

# Taming the Boko Haram Menace, Observing Human Rights: An Examination of the Dilemma of States in the Lake Chad Basin Region

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## **Abstract**

Heightened insecurity, widespread human displacement and gross destruction of critical infrastructure have become commonplace in states bordering on the Lake Chad Basin due to the Boko Haram insurgency. In searching for a lasting solution to tame the menace of the insurgency, the affected states, namely, Nigeria, Cameroon, Chad and the Niger Republic, are faced with the dilemma of seeking to defeat the insurgency on the one hand and protecting the human rights of persons in the insurgency-affected areas on the other hand. However, the problem goes beyond the dilemma conundrum. The roots are traceable to geographical, political and socio-economic factors that need to be addressed. This paper examines the said dilemma and identifies the factors that fuel the insecurity. It also explores the best ways of addressing the dilemma in order to fix the causative problems and stop or minimise loss of human life, reduce human displacements and restore peace and stability to the Lake Chad Basin region, while rebuilding critical socio-economic infrastructure for the communities in the epicentre of the insurgency.

## **INTRODUCTION**

The Boko Haram terrorist group, also known by its Arabic name as *Jama'atu Ahlis Sunna Lidda'awati Awal-Jihad*, which translates to 'People Committed to the Propagation of the Prophet's Teaching and Jihad,' claims to be fighting for the enthronement of an Islamic State, governed by Sharia law, in Nigeria.<sup>1</sup> The group's insurgency, which has now been internationalised owing to its widespread and cross-border operations, started out as localised Islamic fundamentalism in a small part of Maiduguri town in Borno State

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<sup>1</sup> The name, Boko Haram, is a Hausa language phrase which literally means 'Western education is sacrilegious'. The group, an Islamic fundamentalist organisation with its origin in Nigeria, is reputed to be one of, if not, the most violent terrorist group in the world. See Caitriona Dowd and Adam Drury, 'Marginalisation, Insurgency and Civilian Insecurity: Boko Haram and the Lord's Resistance Army' (2017) 5(2) Peacebuilding 136–152.

of northeast Nigeria.<sup>2</sup> The increased frequency of operations, sophisticated weaponry employed by the group, and the socio-political dynamics of the insurgency in the region have contributed to complicating the problems and frustrating efforts to stop or contain the insurgency.<sup>3</sup> Although the terrorist activities of the Boko Haram group were initially localised in Nigeria, the insurgency has since acquired an international dimension, proving an almost intractable regional challenge for countries bordering on Lake Chad Basin.<sup>4</sup> This development, combined with the group's violent extremism and atrocities against the civilian population, has led to the death of thousands of people in Nigeria, Cameroon, Chad and Niger, and drawn the attention of the international community, including the United Nations (UN), to the enormity of the problem.<sup>5</sup> Major world powers, especially France, the United Kingdom (UK) and the United States of America (US) have shown particular concern over the dire implications of the Boko Haram insurgency

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<sup>2</sup> Abraham Orhero, 'The Economic and Security Implications of Boko Haram Terrorism' (2015) 10 *International Journal of African and Asian Studies* 6–11, 7. See also Marc-Antoine de Montclos, 'A Sectarian Jihad in Nigeria: The Case of Boko Haram' (2016) 27(5) *Small Wars & Insurgencies* 878–895, 878.

<sup>3</sup> The then government of Nigeria did not give the necessary containment attention to the fundamentalist activities of the extremist Islamic group that later metamorphosed into the Boko Haram. Its failure to deal decisively with the problem when the group's activities were still localised in a small area of Maiduguri town in the country's Borno State complicated the insurgency problem. Thus, the opportunity was lost. It should be recalled that between 1980 and 1985, the *Maitatsine* group, another Islamic fundamentalist group based in the same Maiduguri town and which exhibited exactly the same tendencies as the Boko Haram, had taken up arms against the Nigerian state. The then Federal Military Government of Nigeria decisively addressed the uprising; dispatching a military contingent coincidentally led by a younger Major General Muhammadu Buhari (now President of Nigeria) and the insurrection was nipped in the bud. That signified a lasting end to the Maitatsine insurgency as at that time. See Elizabeth Isichei, 'The Maitatsine Uprisings in Nigeria 1980–85: A Revolt of the Disinherited' (1987) 17(3) *Journal of Religion in Africa* 194–208, 195; Abimbola Adesoji, 'Between Maitatsine and Boko Haram: Islamic Fundamentalism and the Response of the Nigerian State' (2011) 57(4) *Africa Today* 98–119, 112. Today, a similar group that started in the same manner as the *Maitatsine* in the same area of the same town in Nigeria (Maiduguri) has gradually mutated into a group fomenting such religious extremism that is proving intractable not only for Nigeria but also for its neighbours in the Lake Chad Basin region.

<sup>4</sup> See Francis Tazoacha, 'Boko Haram: A Threat to Regional Security' *Sunday Independent* (15 March 2015) p. 1.

<sup>5</sup> Abiodun Awosusi, 'Aftermath of Boko Haram Violence in the Lake Chad Basin: A Neglected Global Health Threat' (2017) *BMJ Global Health*. DOI: <https://doi.org/10.1136/bmjgh-2016-000193>. See also Lysias Dodd Gilbert, 'Prolongation of Boko Haram Insurgency in Nigeria: The International Dimensions' (2014) 4(11) *Research on Humanities and Social Sciences* 150–156, 152; Emma Batha, 'Boko Haram Attacks Creating Major Hunger Crisis in Lake Chad Area – WFP' *Reuters* (11 September 2015) <http://news.trust.org/item/20150911165923-t9dfq> accessed 22 March 2019.

for political and socio-economic stability in the west and central African regions.<sup>6</sup>

The internationalisation of the Boko Haram insurgency problem has largely manifested in the Boko Haram fighters extending their attacks and wanton killings beyond the Nigerian borders to other states of the Lake Chad Basin region including attacks in Cameroon, Chad and the Niger Republic. This is also evident in the recruitment of nationals of these states into their operations, thereby drawing these neighbouring states of Nigeria into active armed conflict.<sup>7</sup> Since 2013, Boko Haram attacks have resulted in the death of close to 20,000 persons across the four countries of the Lake Chad Basin region.<sup>8</sup> In the past two years, reports indicate that the insurgents have carried out 277 attacks affecting both civilian and military targets (made up of 127 and 150 attacks in 2016 and 2017 respectively).<sup>9</sup> The trend of the attacks clearly indicates their concentration in Nigeria (including 80 and 109 attacks in 2016 and 2017 respectively).<sup>10</sup> The Boko

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<sup>6</sup> For example, France hosted a multi-faceted meeting in Paris with the objective of exploring ways of containing the intractable insecurity in the entire West African sub-region. See Christopher Griffin, 'Operation Barkhane and Boko Haram: French Counterterrorism and Military Cooperation in the Sahel' (2016) 27(5) *Small Wars & Insurgencies* 896–913, 897.

<sup>7</sup> Christian Seignobos, 'Boko Haram and Lake Chad: An Extension or a Sanctuary?' (2015) *Afrique Contemporaine* 255, 89–114, 90; Lindsey Hilsum, 'On the Border and in the Crossfire: Cameroon's War with Boko Haram' *The Guardian* (13 May 2015) <<https://www.theguardian.com/world/2015/may/13/on-the-border-and-in-the-crossfire-cameroons-war-with-boko-haram>> accessed 16 April 2018; Abdulkareem Haruna, 'Boko Haram: Cameroonian Soldiers Officially Join Nigerian Troops in Borno' *Premium Times* (6 February 2018) <<https://www.premiumtimesng.com/regional/north-east/257671-boko-haram-camroonian-soldiers-officially-join-nigerian-troops-borno.html>> accessed 12 July 2018.

<sup>8</sup> Jacob Zenn, 'Boko Haram's Backyard: The Ongoing Battle in Cameroon' (2017) 8 *Religions* 143. DOI: <https://doi.org/10.3390/rel8080143>. The issue has been traced historically in Atta Barkindo, 'How Boko Haram Exploits History and Memory' <<https://www.africaresearchinstitute.org/newsite/publications/boko-haram-exploits-history-meo=mory/>> accessed 12 June 2018.

<sup>9</sup> Mark Wilson, 'Nigeria's Boko Haram Attacks in Numbers – as Lethal as Ever' *BBC News* (25 January 2018) <<https://www.bbc.com/news/world-africa-42735414>> accessed 2 July 2018. Also see Hans Heungoup, 'Boko Haram's Shifting Tactics in Cameroon: What does the Data Tell Us?' (2017) African Research Institute Working Paper <<https://www.africaresearchinstitute.org/newsite/blog/boko-harams-shifting-tactics-cameroon-data-tell-us/>> accessed 15 May 2018. See also Kevin Uhrmacher and Mary Sheridan, 'The Brutal Toll of Boko Haram's Attacks on Civilians' *The Washington Post* (3 April 2016) <<https://www.washingtonpost.com/graphics/world/nigeria-boko-haram/?moredirect=on>> accessed 15 May 2018.

<sup>10</sup> Heungoup (n 9).

