ABSTRACT

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

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

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


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

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

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\(^9\) See id. at 4-6.

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

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


12 See Adam Higazi, Brandon Kendhammer, Kyari Mohammed, Marc-Antoine Pérouse de Montclos & Alex Thurston, A Response to Jacob Zenn on Boko Haram and Al-Qa’ida, 12 PERSPS. ON TERRORISM 203, 205-06 (2018) (noting the importance of local political factors in understanding the insurgence of Boko Haram).
global nature are not properly articulated and therefore lack proper foundation and context. This conceptualization is also important in creating the right counterterrorism strategy.\textsuperscript{13} It is also necessary to understand Boko Haram’s global status due to an increased focus on tackling global jihadi movements.\textsuperscript{14}

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

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

\begin{footnotesize}
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\item\textsuperscript{13} For understanding the significance of contextualising terrorism before analysing counterterrorism mechanisms see Boaz Ganor, \textit{Defining Terrorism: Is One Man’s Terrorist Another Man’s Freedom Fighter?}, 3 POLICE PRAC. & RSCH. 287 (2002).
\item\textsuperscript{14} See Jennifer Varriale Carson & Matthew Suppenbach, \textit{The Global Jihadist Movement: The Most Lethal Ideology?}, 22 HOMICIDE STUD. 8, 8-9 (2018).
\end{itemize}
\end{footnotesize}
of the Boko Haram group in that framework. It will then analyze those conceptualizations to develop fresh insights on the status and potential of this group in the greater global context. Building upon these insights, it will thereafter discuss protocols for countering Boko Haram and the feasibility of adopting a causal model.

II. GLOBAL JIHADISM: A CONCEPTUAL FRAMEWORK

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

20 See THURSTON, supra note 1, at 9.
21 Some commentators have rejected the categorization of all Islamic extremist groups as part of global jihad, arguing that this decontextualization of conflicts only serves the political interests of the groups as well as of those battling them. See, e.g., Caitriona Dowd & Clionadh Raleigh, *The Myth of Global Islamic Terrorism and Local Conflict in Mali and the Sahel*, 112 AFR. AFFS. 498, 508-09 (2013).
Chechnya.22 The call to global jihadism was aligned with local grievances through attribution of said grievances to the hegemonic power of the United States, which had led to wars and allegedly illegal occupations in majority-Muslim countries.23 Global jihadism therefore became chiefly associated with Al-Qaeda and its founder, Osama bin Laden, whose base was Afghanistan but which gradually spread to many parts of the world.24 Whereas Afghanistan remained the organizational base of the group, many other extremist groups who subscribed to the ideology were spread around the world with direct and indirect links to Al-Qaeda.25 A number of foreign fighters frequently traveled to Afghanistan for training where Al-Qaeda had set up camps.26

The war in Afghanistan following 9/11 led to a significant dismantling of the organizational structure of Al-Qaeda and the weakening of global jihadism,27 but this empowered new frontiers of global jihadism.28 In fact, though this movement suffered setbacks at the leadership level, its operational strategy shifted focus to the greater autonomy of terrorist cells29 and, significantly, to similar ideologically-inspired groups in different parts of the world.

23 Id.
24 See James W. Messerschmidt, Osama Bin Laden and His Jihadiist Global Hegemonic Masculinity, 32 GENDER & SOC'Y 663, 663-66 (2018) (discussing the increasing global interest in Osama bin Laden’s jihadiist messages).
25 See id.
28 See id. at 36-37.
29 BYMAN, supra note 17, at 145.
that were previously unaffiliated or loosely affiliated with Al-Qaeda.\textsuperscript{30} As noted in 2010 by the U.S. Senate Committee on Foreign Relations, Al-Qaeda “has transformed into a diffuse global network and philosophical movement composed of dispersed nodes with varying degrees of independence.”\textsuperscript{31}

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

\textsuperscript{30} Gartenstein-Ross & Barr, supra note 26.


\textsuperscript{34} See Zhang Lijun, Anti-Terrorism Alliance, BEIJING REV. (2004), reprinted in CRITICAL PERSPECTIVES ON AL QAEDA 153, 155 (April Isaacs ed., 2006).

