and patriotism that salve agonies of the past and blunt the impulse to engage in destructive violent conduct.

## VII. CONCLUSION

Boko Haram insurgency serves as a poignant, if gruesome, reminder of the challenges that lie ahead and the work yet to be done to maintain security in Nigeria. In Nigeria's struggle to maintain security, certain trends are becoming increasingly obvious. First, there is no alchemy for peace without an effective strategy that combines force with a conscious effort to address underlying social conditions that drive violence.<sup>353</sup> Insurgency cannot be quelled by force alone; it requires a multi-layered strategy that includes reconstruction of areas decimated by insurgency and economic development programs that improve the lives and living conditions of people in areas reclaimed from insurgents.

Second, despite its manifest weaknesses, the military is still the most efficacious and reliable instrument standing between citizens and insurgents. The military must be transformed into a disciplined, well-trained and effective fighting force capable of subduing insurgency. The military will ultimately prove effective in the fight against insurgency if it has the resources, training, and support to deal more effectively with the scourge of insurgency. Changes in these areas will affect the morale, confidence, and fighting capabilities of Nigeria's military.

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351. See North East Development Commission Establishment Act, *supra* note 351.

352. See INT'L CRISIS GRP., *supra* note 135, at 14.

353. See I.C. Achumba et al., *supra* note 344.

The Northeast is restive, but what it needs is not more military force. It needs good governance that will credibly and convincingly address the grievances and social conditions that trigger insurgency. Good governance is the panacea that will soothe jarred nerves, repair relationships, and provide opportunities and incentives for peace and social equilibrium.<sup>354</sup> Good governance, argues Muna Ndulo, “would make a major contribution to the reduction of conflict and poverty. It would do this by creating an environment conducive to sustainable development, thereby reducing poverty—the root cause of many African conflicts.”<sup>355</sup>

Good governance, fair and equitable treatment of all ethnic groups, judicious and transparent management of the nation’s resources, protection and vindication of citizens’ rights will restore citizens’ faith in government. Also, implacable assault on the triad of poverty, unemployment and disease, factors that undermine citizens’ ability to improve their lives and living conditions and breed resentment with government, will create an inhospitable environment for insurgents to operate and significantly bolster the search for security and social equilibrium in Nigeria.

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354. See Kessels & Nembr, *supra* note 321, at 5 (arguing that effective governance is key to advancing development and security aims).

355. Muna Ndulo, *The Democratic Process and Structural Adjustment in Africa*, 10 *IND. J. GLOB. LEGAL STUD.* 315, 317 (2003).