Haram group's activities have covered all forms of terrorist criminality.<sup>11</sup> These include excessive violence and extra-judicial mass executions of combatants and non-combatants.<sup>12</sup> Other terrorist atrocities associated with the group are brazen scorched-earth tactics of razing down whole towns and villages, hostage taking, slavery and forced labour,<sup>13</sup> violation of the territorial integrity of sovereign states<sup>14</sup> and crimes against humanity.<sup>15</sup> The group's terrorist activities also extend to forced conscription of civilians, including children and women, whom they have often forcefully radicalised and used as suicide bombers.<sup>16</sup>

The now famous abduction of over 200 female students from Chibok Girls Secondary School in Chibok town of Borno State, northeast Nigeria, made global headlines and further underscored the seriousness of the Boko Haram challenge, especially concerning the fact that the abduction took

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<sup>11</sup> The severity and dastardly nature of the terrorism carried out by the Boko Haram insurgents is tantamount to acts of genocide, as they have executed their operations against Christians, Muslims and persons of other faiths in Nigeria as well as attacking and killing nationals of other states. Nothing qualifies these acts more as international crimes and terrorism than the glaring evidence of the attacks carried out by the group. It should be recalled that the attack on the UN building in Abuja, Nigeria and the number of nationalities affected by the fatalities clearly supports that position and underscores the internationalisation of the crimes. See Art 5(a) and Art 6 of the Rome Statute of the International Criminal Court (ICC Statute). On Friday, 26 August 2011, a suicide bomber rammed into the UN building in the Diplomatic Zone of Abuja, blowing himself up and killing eighteen staff members of the UN. The casualties comprised of several nationalities. See Senan Murray and Adam Nossiter, 'Suicide Bomber Attacks UN Building in Nigeria' *The New York Times* (26 August 2011) <<http://www.nytimes.com/2011/08/27/world/africa/27nigeria.htm>> accessed 13 November 2017; Ndahi Marama, 'UN House Bombing: Why We Struck – Boko Haram' *Vanguard* (28 August 2011) <<http://www.vanguardngr.com/2011/08/un-house-bombing-why-we-struck-boko-haram>> accessed 13 November 2017.

<sup>12</sup> The complicated twist to the Boko Haram narrative is its extremities in killing not only soldiers engaged in warfare with its fighters but also in the mass execution of defenceless civilians, including women and children. See Human Rights Watch, 'Nigeria: Boko Haram Attacks Likely Crimes against Humanity – Security Force Abuses Help Fuel Spiralling Violence' <<https://www.hrw.org/news/2012/10/11/nigeria-boko-haram-attacks-likely-crimes-against-humanity>> accessed 14 November 2017. See also Nicholas Ibekwe, 'ICC Lists 8 Possible War Crimes against Nigerian Military, Boko Haram' *Premium Times* (14 November 2015) 1.

<sup>13</sup> See Art 5(c) and Art 8 of the ICC Statute.

<sup>14</sup> The gravity of the violation of territorial integrity of these states is gross in the sense that the Boko Haram terrorists have carried out these nefarious activities against these states and across the international borders of four sovereign independent states, including Nigeria, Cameroon, Chad and the Niger. These negative activities against these states have continued up to the present day, even in the face of concerted effort by the states to defeat or contain the insurgency.

<sup>15</sup> Art 5(b) and Art 7 of the ICC Statute.

<sup>16</sup> Joseph Oluwadare, 'Boko Haram Terrorism in the Lake Chad Basin Region: Implications for Sub Regional Security' (2017) 8(1) *Journal of International and Global Studies* 40–55, 46. Also see Salisu Shuaibu, Mohd Afandi Salleh and Abdullahi Shehu, 'The Impact of Boko Haram Insurgency on Nigerian National Security' (2015) 5(6) *International Journal of Academic Research in Business and Social Sciences* 254–266, 260.

place during the girls' high school final examinations.<sup>17</sup> That occurrence and other kidnapping incidents carried out by the group, coupled with the senseless killing of innocent civilians, especially women and children, further highlighted the magnitude of the danger posed to society by the Boko Haram group's pursuit of its convoluted objectives.<sup>18</sup>

The global community had paid no or scant attention to the Boko Haram problem before the group escalated the conflict through heightened suicide bombings, including the bombing of the United Nations building in Abuja, the cases of abduction of women and children and other cases of gross human rights violations.<sup>19</sup> Without any modicum of doubt, these atrocities are clear violations of international instruments on the protection of fundamental rights. They violate international instruments, including the Convention on the Rights of the Child;<sup>20</sup> the Declaration on the Protection of Women and Children in Emergency and Armed Conflict;<sup>21</sup> and the Declaration on the Elimination of Violence against Women.<sup>22</sup> The attacks on interests external to Nigeria and the kidnapping incidents brought to the fore the enormity of the Boko Haram challenge, not just to Nigeria or the Lake Chad Basin

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<sup>17</sup> On 14 April 2014, Boko Haram militants swooped on the Chibok Girls Secondary School, a female high school with boarding facilities in Chibok town in Borno State, and abducted over 200 girls who were at that time writing their high school leaving certificate examinations. After more than three years in captivity, over one hundred of these girls are yet to regain their freedom and many might have been killed either by the militants, in light of their bloodthirsty pedigree, or in cross fires between the militants and the soldiers fighting them. See Chika Oduah, 'Chibok: The Village that Lost its Daughters to Boko Haram' *The Guardian* (15 May 2014) <<https://www.theguardian.com/world/2014/may/15/chibok>> accessed 25 July 2017. See also Kristine Phillips and Kevin Sieff, 'Some Chibok Schoolgirls are Now Free – but Hundreds More Abducted by Boko Haram are Still Missing' *Washington Post* (7 May 2017) <[https://www.washingtonpost.com/news/worldviews/wp/2017/05/07/some-chibok-schoolgirls-are-now-free-but-hundreds-more-abducted-by-boko-haram-are-still-missing/?utm\\_term=.76a7f57054e3](https://www.washingtonpost.com/news/worldviews/wp/2017/05/07/some-chibok-schoolgirls-are-now-free-but-hundreds-more-abducted-by-boko-haram-are-still-missing/?utm_term=.76a7f57054e3)> accessed 25 July 2017; BBC, 'Nigeria Chibok Abductions: What We Know' *BBC News* (8 May 2017) <<http://www.bbc.com/news/world-africa-32299943>> accessed 25 July 2017.

<sup>18</sup> The facts became even more bizarre because the kidnapped students comprised of Christians and Muslims. If the insurgents had claimed in the past to be fighting the cause of Islam, their action in Chibok in also kidnapping Muslim girls taints their acclaimed assertion to be fighting for Islam. See Tara John, 'Boko Haram has Kidnapped Dozens of Schoolgirls, Again: Here's What to Know' *Time* (26 February 2018) <<http://time.com/5175464/boko-haram-kidnap-dapchi-schoolgirls/>> accessed 19 June 2018.

<sup>19</sup> These atrocities are clear violations of international instruments on the protection of fundamental rights. These instruments include such UN conventions and protocols as the Convention on the Rights of the Child (UN Res 44/25 of 20 December 1989; the Declaration on the Protection of Women and Children in Emergency and Armed Conflict (UN Res 3318 (XXIX) of 14 December 1974); and the Declaration on the Elimination of Violence against Women (UN Res 48/104 of 20 December 1993). On the bombing of the UN Building, see Murray and Nossiter (n 11).

<sup>20</sup> UN Res 44/25 of 20 December 1989.

<sup>21</sup> UN Res 3318 (XXIX) of 14 December 1974.

<sup>22</sup> UN Res 48/104 of 20 December 1993.

region, but also to global order, peace and security.<sup>23</sup> Although the group had been involved in kidnapping and other atrocities in the past, the incidents of kidnapping of school children attracted unprecedented publicity, probably due to the large number of victims affected in one incident and the fact that the kidnapping occurred in a learning environment. This incident and the group's terrorist activities underlines the grave threat that their activities pose to national, regional and international peace, law and order as well as to socio-political development, not just in Nigeria but also in the countries of the Lake Chad Basin region.<sup>24</sup>

In response to the seriousness of the challenge, the Lake Chad Basin region countries formed a Multinational Joint Military Taskforce (MJMTF) with the objective of addressing the insurgency problem.<sup>25</sup> However, the military operations of the MJMTF as a collective, and those of the military forces of the individual countries involved, have often been accused of employing excessive force and heavy-handedness in tackling the Boko Haram menace; and of paying scant or no attention to the principles of human rights and the international law of armed conflict.<sup>26</sup> These Lake Chad Basin region states have continually denied any violation of human rights or heavy-handedness but have instead claimed that while respecting the principles of international law, they have simply responded proportionately to the threats posed by the insurgency.<sup>27</sup> Nevertheless, the seeming heavy-handedness in the responses of the MJMTF and the armed forces of the individual countries, though not excusable, may be largely attributable to the level of heinous crimes perpetrated by the insurgents who have themselves shown no regard for human-rights principles, including the right to life, human dignity or the

<sup>23</sup> See Kimberly Frazier, 'Emerging Issues: Overthrowing the Government: What Boko Haram Means for Women' (2014) 3(1) University of Baltimore Journal of International Law 145–149, 145.