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

\textsuperscript{36} Kielsgard & Julian, supra note 19, at 145.
in common cause to weaken the common enemy.”37 The common enemy in this case is the United States and other Western countries who are allied with Israel.38

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

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

37 Id.
38 Id. at 139, 146 (describing a strategy of global jihadism that involves internal uprisings by non-state parties within other territories to “weaken the common enemy”).
39 Braniff & Moghadam, supra note 27, at 36-37.
However, pursuit of a similar ideology alone does not necessarily mean that jihadist groups will find a common cause. In fact, differences amongst such groups are common. For instance, well-known global jihadi movements like ISIS on the one hand, and Al-Qaeda and its affiliates on the other, have often openly disagreed on goals, tactics and even targets—but both are rooted in the Salafist ideology. Therefore, in this analysis, the focus will be the degree to which Boko Haram has strictly manifested this ideology.

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

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

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

https://scholarship.law.upenn.edu/jil/vol42/iss1/4
calls for the violent confrontation against a common enemy, these groups engage at a certain level as associates or affiliates in the global jihad. It is from these links that groups share in trainings, tactics, and intelligence, and financially support each other. Moreover, the strength of the linkages of the localized affiliate with the broader global jihadi movement, provides insight into the possibility of peaceful resolution to grievances of the local affiliate. This would enable the policymakers to understand the extent of the threat faced and how to resolve it as further discussed below.

III. BOKO HARAM IN THE CONTEXT OF GLOBAL JIHADISM

a. Ideology and Goals

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

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

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

An obvious advantage of adhering to the ideology of global jihadism, despite having a specific set of purely domestic goals, is that it allows Boko Haram to brand itself with wider values and aims to develop broader consensus in northern Nigeria, international support, and ideological prestige within the Muslim community. Whilst extremist groups like Boko Haram are perhaps better understood from the context in which they emerged and continue to operate, it is also the case that these groups propagate an Islamist ideology as a way of legitimizing themselves in the spaces in which they operate. It is further the case that global organizations like Al-Qaeda have managed to inspire locally based extremist groups to reframe their grievances through a global jihadist ideology.

As argued by Kelvington: “The Salafi-Jihadist ideology is the intangible ‘soft power’ of the adversary, which violently contests globalization and the international system, and fuels the continued expansion of the global jihadist movement through selective citation of Islamic texts, sensationly coercive methods of jihadist groups, and dissemination of ideas on the Internet.”

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

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

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

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

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

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

\begin{itemize}
\item \textsuperscript{51} \textit{See} SHOLA ABIDEMI OLABODE, \textsc{Digital Activism and Cyberconflicts in Nigeria: Occupy Nigeria, Boko Haram and MEND} 179 (Athina Karatzogianni ed., 2018).
\item \textsuperscript{52} Daniel Egiegba Agbiboa, \textit{No Retreat, No Surrender: Understanding the Religious Terrorism of Boko Haram in Nigeria}, 34 \textsc{Afr. Study Monographs} 65, 67-68 (2013) (describing how Nigerians often identify more strongly with regional religious groups than with political parties).
\item \textsuperscript{53} See Onapajo, Uzodike & Whetho, \textit{supra} note 35, at 344-45 (discussing Boko Haram’s hatred for southern Nigeria because of their higher levels of Westernization).
\item \textsuperscript{54} \textsc{Jarret M. Brachman, Global Jihadism: Theory and Practice} \textsc{4} (2009). A similar strategy is employed by the Somali based group, Al-Shabaab, who formed associations with the marginalized north-eastern sector of Kenya, which has shared ethnic and religious ties with Somalia and the coastal region. \textit{See Why Is Al Shabab Making Inroads into Kenya?}, \textsc{TRT World} (Mar. 15, 2019), https://www.trtworld.com/magazine/why-is-al-shabab-making-inroads-into-kenya-24981 [https://perma.cc/DD29-63R8] (noting Al-Shabaab’s use of Islamic dogma in recruiting and radicalizing young Kenyans).
\end{itemize}
a global jihadist agenda, whether the global jihad played any role or not. It is therefore more appropriate to analyze the association of these groups at different levels: the pursuit of a domestic agenda which could be political or economic and the furtherance of a global Islamist agenda through domestic acts.