<sup>24</sup> See Gilbert (n 5) 152. Also see African Union Peace and Security Council, 'Nigeria: Boko Haram not Just a Domestic Problem' (PSC Report) <<http://www.issafrica.org/pscreport/situation-analysis/nigeria-boko-haram-not-just-a-domestic-problem>> accessed 24 November 2017.

<sup>25</sup> The Multi-National Joint Task Force, spearheaded by Nigeria, is a regional military force formed by the states of the Lake Chad Basin region to tackle and effectively defeat the Boko Haram scourge. The headquarters of the Task Force is at Ndjamena, Chad. See Virginia Comolli, 'The Regional Problem of Boko Haram' (2015) 57(4) *Survival: Global Politics and Strategy* 109–117, 111. See also Oluwadare (n 16).

<sup>26</sup> Adam Nossiter, 'Abuses by Nigeria's Military Found to be Rampant in War Against Boko Haram' *New York Times* (3 June 2015) <<https://www.nytimes.com/2015/06/04/world/africa/abuses-by-nigeria-military-found-to-be-rampant-in-war-against-boko-haram-report.html>> accessed 6 July 2018; Amnesty International, 'Cameroon: Amnesty Report Reveals War Crimes in Fight Against Boko Haram, Including Horrific Use of Torture' <<https://www.amnesty.org/en/latest/news/2017/07/cameroon-amnesty-report-reveals-war-crimes-in-fight-against-boko-haram-including-horrific-use-of-torture/>> accessed 06 July 2018.

<sup>27</sup> Mohammed Ibrahim, 'Counter-insurgency: Is Human Rights a Distraction or a *Sine Qua Non*?' (Paper presented at the 55th Session of the Nigerian Bar Association Annual General Conference, Abuja on 25 August 2015).

rules of armed conflict. Such a dire situation creates a dilemma for the countries affected by the insurgency as they face the mammoth challenge of containing the insurgency on the one hand and observing the principles of human rights, including respecting the human rights of the insurgents and those of their victims, on the other hand.

This paper examines the dilemma faced by Nigeria, Cameroon, Chad and the Niger Republic in seeking a lasting solution to the menace of the Boko Haram insurgency and restoring peace, good governance and normal socio-economic activities to the Lake Chad Basin region, while simultaneously respecting human rights principles.<sup>28</sup> The paper identifies the factors fuelling the insurgency and finds that the problem is no longer a localised matter for Nigeria and the other countries in the Lake Chad Basin region. It argues that the problem has assumed a grave international dimension and therefore needs to be addressed as a serious threat to international peace and stability, considering its international humanitarian, economic and environmental implications.<sup>29</sup> Finally, the paper proffers suggestions that could engender effective containment and eventual elimination of the conflict and related human rights challenges.

#### AN OVERVIEW OF THE BOKO HARAM INSURGENCY

There is divergence of opinion as to the exact time of origin of the Boko Haram group.<sup>30</sup> However, even in the midst of this disparity of opinion, what is not in doubt is that the Boko Haram insurgency started as an Islamic fundamentalist movement in Maiduguri, Nigeria.<sup>31</sup> Nigeria has remained the

<sup>28</sup> For example, in a bid to cut off access to information and communication technology (ICT) services to the insurgents, including telephone and mobile data services, the Nigerian government collapsed all telecommunications services in the five northeast states mainly affected by the Boko Haram insurgency. This interruption included all access to the global system of mobile (GSM) services, and electricity supply in some cases. See Jacob Udo-Udo Jacob and Idorenyin Akpan, 'Silencing Boko Haram: Mobile Phone Blackout and Counterinsurgency in Nigeria's Northeast Region' (2015) 4(1) *Stability: International Journal of Security & Development* 1–17, 3.

<sup>29</sup> Awosusi (n 5).

<sup>30</sup> Due to the clandestine nature of its initial operations, it would be difficult to exactly pinpoint the particular date on which the Boko Haram group was launched and the particular location that hosted such declaration of the coming into existence of the fundamentalist organisation. This has resulted in a disparity of views on that particular aspect of the issue. See Olajide Akanji, 'Security Crisis in Nigeria: Boko Haram Insurgency and the Prospects of Peace' (2015) *Conflict Studies Quarterly* 58–73, 61; De Montclos (n 2) 879. Also see Freedom Onuoha, 'The Islamic Challenge: Nigeria's Boko Haram Crisis Explained' (2010) 19(2) *African Security Review* 54–67, 55.

<sup>31</sup> Borno State is the area where Nigeria shares common borders with north-west Cameroon, southern Chad and the southeast Niger Republic. The arid vegetation and porous borders between Nigeria and these neighbours make it easy for both documented and undocumented cross-border migration to thrive and at the same time make it difficult and frustrating for state authorities to check illegal migration to and from Nigeria. This situation has consequently engendered cross-border criminal activities, including terrorism, human and arms trafficking and related crimes, which are trademarks of the Boko Haram.

epicentre of the insurgent group's activities, though the problem eventually spilled over into the other countries of the Lake Chad Basin region.<sup>32</sup> Founded around the closing years of the 1990s, the Boko Haram group was just a small sect that preached pure Islamic fundamentalism. What might have signposted the uniqueness of the group and probably popularised it was the type of fundamentalism it preached. Apart from being reputed to be one of the most violent terrorist groups in the world, an opinion held by quite a number of commentators,<sup>33</sup> the Boko Haram's propagation of the abhorrence of western education and culture is rather hypocritical.<sup>34</sup> This is because, while the group tried to distance itself from western orientation, it at the same time employed and continues to employ western technology, for example the internet, military weaponry, mobile telephones, radio, motor vehicles and electric generators to facilitate its operations and the comfort of its members.<sup>35</sup> Indeed, the sect's name derives from that orientation and ideological bent: *Boko* (education or western education and culture) and *Haram* (abhorrence or sacrilege). Under the headship of its charismatic leader, Mohammed Yusuf, the preaching by the sect appealed widely to the young people and those disillusioned with the lack of provision of socio-economic infrastructure and opportunities; and this drew wide followership in the northeast of Nigeria and even across the border in Cameroon, Chad and the Niger Republic.<sup>36</sup>

### THE ORIGIN OF THE BOKO HARAM TERRORISM PROBLEM

Boko Haram is a phenomenon indicative of a protest movement against the failure of public governance, the institutionalisation of corruption, the lack of accountability, and the prevalence of poverty and hopelessness.<sup>37</sup> The despondency of the situation has resulted in circumstances where some

<sup>32</sup> Zenn (n 8).

<sup>33</sup> Darlington Mutanda, 'What Makes Terrorism Tick in Africa? Evidence from Al-Shabaab and Boko Haram' (2017) 21(1) *Jadavpur Journal of International Relations* 20-40, 35; Tarela Ike, 'Reconceptualising the Role of Law in Countering Terrorism: A Case Study of Boko Haram in Nigeria' (2018) 6(1) *Journal of Law and Criminal Justice* 107-112, 108.

<sup>34</sup> See Stephen Buchanan-Clarke and Peter Knoope, 'The Boko Haram Insurgency: From Short Term Gains to Long Term Solutions' (2017) Institute for Justice and Reconciliation Occasional Paper 23 <<https://www.africaportal.org/documents/16822/Nigeria-Report-pdf>> accessed 27 June 2018. See also Dowd and Drury (n 1) 136.

<sup>35</sup> Moses Yakubu, 'Child Insurgents in West Africa: The Boko Haram Example in Nigeria, Chad and Cameroon' (2016) 5(2) *African Journal of Governance and Development* 35-49, 38; Simeon Alozieuwa, 'Beyond Political Islam: Nigeria, the Boko Haram Crisis and the Imperative of National Consensus' (2015) 2(1) *Journal of Retracing Africa* 49-72, 50.

<sup>36</sup> See Simeon Alozieuwa, 'Contending Theories on Nigeria's Security Challenge in the Era of Boko Haram Insurgency' (2012) 7(1) *Peace & Conflict Review* 1-7, 2.

<sup>37</sup> The endemic challenge of corruption in public governance in Nigeria has been an intractable problem that has permeated all facets of public life. The net effect of that development has been an avoidable state of stunted growth in the socio-economic space. The situation has resulted in the stagnated development of the critical infrastructure that guarantees better living standards for the populace and enhances political stability.



people have desperately searched for elusive alternatives and assuaging succour.<sup>38</sup> In the face of a dearth of accountability and responsible governance in Nigeria, despondency became a prevalent situation and the fundamentalist group's offer of hope became a ready source of succour for those promised what the state could not provide. For a better appreciation of the situation, it is worth noting that Nigeria is a secular state, a position founded on equality and all the freedoms embedded in fundamental rights, including freedom of religion, of association and of expression.<sup>39</sup> These fundamental rights are also recognised in the constitutions of the other states of the Lake Chad Basin region. The extremity of the Boko Haram objective lies in pursuing the overthrow of the secularity of the states of the region and especially the forced Islamisation of the entire Nigerian state, irrespective of the religious and ethnic mix of the people comprised in the state. The group is also notorious for its gross violation of fundamental rights in the areas within which it operates in Nigeria, Cameroon, Chad and Niger Republic.

In the face of abject poverty, disease, lack of social infrastructure and developmental programmes, hopelessness almost becomes a way of life. Ironically, such level of poverty and gross underdevelopment co-exists with evidence of the opulence of some elites, especially politically exposed persons (PEPs).<sup>40</sup> To a section of the populace, it was apparent that there has been a failure of public governance. This created a social vacuum where a group of Islamic fundamentalists, which condemned western education and orientation, linked the root of corruption and bad governance to western education and culture and preached hatred for that orientation; that message became quite appealing to large numbers of followers, especially across northeast Nigeria.<sup>41</sup>

Quite a few researchers have been able to identify the origin of the Boko Haram insurgency as being not just a fundamentalist problem but as being

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<sup>38</sup> De Montclos (n 2) 880. See also Eze Wosu and Destiny Aganwo, 'Boko Haram Insurgency and National Security Challenges in Nigeria: An Analysis of a Failed State' (2014) 14(7) *Global Journal of Human & Social Science* 11–19, 12.

<sup>39</sup> Sections 10, 38, 39 and 40 of the 1999 Constitution of Nigeria (as amended) entrench the fundamental rights to freedom of religion, of expression and of association respectively, and no one is to be denied these rights except in execution of a lawful order of a court. The Constitutions of the other Lake Chad Basin states also guarantee the secularity of the states and the fundamental rights to freedom of religion and association. See ss 14 and 15 of the 1972 Constitution of Cameroon as amended in 2008; arts 1 and 27 of the 1996 Constitution of Chad, and art 3 of the 2010 Constitution of the Niger Republic.

<sup>40</sup> Ibrahim Yeku, 'Nigeria: Politically Exposed Persons – Issues and Matters Arising' *The Guardian* (11 May 2016) <<https://allafrica.com/stories/201605110560.html>> accessed 21 June 2018.

<sup>41</sup> De Montclos (n 2) 881.

symptomatic of the failure of public governance in Nigeria.<sup>42</sup> However, realisation that there exists a nexus between poverty, dearth of infrastructural development and despondency on the one hand and the evolution of the Boko Haram terrorism and the ineffectiveness of containment measures on the other hand is becoming more apparent. There is growing literature in support of that position.<sup>43</sup> Theroux-Benoni has rightly acknowledged that political tension, corruption, lack of accountability and mutual suspicion, even among the military alliance partners in the MJMTF, have had the combined effect of fuelling the inability to contain the insurgency in the region.<sup>44</sup>

### **BOKO HARAM INSURGENCY: A PROBLEM GONE OUT OF HAND**

The story of the Boko Haram insurgency is a commentary of a small problem that eventually grew out of hand and out of control. However, its implications remain underestimated.<sup>45</sup> As indicated above, the group started as a small fundamentalist Islamic sect, claiming to preach undiluted Islamic practice and piousness.<sup>46</sup> It becomes difficult to reconcile how a small problem of fundamentalist insurgency that started in a small area of Maiduguri town degenerated and spread so quickly within a short period and across international borders. The resolution of this puzzle lies in tracing the central causative factors and the sustaining elements driving the insurgency. These factors have political, social and geographical foundations.

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<sup>42</sup> See Lori-Anne Theroux-Benoni, 'The Fight Against Boko Haram Tangled up in Nigerian and Regional Politics' (2015) <<https://www.issafrica.org/iss-today/the-fight-against-boko-haram-tangled-up-in-nigerian-and-regional-politics>> accessed 27 July 2018. Also see Akanji (n 30) 67.

<sup>43</sup> Jolaade Omede and Arinze Ngwube, 'Mainstreaming Corruption, Poverty and Development in Nigeria' (2017) 2(4) *Brazilian Journal of African Studies* 184–197; Adebayo Ajisafe, 'Corruption and Poverty in Nigeria: Evidence from Ardl Bound Test and Error Correction Model' (2016) 7(3) *Journal of Emerging Trends in Economics and Management Sciences* 156–163. See also Rosemary Anazodo, 'Leadership, Corruption and Governance in Nigeria: Issues and Categorical Imperatives' (2015) 9(2) *African Research Review* 41–56; Mohammed Suleiman and Mohammed Karim, 'Cycle of Bad Governance and Corruption: The Rise of Boko Haram in Nigeria' (2015) *Sage Open* 1–11. DOI: <https://doi.org/10.1177/2158244015576053>.

<sup>44</sup> See Theroux-Benoni (n 41). See also Emeka E Dim, 'An Integrated Theoretical Approach to the Persistence of Boko Haram Violent Extremism in Nigeria' (2017) 12(2) *Journal of Peacebuilding & Development* 36–50, 49.

<sup>45</sup> At a stage, the Government of Nigeria refused or rebuffed earlier offers of assistance by external interests, including the United States, in containing the Boko Haram insurgency. Apart from the attitude of the Government of Nigeria, it is obvious that the United Nations does not see the Boko Haram insurgency as a major global challenge that should receive dedicated attention to end it. It took the intervention of the African Union (AU) for the MJMTF to be formed. See Theroux-Benoni (n 41). See also Lucky Asuelime and Raquel Adekoye, 'Perception of Boko Haram in Northern Nigeria and the 2015 Presidential Election' (2015) 45(2) *Africa Insight* 1–10, 7.

<sup>46</sup> De Montclos (n 2) 880; Tazoacha (n 4).

The failure of public governance in Nigeria and most African states is a fact that is eminently acknowledged in the literature and this paper will not dwell on that indubitable fact.<sup>47</sup> However, it is appropriate to emphasise that the abject failure of governance has its roots in corruption. The monumental corruption perpetrated by PEPs in Nigeria and the lack of political will to address the issue and punish offenders has been an endemic problem.<sup>48</sup> In the face of such state of affairs, there is no responsible and representative government accountable to the populace. Such a sordid situation, coupled with resonating frustration and hopelessness, creates fertile ground for reactionary tendencies, which the Boko Haram insurgency uses as a factor driving the perpetuation and enlargement of the group's activities, geographically and operationally.

The inability of the government at all levels in Nigeria to address the debilitating corruption in public governance has continued to fester underdevelopment, near collapse of social infrastructure and consequent frustration amongst the populace. This development has engendered an atmosphere suitable for the fostering of negative tendencies, including the opportunities for such organisations as Boko Haram to recruit their members from amongst the populace. Without addressing the apparent social ills, it will be difficult to stop the insurgency of the Boko Haram group and its negative repercussions. Moreover, and allied to the socio-political challenges thrown up by the insurgency is the imperative of addressing the public governance problems, such as corruption, non-accountability and dearth of socio-economic opportunities, endemic in most African states, including the states of the Lake Chad Basin region. For some people, the uncertainties thrown up by such a situation and the fallout have been the embrace of religious radicalism.<sup>49</sup> The porous nature of the borders between the affected states of the Lake Chad Basin region has further worsened the precarious situation; thus enabling easy cross-border migration, back and forth, across the seamless international borders.<sup>50</sup> With respect to entrenching relative security and socio-economic stability in the Lake Chad Basin region, the reality has been a situation akin to searching for a needle

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<sup>47</sup> Alfred Nhema, 'Public Administration and the Development of Africa: A Critical Assessment' (2016) 6(1) *Journal of Public Administration and Governance* 6–19, 12. See also Gerald Karyeija, 'Public Sector Reforms in Africa: What Lessons have we Learnt?' (2012) 39(1) *Forum for Development Studies* 105–124; Michael Ogbeyidi, 'Political Leadership and Corruption in Nigeria since 1960: A Socio-economic Analysis' (2012) 1(2) *Journal of Nigerian Studies* 1–25.

<sup>48</sup> Ogbeyidi (n 48) 3; Ogbewere Ijewereme, 'Anatomy of Corruption in the Nigerian Public Sector: Theoretical Perspectives and Some Empirical Explanations' (2015) 5(2) *Sage Open* 1–16.

<sup>49</sup> Freedom Onuoha, 'Why Do Youth Join Boko Haram?' (2014) United States Institute of Peace (Special Report 348) June 2014 <[https://www.usip.org/sites/default/files/SR348-Why\\_do\\_Youth\\_Join\\_Boko\\_Haram.pdf](https://www.usip.org/sites/default/files/SR348-Why_do_Youth_Join_Boko_Haram.pdf)> accessed 21 June 2018.