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

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

In the case of Boko Haram, the group has been chiefly associated with politics in northern Nigeria, an area which is predominantly Muslim. This group’s tactics and targets (discussed below) have, however, promoted a broader Islamist agenda which resonates well with other extremist groups. The diffuse character or lack of clarity in Boko Haram’s ideological leanings and goals, however, can be attributed to the shifting priorities of its leadership, which have also resulted in several splinter groups dissociating themselves from the main

55 Zachary Abuza, Tentacles of Terror: Al Qaeda’s Southeast Asian Network, 24 CONTEMP. SE. ASIA 427, 428 (2002).
56 See, e.g., Dowd & Raleigh, supra note 21, at 503.
57 By mainly targeting Christians and adopting tactics that are well known to be employed by global jihadists like suicide bombings, the group has promoted the global jihadi agenda and shown potential to further it.
group. Immediate goals of the group have been set at the whim of successive leadership which is often defined by the prior affiliations with other extremist groups or immediate tactical and financial links. For instance, during its first phase (2002-09), the group’s focus was driven by the philosophical ideals of Mohammed Yusuf who emphasized the rejection of Western education, and sought to copy the Taliban’s imposition of a strict Islamic lifestyle. At its inception, the group was colloquially known as the "Nigerian Taliban." Boko Haram’s earlier activities were also associated with the charismatic demeanor of Mohammed Yusuf who was an admirer of Bin Laden, and was keen to establish an Islamic state in northern Nigeria, akin to what the Taliban had done in Afghanistan.

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

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

60 See Cook, supra note 11, at 9.

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

slaves. Differences over tactics and targets have led to splits within the group.

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

b. Operations and Targets

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

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64 JONATHAN R. WHITE, TERRORISM AND HOMELAND SECURITY 166 (9th ed. 2017).
66 See WHITE, supra note 64.
significant links to international jihadism. Initially, the group was not perceived as posing a threat to the United States and other Western intelligence communities or the interests of their allies.

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

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67 See, e.g., Higazi, Kendhammer, Mohammed, Pérouse de Montclos & Thurston, supra note 12.
68 See S. COMM. ON COUNTERTERRORISM & INTEL. COMM. ON HOMELAND SEC., 112TH CONG., BOKO HARAM: EMERGING THREAT TO THE U.S. HOMELAND 1 (Comm. Print 2011) https://www.govinfo.gov/content/pkg/CPRT-112HPRT71725/pdf/CPRT-112HPRT71725.pdf [https://perma.cc/9NG5-V8X7; see also WALKER, supra note 8, at 3 (“In a 2004 U.S. State Department cable, revealed by Wikileaks, the U.S. embassy in Abuja concluded the group did not present an international threat and likely had no links to international jihadist organizations.”)].
However, it should be noted that the use of suicide bombing was certainly not a novel idea by 2011 and therefore not dispositive of any truly significant connection between Boko Haram and other international jihadist groups. Second, the target of the attacks, which had been locally oriented, took a global turn when the group launched its attack on the United Nations. However, some scholars argue that since the group has not launched any further attacks on international targets, the attack on the United Nations should be considered a one-off event perhaps intended to “embarrass the Nigerian government,” or as a means to reciprocate the support the group had received from other global jihadi movements.

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

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72 See SINDIMA, supra note 69.

73 See SINDIMA, supra note 69.


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

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

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77 Cf. id. at 48-49 (discussing how, among terrorist organizations that target foreigners, many focus less than fifteen percent of their activity on these attacks).
79 Id.
81 Ngozi Akinro, Covering the Boko Haram Crisis Beyond the Nation: Analysis of Shifting Time and Space Frames in News Reporting, 82 INT’L COMM. GAZETTE 189, 195 (2020).
in not only understanding the evolution of the group through its tactical and technical capacity, but also the dangers it posed to foreign—especially Western and perceived Western targets. It was indicative of a group that was taking a different trajectory and joining the ranks of other global jihadi movements. As noted by a commentator, "the United Nations attack is much more in line with other [global terrorist] organizations, and is strongly reminiscent of the suicide attack in Baghdad against the United Nations in August 2003, which was one of the opening blows of the Iraqi insurgency."83

The same sentiments were also expressed by General Carter Ham, former commander of the United States Africa Command (AFRICOM), who noted that the attack indicated the possibility of ties with other jihadist movements like Al-Qaeda in the Islamic Maghreb (AQIM) and Al-Shabaab.84

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


86 See, e.g., Ely Karmon, Boko Haram’s International Reach, 8 PERSP. ON TERRORISM 74, 75-76 (2014) (noting that Boko Haram’s suicide attacks were AQIM’s signature tactic, and the attack on the United Nations headquarters was comparable to AQIM’s attack on the United Nations offices in Algiers on December 11, 2007); see also Jacob Zenn, Boko Haram’s Fluctuating Affiliations: Future Prospects for Realignment with al-Qa’ida, in BOKO HARAM BEYOND THE HEADLINES 115, 124 (Jacob Zenn ed., 2018) (attributing the suicide bombing technical skills to possible training abroad with AQIM and Al-Shabaab).
suicide bombing to launch attacks—a technique that is linked to Al-Qaeda and Al-Shabaab—suggests that Boko Haram may have received external technical and training assistance.\textsuperscript{87} Further, in 2014, Boko Haram claimed responsibility for the kidnapping of an estimated 200 Chibok schoolgirls, triggering global alarm.\textsuperscript{88} Kidnapping is a technique associated with its splinter group, Ansaru, \textit{Jama'atu Ansarul Muslimina Fi Biladis Sudan} (The Supporters for the Aid of Muslims in Black Africa), which has carried out a number of kidnappings in Nigeria.\textsuperscript{89} However, neither suicide bombing nor mass kidnapping techniques provide definitive evidence of Boko Haram’s ties to international jihadism as they are easily as likely to be copy-cat attacks. It certainly provides little insight into the vitality of external linkages, ambitions, or goals—particularly in light of how few international targets Boko Haram has attacked in recent years.

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

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

\textsuperscript{88} See Abubakar, \textit{supra} note 2.


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

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

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


\textsuperscript{93} U.N. Press Release, supra note 90.

\textsuperscript{94} Zenn, supra note 86.


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

c. External Links

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

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

97 JOHN CAMPBELL, NIGERIA: DANCING ON THE BRINK 139-40 (updated ed. 2013).
98 Cf. Zenn, supra note 11, at 174-76 (arguing that Boko Haram’s founding was linked to Al-Qaeda through funding and logistical support with an hypothesis that was based on alleged prior links of one of the founding leaders with Al-Qaeda but this is not sufficient to show how Al-Qaeda influenced Boko Haram’s creation more than merely motivating the group).
100 See Zenn, supra note 11, at 174 (detailing Boko Haram’s collaboration with their affiliate groups, as well as Al-Shabaab, ISIS, Al-Qaeda, and their affiliates).
Mohammed Yusuf, who was the leader of the group from 2002 until his death in 2010, allegedly obtained funding from Al-Qaeda of up to $3 million dollars, but there is no evidence that Boko Haram maintained any links with Al-Qaeda in terms of logistics, training, and choice of targets. Moreover, $3 million dollars is a paltry sum in the context of a broad social movement. Instead, during Muhammad Yusuf’s leadership in the first phase, the group was largely focused on local politics in Nigeria.

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

104 Cook, supra note 11, at 14.
Haram. AQIM allegedly trained personnel and financially assisted Boko Haram following this announcement in 2010.