<sup>50</sup> Comolli (n 25) 110.

in a giant haystack. As long as these states fail to address and effectively contain the peculiar economic and socio-political challenges plaguing each one of them, so will the quest for a lasting solution to the insecurity in the region remain a mirage.<sup>51</sup>

### THE HUMAN RIGHTS CHALLENGES IN THE BOKO HARAM CONFLICT: THE DILEMMA

The human rights challenges thrown up by the Boko Haram insurgency are multi-faceted. The acts of bombing churches and mosques as well as the forced Islamisation of non-Muslims, especially in Nigeria and Cameroon, have denied Christians and Muslims their constitutional rights to freedom of religion.<sup>52</sup> These acts constitute clear violations of the fundamental rights of the affected persons, even in the face of constitutional guarantees of these rights.<sup>53</sup> The activities of the Islamic insurgency group on the one hand and the consequent military actions by the security forces of the Lake Chad Basin region states on the other hand, have had serious impact on the human rights and freedoms of people in the areas affected by the insurgency.<sup>54</sup> Apart from the atrocities committed by the insurgents, which include forced recruitment of men, women and children, widespread sexual and gender-based violence, kidnappings and suicide bombings,<sup>55</sup> there are

<sup>51</sup> Svetlana Bokeriya and Dennis Omo-Ogbebor, 'Boko Haram: A New Paradigm to West Africa Security Challenges' (2016) 16(2) *International Relations* 274–284, 282.

<sup>52</sup> Helen Gavin, 'Violent Crime as Old as the Bible: Boko Haram uses Rape a Weapon of War' *The Conversation* (11 May 2015) <<http://theconversation.com/violent-crime-as-old-as-the-bible-boko-haram-uses-rape-as-a-weapon-of-war-41470>> accessed 17 March 2019. See also Fineface Ogoloma and Beatrice Sampson, 'Boko Haram and Human Rights Violation in Nigeria' (2015) 1(1) *Journal of Social Sciences and Humanities* 1–9.

<sup>53</sup> All modern constitutions entrench fundamental rights in their provisions, including the rights to freedom of association, freedom of speech and freedom of religion (Nigeria: ss 10, 38, 39 and 40; Cameroon: ss 14 and 15; Chad: arts 1 and 27; and Niger art 3). These fundamental human rights have become either severely restricted or entirely denied for the affected persons through attacks and wanton destruction of places of worship in towns and villages by the Boko Haram insurgents in places affected by their activities, especially in northeast Nigeria, northern Cameroon, southern Chad and the southeast Niger Republic. See Lang Michael Kpughe, 'Christian Churches and the Boko Haram Insurgency in Cameroon: Dilemmas and Responses' (2017) 8 *Religions* 143. DOI: <https://doi.org/10.3390/rel8080143>.

<sup>54</sup> United Nations Security Council, 'Report of the Secretary-General on the Situation in the Lake Chad Basin Region' (2017) UNSC Report No. S/2017/764 <<http://www.securitycouncilreport.org/atf/cf/%7B65BF9B-6D27-4E9C-8CD3-CF6E4FF96FF9%7D/s-2017-764.pdf>> accessed 25 June 2018.

<sup>55</sup> The Boko Haram militants are notorious for their acts of gross violation of human rights manifesting through forcing their victims, including women and children, to join the Islamic faith and enlist in their fighting force against their will. The group has also made kidnapping and forced-marriage of women and underaged girls its trademark. The kidnapping of the Chibok girls by the group made global headlines. By its own admission, most of the Chibok girls were married off to the insurgent fighters. The group also forces persons in captivity to carry out suicide bombing. See Frazier (n 23) 147. See also Bernard Freamon, 'ISIS, Boko Haram, and the Human Right to Freedom from Slavery under Islamic Law' (2015) 39(2) *Fordham International Law Journal* 245–306, 251.

also allegations of abuse of human rights by the conventional armies of the states of the Lake Chad Basin region and local vigilante groups.<sup>56</sup> The local vigilante groups operating around the northeast of Nigeria and in northern Cameroon, who provide active support to the security forces, are accused of human rights violations, through extra-judicial killings, torture and the recruitment and deployment of children in armed combat operations.<sup>57</sup> The vigilante groups are civil defence groups formed by the local populace to aid the maintenance of security in their areas of operation. They complement the work of the state security forces, on an informal basis, especially in mastering the local terrain and identifying strangers amongst the local populace.

The activities of the local vigilante groups known as the Civilian Joint Task Force have been very helpful to insurgency-containment efforts due to the surveillance assistance they provide to the security forces.<sup>58</sup> This counter-insurgency effort is largely helped by the vigilante groups' good knowledge of the local terrain around the Lake Chad basin region, which has facilitated the effective operations of the security forces and the identification of Boko Haram operatives and their sympathisers in the region.<sup>59</sup> The aggregate impact of the counter-insurgency efforts of the security forces of the individual states of the region, the MJMTF and the vigilante groups has been the decimation and fragmentation of the Boko Haram group.<sup>60</sup> However, the counter-insurgency efforts have also been viewed with skepticism owing to the concern for gross violations of human rights. The states of the Lake Chad Basin region are signatories to several international and regional human-rights instruments. Among other international instruments, these states are party to the International Covenant on Civil and Political Rights; the International Covenant on Economic, Social and Cultural Rights; and the Convention on the Elimination of All Forms of Racial Discrimination.<sup>61</sup> They

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<sup>56</sup> Amnesty International, 'Stars on their Shoulders, Blood on their Hands: War Crimes Committed by Nigerian Military' (Amnesty International Country Report, 3 June 2015) <<https://www.amnesty.org/en/documents/afr44/1657/en/>> accessed 11 June 2018. See also Francis Ajumane, 'Amnesty Int'l Accuses Cameroon Army of Extra Judicial Killing' (2018) *Journal du Cameroun* <<https://www.journalducameroun.com/en/amnesty-intl-accuse-cameroun-of-extra-judicial-killing/>> accessed 16 July 2018.

<sup>57</sup> United Nations Security Council (n 52).

<sup>58</sup> Seun Bamidele, 'The Civilian Joint Task Force and the Struggle against Insurgency in Borno State, Nigeria' (2017) 7(2) *African Conflict and Peace Building Review* 85–98.

<sup>59</sup> *ibid.*

<sup>60</sup> Daniel Agbibo, 'Eyes on the Street: Civilian Joint Task Force and the Surveillance of Boko Haram in North-eastern Nigeria' (2018) *Intelligence and National Security* 1–18; Oluwaseun Bamidele, 'Civilian Joint Task Force (CJTF) – A Community Security Option: A Comprehensive and Proactive Approach to Counter-terrorism' (2016) 7 *Journal for Deradicalisation* 124–144.

<sup>61</sup> United Nations Human Rights Council, 'Violations and Abuses Committed by the Boko Haram and the Impact on Human Rights in the Countries Affected (2015) Annual Report of the United Nations High Commissioner for Human Rights <<https://www.ohchr.org/EN/HRBodies/HRC/RegularSessions/Pages/RegularSessions.aspx>> accessed 12 June 2018.

are also party to the Convention against Torture and Other Cruel Inhuman or Degrading Treatment or Punishment; the Convention on the Elimination of All Forms of Discrimination against Women; and the Convention on the Right of the Child.<sup>62</sup> Furthermore, Nigeria and the Niger Republic are party to the Convention on the Rights of Persons with Disabilities; the Convention on the Protection of the Rights of All Migrant Workers and Members of their Families; and the Convention for the Protection of All Persons from Enforced Disappearance.<sup>63</sup> The implication is that a state party to such international instruments is obliged to abide by their provisions.

However, the operations of the security forces of the individual states, the soldiers of the MJMTF and the local vigilante groups have sometimes bordered on human rights violation.<sup>64</sup> The accusations levelled against them include the torture of detainees without access to their families and medical care. They are also accused of gender-based violence, limited or no access to justice, extended detentions under inhumane conditions in the process of profiling and the extra-judicial killing of apprehended alleged Boko Haram members and their supporters or sponsors.<sup>65</sup> On the part of the insurgents, the Boko Haram group is accused of extra-judicial killings, gender-based violence and all the other atrocities earlier identified in this paper. These acts, on both sides of the conflict, are clear violations of the international conventions and other human-rights instruments.

The problem of reconciling the objectives of defeating the Boko Haram insurgency on the one hand and respecting human-rights principles in the insurgency-affected areas on the other hand, is further exacerbated by the peculiar orientation of members of this fundamentalist group.<sup>66</sup> Their use of suicide bombing, mass killings of civilians and razing down of towns and villages that fall into their control as well as summary executions of captured security operatives and civilians are indicative of the excessive

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<sup>62</sup> United Nations Human Rights Council, 'Violations and Abuses Committed by the Boko Haram and the Impact on Human Rights in the Countries Affected' (2015) Annual Report of the United Nations High Commissioner for Human Rights <<https://www.ohchr.org/EN/HRBodies/HRC/RegularSessions/Pages/RegularSessions.aspx>> accessed 12 June 2018.

<sup>63</sup> *ibid.*

<sup>64</sup> Angela Quintal, 'In Cameroon, Anti-terror Law is Used to Silence Critics, Suppress Dissent' *Times* (Johannesburg, 20 September 2017) <<https://www.timeslive.co.za/ideas/2017-09-20-in-cameroon-anti-terror-law-is-used-to-silence-critics-suppress-dissent/>> accessed 12 June 2018. See also Daniel Agbiboa, 'National Heroes or Coming Anarchy? Vigilant Youth and the "War on Terror" in Nigeria' (2017) *Critical Studies on Terrorism* 1–23, 3.