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

\begin{footnotesize}
\begin{enumerate}
\item \textsc{Thurston}, supra note 65, at 165. In a letter to Boko Haram, Droukdel is quoted as writing, “We are ready to train your men...in how to deal with weapons, and to help you however we can, whether with men, weapons, supplies, or equipment, to enable you to defend our people in Nigeria.” \textit{Id.}
\item \textit{Id.}
\item Cummings, supra note 62, at 25.
\item \textit{Id.}
\item \textit{Id.} at 24.
\item Zenn, supra note 86, at 115-17.
\end{enumerate}
\end{footnotesize}
The exact nature of the ties between Boko Haram and global jihadist organizations is complex because of the various splinter groups. However, the mainstream group stepped away from its association with Al-Qaeda in 2015 when it claimed allegiance with ISIS. Its association with ISIS deteriorated to the extent that in August 2016 ISIS unilaterally announced new leadership for Boko Haram switching from Shekau to Abu Musab al-Barnawi, which failed to materialize, but did occasion another split in the Boko Haram group. Weak external ties also is evidenced by the poor state of Boko Haram’s finances, which points to very limited financial assistance from either Al-Qaeda or ISIS or its affiliates.

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

114 Id.
115 Id. at 4.
116 Id.
117 Dowd & Raleigh, supra note 21, at 504.
Even though initially started as a localized group, Boko Haram and its splinter, Ansaru, have engaged in some initiatives with transnational and global presence. Boko Haram operates from within the Nigerian borders but also from the region of Lake Chad where it has established camps.\textsuperscript{119} However, the presence in the Lake Chad region is out of convenience as the region provides a safe haven for the group which has been largely driven out of its initial base of Yobe and Borno States through Nigeria’s counter-insurgency efforts.\textsuperscript{120} Even though Boko Haram’s primary operating theater is within Nigeria (mostly in the north), the group has engaged in limited attacks in neighboring countries such as the Cameroon attack (on a police station in Kousseri) in 2014,\textsuperscript{121} the Niger attack (on Niamey prison) in 2013,\textsuperscript{122} and more recently in the Chad attack (on an army base at Dangdala) in 2019.\textsuperscript{123} These attacks have however been associated with freeing fellow militants (Cameroon & Chad)\textsuperscript{124} or to smuggle weapons (Niger)\textsuperscript{125} and have little bearing on the advancement of the global jihadi agenda and are rightly considered isolated exceptions. The ability to launch transnational


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


\textsuperscript{124} Cameroon-Chad Border Crossing, supra note 121.

\textsuperscript{125} Niamey Prison Break, supra note 122.
attacks, however, does speak to the group’s capabilities and sophistication over time. Ansaru, on the other hand, has associated itself with AQIM and adopts a more internationalist agenda.\textsuperscript{126}

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

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

\begin{itemize}
  \item See Zenn, \textit{supra} note 11, at 182.
  \item Boko Haram and Ansaru may differ on tactics but they have common interests that bind them together. As noted by Zenn:
    \begin{quote}
    Ansaru and Boko Haram still revere Boko Haram founder Muhammad Yusuf, and their members may move fluidly between groups and form partnerships to target mutual enemies: the Nigerian government, France and the West. They may also collaborate on refining their tactics as well as expanding their areas of operations to locate new targets and eliminate Western and Christian influence from Nigeria and the region.
    \end{quote}
    Zenn, \textit{supra} note 96, at 8.
\end{itemize}
2013 the two groups have been intermittently working together but without official cooperation, though the intelligence on this is sketchy.\textsuperscript{131} Boko Haram has acknowledged this collaboration by confirming that the two groups worked together in the kidnapping of French priest Father Georges Vandenbeusch in northern Cameroon in 2013.\textsuperscript{132} Even then, Ansaru continues to express disdain for Shekau’s leadership signaling no likelihood that they can work together beyond a few collaborations.\textsuperscript{133} In some cases though, these \textit{ad hoc} collaborations have contributed to enhancing Boko Haram’s technical and tactical capacity.\textsuperscript{134}