<sup>65</sup> United Nations General Assembly, 'Violations and Abuses Committed by the Boko Haram and the Impact on Human Rights in the Countries Affected' (2015) Report of the United Nations High Commissioner for Human Rights <<https://www.ohchr.org/EN/HRBodies/HRC/RegularSessions>> accessed 12 June 2018. See also Amnesty International (n 54).

<sup>66</sup> The violent radicalism and suicide mentality of the Boko Haram group are factors that cause difficulties in seeking to contain the insurgency by conventional military and diplomatic engagements and therefore frustrates attempts to reach out to the insurgents. See Ely Karmon, 'Boko Haram's International Reach' (2014) 8(1) *Perspectives on Terrorism* 74–83, 80.

violent tendencies of the Boko Haram insurgents. The group's pedigree portrays a bloodthirsty organisation that has no respect for human rights, a position that further underpins Boko Haram's failure to recognise the sovereign authority of the governments of Nigeria, Cameroon, Chad and the Niger Republic.<sup>67</sup>

The management of detained terrorists is also a major problem owing to the predilection of terrorists to violent extremism and possibility of fomenting attacks, even while under incarceration.<sup>68</sup> In many instances, Boko Haram insurgents have attempted and have often succeeded in attacking prisons and other detention facilities to free their members and other inmates in Nigeria and Cameroon.<sup>69</sup> The situation is exacerbated by the inadequacy of containment measures put in place by the affected states. The Koton Karfe Prison break incidents in Nigeria are classic examples of the difficulty of managing the detention of terrorists.<sup>70</sup> In two separate incidents, about 345 inmates were freed in 2012 and 2014 when Boko Haram insurgents stormed the correctional facility in the Nigerian northcentral town of Koton Karfe in Kogi State and freed their detained members and other inmates held in that facility.<sup>71</sup>

Arising from the conflict and the human-displacement challenges is the alleged widespread sexual abuse of women and under-aged girls among the displaced persons by the security forces of the countries playing host

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<sup>67</sup> *ibid* Karmon 83.

<sup>68</sup> See David Cole, 'Out of the Shadows: Preventive Detention, Suspected Terrorists, and the War' (2009) 97 *California Law Review* 693–749, 698.

<sup>69</sup> In 2010, Boko Haram insurgents attacked Bauchi Prison and freed over 700 inmates alleged to be their members. See Trevor Cloen, Yelena Biberman and Farhan Zahid, 'Terrorist Prison Breaks' (2018) 12(1) *Perspectives on Terrorism* 59–68, 66. See also Adam Nossiter, 'Shock as Militants Attack Nigerian Military Prison' *New York Times* (New York, 14 March 2014) <<https://www.nytimes.com/2014/03/15/world/africa/islamist-militants-carry-out-deadly-raid-on-nigerian-prison.html>> accessed 12 July 2018.

<sup>70</sup> Boluwaji Obahopo, 'Gunmen Attack Kogi Prison, Set 145 Inmates Free' *Vanguard* (Lagos, 4 November 2014) 1 <<https://www.vanguardng.com/2014/11/gunmen-attack-kogi-prison-set-145-inmates-free/>> accessed 12 July 2018.

<sup>71</sup> On 16 February 2012, Boko Haram gunmen attacked the Federal Medium Security Prison at Koton Karfe in Kogi State, northcentral Nigeria and released over 100 inmates in the prison, most of whom were their members that were held in that facility while undergoing criminal trial for terrorism. The Koton Karfe Medium Security Prison served as detention camp and processing facility for captured Boko Haram insurgents and suspected sympathisers of the group. See David Smith, 'Nigerian Prison Raid Frees 118 Inmates' *The Guardian* (16 February 2012) <<https://www.theguardian.com/world/2012/feb/16/attack-nigerian-prison-escape-118-inmates>> accessed 21 March 2019. See also Abiodun Badejo, 'Boko Haram, Kogi Prison Boss Trade Words Over Attack' *Daily Post* (17 February 2012) <<http://dailypost.ng/2012/02/17/boko-haram-kogi-prison-boss-trade-words-over-attack/>> accessed 27 July 2018. See also Cloen and others (n 69) 65.

to these unfortunate victims.<sup>72</sup> Such avoidable abusive conduct complicates the plight of these displaced persons and there is little or nothing they can do to fight for their rights under the prevailing circumstances of heightened insecurity. Moreover, faced with such a situation, these persons have limited or no options as relocation to other countries or to locations that are more conducive is hampered by destitution and paucity of assistance from the state.<sup>73</sup> It is also difficult for these victims to pursue easy access to justice in terms of enforcement of their fundamental rights because, as displaced persons, they find themselves in an alien environment within which they have to contend with the debilitating destitution and abject living conditions characteristic of the displaced persons' camps.<sup>74</sup>

### THE HUMANITARIAN CHALLENGE OF THE BOKO HARAM INSURGENCY

Apart from the clear security and armed combat-related challenges to the human rights issues implicated in the Boko Haram insurgency problem, the equally serious humanitarian problem of managing the unprecedented human displacement in the insurgency-affected areas is also a major challenge.<sup>75</sup> With the scorched-earth tactics employed by the Boko Haram insurgents and the resultant displacement of millions of persons in the Lake Chad Basin region, a bigger problem arises in providing healthcare and humanitarian assistance to these persons in terms of the necessities of life, including medical care, food, basic shelter and clothing. The conflict has caused the displacement of about 2.4 million persons across the Lake Chad Basin region.<sup>76</sup> In addition, an estimated 10.7 million persons across the region have been rendered destitute by the operations of Boko Haram

<sup>72</sup> See Ruth Maclean, 'Tortured, Abused, Deported: Cameroon Accused of Driving out Nigerians' *The Guardian* (27 September 2017) <<https://www.theguardian.com/global-development/2017/sep/27/tortured-abused-deported-cameroon-accused-of-driving-out-100000-nigerian-refugees-human-rights-watch>> accessed 28 July 2018.

<sup>73</sup> The plight of persons displaced by the Boko Haram insurgency has been the subject of wide discussion in the literature. See Medinat Abdulazeez and Temitope Oriola, 'Criminogenic Patterns in the Management of Boko Haram's Human Displacement Situation' (2018) 39(1) *Third World Quarterly* 85–103, 90; Anthony Itumo and Humphrey Nwobashi, 'Nigerian State and Responses to the Plights of Persons Internally Displaced by Boko Haram Insurgents' (2016) 6(15) *Research on Humanities and Social Sciences* 24–38, 33.

<sup>74</sup> See Heungoup (n 9).

<sup>75</sup> According to the International Organisation for Migration's Displacement Matrix for 2014 and 2015, a total of 3 658 722 persons were displaced from their homes in the four countries of the Lake Chad Basin region due to the Boko Haram insurgency. See International Organisation for Migration, 'Within and Beyond Borders: Tracking Displacement in the Lake Chad Basin' (2016) *Regional Displacement and Human Mobility Analysis – Displacement Tacking Matrix* <[https://www.iom.int/sites/default/files/our-work/DOE/humanitarian\\_emergencies/PRDS/IOM-WCA...2016.PDF](https://www.iom.int/sites/default/files/our-work/DOE/humanitarian_emergencies/PRDS/IOM-WCA...2016.PDF)> accessed 19 July 2018. See also Aisosa J Isokpan and Ebenezer Durojaiye, 'Impact of the Boko Haram Insurgency on the Child's Right to Education in Nigeria' (2016) 19 *Potchefstroom Electronic Law Journal* 143, 21.

<sup>76</sup> United Nations Security Council (n 52).



insurgents and security forces, with 8.5 million of this number coming from Nigeria.<sup>77</sup> Major economic activities in the region, including farming, fishing on the Lake Chad and adjoining rivers and animal husbandry across the four countries have all been adversely affected by the conflict. The United Nations reports that, owing to the conflict and the resultant human displacements, 5.6 million children require life-saving support, while 2.7 million children are in critical need of psychosocial assistance.<sup>78</sup>

Most persons displaced by the Boko Haram conflict, especially in the northeast of Nigeria and northern Cameroon, fear going back to their original locations and now live under inhumane conditions in displaced persons' camps in safer areas of Nigeria, Cameroon, Chad and the Niger Republic.<sup>79</sup> The precarious situation has become even more critical due to the overcrowding in the displaced persons' camps, the paucity of funds to manage the welfare of affected persons, including providing them with the much-needed critical medical care and adequate and healthy nutrition.<sup>80</sup> The challenge of managing the humanitarian situation is further worsened by the continued attacks and suicide bombings carried out with impunity by the insurgents against the camps.<sup>81</sup>

Moreover, the environmental and health challenges faced by the displaced persons also remain daunting and intractable due to the heightened insecurity in the region, which keeps away the critically needed health and environmental safety experts that should handle the critical problems as they arise.<sup>82</sup> It remains almost impossible to tackle these problems effectively while large swathes of land areas in the Lake Chad Basin region remain under the control of the Boko Haram insurgents because the areas are not yet fully liberated or are still under contention between the insurgents and

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<sup>77</sup> United Nations Security Council (n 52).