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

\begin{footnotesize}
\begin{enumerate}
\item Zenn identifies four areas that Boko Haram would have benefited from collaborating with its splinter groups: kidnapping, suicide bombing, raids on military barracks, and media narratives. See Zenn, supra note 86, at 125-26 (describing how collaboration between Boko Haram and splinter groups benefitted Boko Haram’s operations).
\end{enumerate}
\end{footnotesize}
few joint operations.\footnote{Freedom C. Onuoha, Danger Not to Nigeria Alone: Boko Haram’s Transnational Reach and Regional Responses, FRIEDRICH EBERT STIFTUNG PEACE AND SEC. SERIES NO. 17, Nov. 2014, at 1, 6-7, http://library.fes.de/pdf-files/bueros/nigeria/11066.pdf [https://perma.cc/RFU2-K4PH].} Boko Haram has had shifting alliances with Al-Qaeda or ISIS and its own splinter groups. Moreover, the weight of the evidence shows that international jihadist organizations have little influence on either Boko Haram’s leadership or its members, as any embryonic bonds have been broken by Boko Haram’s targeting of fellow Muslims\footnote{See John Campbell, Suspected Leadership Changes to IS-Backed Boko Haram Faction Continue, COUNCIL ON FOREIGN RELS. (Mar. 12, 2019), https://www.cfr.org/blog/suspected-leadership-changes-backed-boko-haram-faction-continue [https://perma.cc/WGA9-EDSU].} and ISIS’s failed attempt to install new leadership in the group and depose Shekau.\footnote{See Jacob Zenn, Boko Haram Faction Releases Book on History and Ideology, COUNCIL ON FOREIGN RELS. (Aug. 9, 2018), https://www.cfr.org/blog/boko-haram-faction-releases-book-history-and-ideology [https://perma.cc/23GY-JM63]; see also Split Emerges Over Leadership, supra note 58 (describing the conflict over control of Boko Haram between Abubakar Shekau and Abu Musab al-Barnawi).} Also, Boko Haram’s linkages with its own splinter groups are similarly ill-defined.

IV. COUNTERING THE BOKO HARAM THREAT

Nigeria’s counterterrorism measures have been multifaceted but with a primary focus on military crackdown. The government has employed what can be considered as hard and soft responses to the insurgency. The hard measures involving military and law enforcement.\footnote{See Kingsley Omonobi, Ben Agande & Ndahi Marama, Military Bombards Terrorists’ Camps, VANGUARD (May 17, 2013, 7:04 AM), https://www.vanguardngr.com/2013/05/military-bombards-terrorists-camps [https://perma.cc/96WA-FUFJ] (discussing the deployment of troops to regions in Nigeria under a state of emergency); see also Ola’ Audu, Nigerian Military to Continue Sambisa Forest Operation After Killing Over 20 Boko Haram Suspects in Raid, PREMIUM TIMES (May 17, 2013), https://www.premiumtimesng.com/news/134770-}
radicalization and community policing.\textsuperscript{139} Progress has arguably been made in reducing the threat posed by the insurgents,\textsuperscript{140} but the measures employed so far have proved insufficient in the long term. The counterterrorism measures need to be addressed against the backdrop of the above conceptual analysis of Boko Haram in order to proffer insightful prospects for dealing with the insurgency.

\textit{a. Military Approach}

The Nigerian government’s main response to Boko Haram’s violent extremism has been a military crackdown that has raised concerns of rights violations\textsuperscript{141} and effectiveness in the long-term.\textsuperscript{142} Military and law enforcement response as a way of combating violent extremism have been an easy choice for many countries facing such problems.\textsuperscript{143} Governments often resort to labelling insurgents as terrorists in order to delegitimize them and open a way to apply the “hard tactics” for countering them. Nigeria has justified its military approach to counter-insurgency by linking Boko...
Haram with global jihadist movements like Al-Qaeda. Through this linkage, Nigeria has attempted to globalize the problem rather than deal with it as a matter of domestic politics.\textsuperscript{144}

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

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

\begin{itemize}
\item \textsuperscript{144} See Dowd & Raleigh, \textit{supra} note 21, at 504.
\item \textsuperscript{145} See Zenn, \textit{supra} note 126, at 7-12.
\item \textsuperscript{147} \textit{Id.}
\item \textsuperscript{148} See Onuoha, \textit{supra} note 135, at 4-5.
\end{itemize}
The military offensive had mixed results. The Nigerian government managed to ultimately drive the group from the majority of its territory and neutralized its ability to wage conventional warfare.  

Nationally, Nigeria might have succeeded in temporarily removing the problem from within its borders but this pushed the group to attack from neighboring countries like Niger, Chad, and Cameroon, which shows the lack of a sustainable solution and, under one perspective, internationalizes the conflict. Additionally, this has led to a change of strategy for Boko Haram, which has resorted to other soft targets through kidnapping, suicide bombings, and sexual violence, instead of a conventional internal armed conflict.

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

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151 See id. at 10 (arguing that groups facing military repression are more likely to resort to more lethal tactics once they have lost military ground, using the examples of Al-Shabaab’s mall attack in Nairobi despite suffering military setbacks in Somalia at the hands of African Mission in Somalia (AMISOM) forces, and the Islamic militants suicide bombings in Mali in September 2013 despite the military successes of a French-led offensive); see also Emma Bauer & Meghan Conroy, Boko Haram: Nigerian Military Crackdown Prompts Terror Group to Adapt, 14 TERRORISM MONITOR, Apr. 15, 2016, at 1, 7, https://jamestown.org/wp-content/uploads/2016/04/Terrorism_Monitor_-_Volume_XIV__Issue_8_01.pdf?x68464 [https://perma.cc/ZS6R-3F3Z (stating that Boko Haram has focused on “wanton violence” against women and children rather than capturing land).]

152 Nigerian President, Muhammadu Buhari, has claimed that the military strategy has been successful in driving out the militants from their base and neutralized their ability to launch “conventional attacks.” Nigeria Boko Haram: Militants ‘technically defeated’ – Buhari, BBC NEWS (Dec. 24, 2015), https://www.bbc.com/news/world-africa-35173618 [https://perma.cc/GN9R-NBCR].
and law enforcement are reactive models principally designed to deter and react to terrorist acts as they occur but are seldom concerned with rooting out and addressing the fundamental causes of extremism . . . .”¹⁵³ Indeed, concerns about the effectiveness of the military strategy have been raised by experts on the ground who have argued that the resurgence of Boko Haram attacks demonstrate a need for a change of strategy.¹⁵⁴

In addition to its lack of effectiveness, Nigeria’s military approach to counterterrorism may be seen as falling short by exacerbating the problem.¹⁵⁵ Unfair and overly harsh military and law enforcement strategies in counterterrorism are bound to be counterproductive by alienating the affected communities and leading to more radicalization.¹⁵⁶ One of the key events that spurred the growth of Boko Haram in its most lethal period from 2010 onwards was the violent repression of the sect in 2009 that culminated in the extrajudicial killing of its leader Mohammed Yusuf while in police custody.¹⁵⁷ Reported “massacres, extrajudicial killings and arrests without trial” in this repression have created a rift between the security forces and the communities that they are tasked to secure.¹⁵⁸ As a result of the heavy handed military response to the insurgency, there are reports of a rise in the membership of the group from an estimated 4,000 members in 2009 to between 6,000 and 8,000 in 2014.¹⁵⁹

¹⁵⁵ See id.
¹⁵⁶ See Kielsgard & Julian, supra note 153, at 487.
¹⁵⁸ Id. at 4.
¹⁵⁹ Id. at 15.
b. Law Enforcement

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

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

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themselves have been described as flawed and not adhering to the basic standards of fair trial and due process.\footnote{166}

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

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


\footnote{168} Id.

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

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

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

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

174 See Kielsgard & Julian, supra note 153, at 513.
that would help them to re-integrate into society.\textsuperscript{176} The initiative has seen 151 former Boko Haram members taken through the process and handed over to the Borno state government.\textsuperscript{177} However, typically the most radicalized extremists are the least likely to be receptive to deterrence.\textsuperscript{178}

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

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\textsuperscript{176} Id.
\textsuperscript{178} Kielsgard & Julian, \textit{supra} note 153, at 514.
\textsuperscript{179} Mules & Al-Amin, \textit{supra} note 177.
d. Vigilantism

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

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

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181 Id. at 17.

182 DOUBLE-EDGE-D SWORD, supra note 182, at 20.


184 DOUBLE-EDGE-D SWORD, supra note 182, at 19.

185 Id. at 17.
security due to the possibility of misuse of their role to perpetuate criminality like extortion and usurpation of law enforcement powers. Indeed, it is often the case that however successful vigilantism is as a counter-insurgency mechanism, it is bound to be counterproductive in the long run as it is not easy to demobilize and often turns into an insurgency itself. Moreover, in this case, the vigilante group would have been trained and armed by the same government they may someday be fighting. Reliance on vigilantism is a dangerous solution.