<sup>78</sup> *ibid.*

<sup>79</sup> Abdurahman Adamu and Zuwaira Rasheed, 'Effects of Insecurity on the Internally Displaced Persons (IDPs) in Northern Nigeria: Prognosis and Diagnosis' (2016) 16(1) *Global Journal of Human-Social Science* 1–5.

<sup>80</sup> The epicentre of the Boko Haram insurgency has remained the northeast of Nigeria. The implication is that the human displacement challenge is most prevalent and dire in that part of Nigeria; although a significant part of the other states of the Lake Chad Basin region also face the same problem. See Nsemba Lenshie and Henry Yenda, 'Boko Haram, Internally Displaced Persons and Humanitarian Response in Northeast Nigeria' (2016) 4(8) *International Journal of the Humanities and Social Studies* 141–150, 149.

<sup>81</sup> International Organisation for Migration (n 71).

<sup>82</sup> Batha (n 5). See also UN News Centre, 'Nigeria: With Thousands in Urgent Need, UN Health Agency Scales Up Emergency Response' (22 August 2016) <<https://news.un.org/en/story/2016/08/537122-nigeria-thousands-urgent-need-un-health-agency-scales-emergency-response>> accessed 15 August 2018.

security forces.<sup>83</sup> The situation has resulted in problems of critical shortage of basic facilities, including scarcity of portable water, medical care, food, hygiene and other necessities of life as well as total collapse of public infrastructure such as electricity, good roads and housing, a position that has been corroborated by a 2017 United Nations Security Council Report.<sup>84</sup> Moreover, in the face of the complete collapse of public governance and the perpetuation of the anarchy in the region by the insurgents, it becomes difficult or near impossible to contain the resulting socio-economic problems.

### **TAMING THE BOKO HARAM INSURGENCY, OBSERVING HUMAN RIGHTS: EXPLORING SOLUTIONS**

That there is the urgent imperative to stop the Boko Haram insurgency is not in doubt, considering its dire negative political and socio-economic implications for Nigeria and the other countries of the Lake Chad Basin region. What has proved difficult is finding and implementing the right solution that addresses the challenge holistically and brings lasting peace and normalcy to the region.<sup>85</sup> However, the greater fundamental challenge facing the four affected governments consists in how to resolve the dilemma of defeating the Boko Haram menace, while ensuring respect for the fundamental rights of all persons in the affected areas, including the human rights of apprehended insurgents. As already alluded to, some of the measures adopted by the security forces to contain the insurgency problem have been viewed as being too heavy-handed, even bordering on gross violations of human rights and disregard for the globally acknowledged principles of human rights and international humanitarian law.<sup>86</sup> These violations clearly run contrary to the binding obligations on the protection of prisoners, women and children as created by the UN system. These obligations are expressed in international instruments, including the

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<sup>83</sup> At a stage in the insurgency situation, about five local governments of Nigeria's Borno State were under occupation by Boko Haram insurgents. Although the governments of Nigeria and her neighbours in the Lake Chad Basin would usually claim that the Boko Haram group has been decimated, the reality on the ground hardly reflects that narrative as the towns, villages and whole areas destroyed by the insurgents remain desolate and most displaced people are yet to be resettled.

<sup>84</sup> United Nations Security Council (n 52).

<sup>85</sup> Even in the face of claims by the Nigerian government of 'decimating', 'destroying' or 'finishing' the Boko Haram, the insurgency of these fundamentalists remain a major socio-economic threat to Nigeria and her neighbours in the Lake Chad Basin region. The group continues to carry out suicide bombings and kidnappings in the region. See Joe Bavier, 'Regional Armies Struggle in Last Push against Boko Haram' *Reuters* (London, 25 July 2016) <<https://www.reuters.com/article/us-nigeria-security-niger-insight/regional-armies-struggle-in-last-push-against-boko-haram-idUSKCN1051QI>> accessed 27 July 2018.

<sup>86</sup> The UN Universal Declaration of Human Rights and other UN instruments on human rights and international humanitarian law provide the framework for the protection of not only prisoners in situations of armed conflict but also persons considered soft targets in such conflict situations.

United Nations Standard Minimum Rules for the Treatment of Prisoners (the Nelson Mandela Rules),<sup>87</sup> the Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment<sup>88</sup> and the Basic Principles for the Treatment of Prisoners.<sup>89</sup> The affected countries must, therefore, reconsider their counter-terrorism and criminal justice administrative measures that are heavy-handed and border on abuse of human rights. Corrective measures may require educating members of the security forces of Nigeria, Cameroon, Chad and the Niger Republic involved in resolving the conflict on basic principles of human rights and the imperative of respecting these fundamental principles and applying the highest level of professionalism in carrying out their duties.

To tackle the dilemma faced by the Lake Chad Basin region states and to cure the Boko Haram malaise, while also respecting the tenets of human rights, it is apt that the affected states, especially Nigeria, address certain fundamental problems, which lie at the root of the insecurity challenge.<sup>90</sup> Firstly, public governance at all levels: federal, state and local governments, must adopt the right strategic measures and firm political will to tackle the debilitating corruption, which has become an intractable cankerworm eating deep into the fabric of the society in Africa, including the states of the Lake Chad Basin region.<sup>91</sup> Corruption stultifies sustainable development and makes it practically impossible for the state to deliver effective services and good governance to the populace, as the resources meant for development are misappropriated.<sup>92</sup> In the absence of effective service delivery, the populace become frustrated and restive. Under such a social condition, negative activities, including radicalisation of sections of the populace, become highly probable.<sup>93</sup>

<sup>87</sup> UN Res 70/175 of 17 December 2015.

<sup>88</sup> UN Res 43/173 of 9 December 1988.

<sup>89</sup> UN Res 45/111 of 14 December 1990.

<sup>90</sup> In a way, the Boko Haram menace is a problem 'manufactured' in Nigeria by the Boko Haram Islamic fundamentalists and then 'exported' to the other states of the Lake Chad Basin region.

<sup>91</sup> Anazodo (n 42) 56; Pierre Atangana, 'Corruption and Structural Reforms in Cameroon' (2012) 3(2) *Research in World Economy* 7–19, 10. See also Soma Pillay, 'Corruption – The Challenge to Good Governance: A South African Perspective' (2004) 17(7) *International Journal of Public Sector Management* 586–605, 587.

<sup>92</sup> See *ibid* Pillay 589. Although this has been a fundamental problem for third world countries, this is especially applicable to Nigeria and that is seen as part of the major reason that the popularity of the Boko Haram group spread so rapidly: because they also claim to be fighting the endemic corruption in public governance in Nigeria. See Suleiman and Karim (n 42) 2.

<sup>93</sup> Philip Ikita, 'Corruption in Nigeria, Not just Boko Haram, is at the Root of Violence' *The Guardian* (London, 11 July 2014) <<https://www.theguardian.com/global-development/poverty-matters/2014/jul/11/boko-haram-nigeria-violence-corruption-security>> accessed 10 August 2018. See also David Doukhan, 'The Nigerian Reality in the War against Boko Haram: Between Hope and Despair' *International Institute for Counter-Terrorism* (22 March 2016) <<https://www.ict.org.il/Article/1643/The-Nigerian-Reality-in-the-War-against-Boko-Haram>> accessed 10 August 2018.

Corruption also has the effect of militating against the effective delivery of otherwise good and well thought out state developmental programmes. Each year, the federal, state and local governments in African states deliver beautifully crafted budgets. However, on the funding and execution side, these budget plans become grossly wanting on execution.<sup>94</sup> In the face of paucity of funding, illicit diversion of funds where made available, or failure to prioritise, the expectations of the governed are dashed. Where such situations become endemic, governance and security become complicated and jeopardised.<sup>95</sup> This could also result in situations where the state, with its economic and political might, finds its lofty programmes defeated or truncated by parochial interests. A classic case in point is the report of the large-scale illicit diversion of the large amount of state funds meant for financing the war against Boko Haram, for which Colonel Sambo Dasuki (retired), the erstwhile National Security Adviser to the erstwhile President of Nigeria, Goodluck Jonathan, is currently facing criminal prosecution.<sup>96</sup> Col. Dasuki allegedly diverted or misappropriated the monies allocated to his office for the procurement of arms and ammunitions for prosecution of the war against the insurgency in the northeast of Nigeria.<sup>97</sup> The overwhelming consensus is that corruption and poor funding of the counter-terrorism campaign aided the festering of the insurgency problem. This is because if the right funding, as budgeted and disbursed, was conscientiously expended on the war against Boko Haram at the time when the insurgency was still

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<sup>94</sup> The literature well-acknowledges this failure of governance. See Onyenekenwa Eneh, 'Failed Development Vision, Political Leadership and Nigeria's Underdevelopment: A Critique' (2011) 1(1) *Asian Journal of Rural Development* 6–69; Rosa Ehrenreich Brooks, 'Failed States, or the State as Failure?' (2005) 72(4) *The University of Chicago Law Review* 1159–1196, 1161. See also Marius Oosthuizen, 'Why South Africa can't Deliver on the Social Contract Set Out in its Constitution' (2016) *The Conversation* (21 November 2016) <<https://theconversation.com/why-south-africa-cant-deliver-on-the-social-contract-set-out-in-its-constitution-69119>> accessed 20 July 2018.

<sup>95</sup> Allswell Osini Muzan, 'Insurgency in Nigeria: Addressing the Causes as Part of the Solution' (2014) 14 *African Human Rights Law Journal* 217–243, 221; Habibu Bappah, 'Nigeria's Military Failure against the Boko Haram Insurgency' (2016) 25(2) *African Security Review* 146–158, 149.

<sup>96</sup> See Sani Tukur, 'Court Papers Show how Ex-NSA Dasuki Allegedly Shared N13.6bn Arms Money to Cronies, Politicians' *Premium Times* (14 December 2015) 1; British Broadcasting Corporation, 'Nigeria's Sambo Dasuki Charged Over \$68m Fraud' *BBC News* (London, 14 December 2015) <<http://www.bbc.com/news/world-africa-35093785>> accessed 20 July 2018.

<sup>97</sup> *ibid* Tukur.

nascent, the regional insecurity prevalent in the Lake Chad Basin area might have been stopped before it escalated to the present critical state.<sup>98</sup>

Allied to the problem of corruption is the bigger and much more destructive challenge of political divisiveness, which has continued to fire the embers of ethnic chauvinism in Nigeria.<sup>99</sup> This challenge continues to emphasise the historical fault lines of the ‘north–south’ divide of Nigeria. Placing such divisive issues on the front burner deflects attention from the fundamental issue of dearth of social and infrastructural development. This has been a major driver of frustration and restiveness within the citizenry. Unfortunately, the majority of the masses of the people hardly recognise that the political class has continued to use that tool to manipulate the populace and sustain their stranglehold on political power. For instance, the dire level of underdevelopment in the northern part of Nigeria, particularly in the northeast, which is the hotbed of the Boko Haram insurgency, is a major source of frustration, poverty and disease.<sup>100</sup> Such factors readily fertilise the ground for recruitment and radicalisation of some members of the populace who eventually swell the membership of the insurgency group simply because they accept the idea that the corrupt state does not care for them and would rather that they stay permanently pauperised.<sup>101</sup>

Moreover, the porous nature of Nigeria’s borders, particularly in the northern region of the country, has created intractable cross-border migration challenges. With no natural demarcating features like rivers or high mountains to create boundaries, and having only an open edge of the Sahara Desert, people of all shades cross the borders between Nigeria and her Lake Chad Basin region neighbours with relative ease as there are several unmanned points of entry and open tracks. It is needless to over-emphasise the geographical features of the area as the region’s topography further exacerbates the situation due to the open desert and savannah vegetation.

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<sup>98</sup> Chidiebere Ogbonna and Jose Jimenez, ‘The Inordinate Activities of Boko Haram: A Critical Review of Facts and Challenges’ (2017) 16(2) RIPS 9–24, 16; Suleiman and Karim (n 42) 4; Samuel Zumve, Margaret Ingyoroko and Isaac Kuva, ‘Terrorism in Contemporary Nigeria: A Latent Function of Official Corruption and State Neglect’ (2013) 9(8) European Scientific Journal 122–140, 137; Stephen Chan, ‘Why can’t Nigeria’s President Defeat Boko Haram?’ (2016) *The Conversation* (7 October 2016) <<https://theconversation.com/why-cant-nigeria-president-defeat-boko-haram-66581>> accessed 25 July 2018; Suranjan Weerartne, ‘Theorizing the Expansion of the Boko Haram Insurgency in Nigeria’ (2017) 29(4) *Terrorism and Political Violence* 610–634, 626.

<sup>99</sup> Salaudeen Hashimu and James Ancell, ‘Boko Haram Feeds off Corruption in Nigeria’ *Aljazeera* (14 April 2017) <<http://www.aljazeera.com/indepth/opinion/2017/04/boko-haram-fees-corruption--nigeria-170413082413479>> accessed 25 July 2018. Also, see Doukhan (n 92).

<sup>100</sup> Doukhan (n 92).

<sup>101</sup> The failure of the state to perform the obligation to provide socio-economic opportunities and public amenities cannot by any stretch of the imagination be the basis for taking up arms and killing anybody, not in the least innocent members of the public who play no part whatsoever in the provision of amenities and the denial of opportunities.

Those conditions allow for easy entry or exit on foot or with vehicles and camels.<sup>102</sup> The only way to overcome the illegal migration challenge is to construct artificial barriers, such as border-fenced walls or barbed wires. Exploring the option of constructing artificial barriers would present major cost implications, which the states might be unwilling or unable to afford. Added to that problem is also the challenge of the racial homogeneity of the people inhabiting the border areas, making it practically difficult to easily identify foreigners among the locals in the areas as the Kanuris are found in the Lake Chad basin region in Nigerian, Cameroonian, Chadian and Nigerian territories.<sup>103</sup> Under such a reality, the Boko Haram insurgents, who are mainly Kanuris,<sup>104</sup> are able to infiltrate the local populace and operate freely across the porous international borders of the four countries affected by the insurgency.<sup>105</sup> This reality also complicates the operational challenge of policing the borders for the police, immigration officials and security forces of the Lake Chad Basin region states.

Regarding socio-political measures in aid of the containment of the insecurity in the region, the states of the Lake Chad Basin region need to develop a workable and effective programme to de-radicalise the captured as well as voluntarily repentant members of the Boko Haram group. Many of these persons are detained or killed extra-judicially by the security forces of these Lake Chad Basin region states.<sup>106</sup> Regarding former captive women and children liberated from the Boko Haram insurgents, the states of the Lake Chad Basin region should fast-track programmes within their respective municipal spheres to address the living conditions in the areas affected by the conflict. In addition, agencies under the UN system and other international non-governmental agencies should aid the states of the region to alleviate the precarious conditions in the affected areas and in the rebuilding of critical infrastructure severely affected by the conflict. Moreover, measures aimed at empowering these victims and reintegrating

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<sup>102</sup> Freedom Onuoha, 'Porous Borders and Boko Haram's Arms Smuggling Operations in Nigeria' *Aljazeera* (8 September 2013) <<http://studies.aljazeera.net/en/reports/2013/09/201398104245877469.html>> accessed 25 July 2018.

<sup>103</sup> People of the Kanuri tribe inhabit the Lake Chad Basin region, striding across parts of northeast Nigeria, southern Chad and northwest Cameroon. See Seignobos (n 7) 94.

<sup>104</sup> Zacharias Pieri and Jacob Zenn, 'The Boko Haram Paradox: Ethnicity, Religion, and Historical Memory in Pursuit of a Caliphate' (2016) 9(1) *African Security* 66–88, 67. See also Seignobos (n 7) 96.

<sup>105</sup> For one, the Boko Haram group is not a modern or uniformed army. Their mode of dressing, coupled with the fact that they lack any branding characteristics, makes it impossible to easily isolate them from the local populace, a situation that has contributed in compounding the security challenge thrown up by the group's insurgency.

<sup>106</sup> Elysee Atangana, 'Why Does Boko Haram Remain a Regional Threat in the Lake Chad Basin?' (5 June 2018) *Foreign Policy Journal* <<https://www.foreignpolicyjournal.com/2018/06/05/why-does-boko-haram-remain-a-regional-threat-in-the-lake-chad-basin/>> accessed 28 June 2018.

them into the society will encourage the vulnerable ones still in the enclave of the insurgents and the radicalised ones to leave the group.

## **CONCLUSION**

The human and economic cost of the Boko Haram insurgency in Nigeria, Cameroon, Chad and Niger is enormous. The urgent imperative of eliminating or at least decimating the group is not in doubt. The attainment of that objective will restore normal economic and social life to the region of the Lake Chad Basin. The states of the region have engaged various strategies towards attaining the objective of restoring normalcy to the insurgency-infested areas. Unfortunately, these measures have not yielded the desired results. In the course of implementing the insurgency-containment measures, respect for the principles of human rights has sometimes been compromised. While it is necessary to observe and respect the fundamental rights of combatant and non-combatant actors in the Boko Haram conflict, it is imperative that the affected states of the Lake Chad Basin region address the geographical, economic and socio-political factors that have fuelled the insurgency, as identified in this paper. Fixing those problems will help counter the anti-state message propagated by the Boko Haram group, thereby stifling their sources of recruitment, movement of men and materials, and deny them the sympathy of the section of the populace that has hitherto been sympathetic to the group's cause.

Finally, all actors in the insurgency containment programmes must respect the fundamental rights of combatants and non-combatants, including their socio-economic rights. Counter-terrorism measures must, as much as is feasible, be proportionate to the measure of force engaged by the insurgents. Moreover, a multi-faceted approach to solving the insurgency problem, while also recognising the rights of all parties involved, is the only plausible way forward for the affected countries. It must be re-emphasised that military solution cannot be the only credible option for resolving the Boko Haram debacle. The option of entering into negotiations with the Boko Haram group should be explored with a view to achieving the objective of enthroning lasting peace and containment of insurgency attacks in the region. While implementing the ongoing counter-insurgency measures, the states of the Lake Chad Basin region should engage positively on the negotiation option, if the Boko Haram group shows the goodwill to negotiate.