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

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V. PROSPECTS FOR NIGERIA’S COUNTERTERRORISM

a. Peace Negotiations

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

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

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

192 Id. at 412.
193 Id. at 413.
amenable to non-violent political solutions and hence an offer to negotiate may appeal to the moderate factions. The third argument is premised on the assumption that by appealing to those who may hold moderate views within the insurgency, it might create a path to a transformation of the group. Those within the insurgency that would be willing to negotiate might push for change of leadership to one that favors non-violence, an important consideration in such a leader-centric group.

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

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

195 Toros, supra note 191, at 414.


197 See WALKER, supra note 8, at 11.

198 PÉROUSE DE MONTCLOS, supra note 157, at 6.
government, but the military repression of 2009 eliminated moderate voices within the group and gave way to radicals who assumed leadership thereafter. Further, as opposed to other groups like the insurgents in the Muslim Mindanao region who are known to be fighting for independence and have been engaging with the Philippines authorities for greater autonomy for the region as a compromise to cease the insurgency, Boko Haram’s domestic agenda to establish a pure Islamic State in the northern region may not be feasible. Yet, the nature of negotiation as such is compromise, which may have been possible with the prospect of greater self-determination with respect to local political, economic, and educational issues. The strength of any extremist movement feeds upon the bystander and sympathetic community members who take no active role but provide emotional and actual support to the group. These members would be more open to compromise and would assert pressure for peaceful solutions.

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

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199 Id. at 11.
201 See Kielsgard & Julian, supra note 153, at 502.
rather differing views on targeting, tactics, and external links. The addition of external links to negotiations means that pressure would be applied by Al-Qaeda or ISIS depending on which faction of Boko Haram the authorities are negotiating with. Under this perspective, the feasibility of negotiation depends on the vitality and commitment of the group to external links. The “Al-Qaeda effect” portrayed by Boko Haram’s ideological leanings, tactics and targets, and external linkages as expounded above reveal Boko Haram as a “complexity.”

Given the existential position of both Al-Qaeda and ISIS, Boko Haram would have to precipitate a break from both groups in order to negotiate in earnest with the Nigerian government or its designee. This may be unfeasible for splinter groups that have broken from Boko Haram, such as ANSUR and ISWAP, because they are more closely aligned and dependent on external links to global jihadism. Indeed, the ties of Boko Haram to international jihadism is better characterized as one of convenience perpetrated mostly for mutual propagandizing purposes. Boko Haram has suffered severe financial turmoil in recent years without significant assistance from either Al-Qaeda or ISIS.

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


208 See Yaya Fanusie & Alex Entz, CTR. ON SANCTIONS & ILLICIT FIN., BOKO HARAM FINANCIAL ASSESSMENT 10 (2017) (providing an overview of Boko Haram’s dire financial situation).
It is also the case that Boko Haram’s current agenda is not readily discernible, as it was under Yusuf. Originally begun to ban on Western-style education, it then morphed into an adoption of a Taliban-like social and political structure. As the movement has become more dispersed, its leader exercises little control over its splintered factions and the specific focus of the organization has been lost. However, this is also the province of diplomacy with an initial goal of hammering out a list of agenda items correlating to the expectations of Boko Haram and the Nigerian government. In hindsight, negotiations would have been considerably less complex if initiated before Yusuf died. Thus far, negotiations that have been carried out have been for the release of persons who have been kidnapped. These negotiations have, thus, been aimed at achieving short-term goals and should not be seen as opening any prospects for a pervasive settlement of the conflict, but they provide a precedent and possibly a channel for communication, essential for the beginning of more substantive negotiations. Without bona fide negotiation attempts and an agenda that would form the basis of structured negotiations, the insurgents might step up the kidnappings as a means of sustaining themselves through the payment of ransom.

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209 Cook, supra note 11, at 22.
211 Onuoha, supra note 207, at 20-24.
213 See Nwankpa, supra note 202, at 120-21.
b. Adopting a Causal Approach

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


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

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

VI. CONCLUSION

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

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

223 Kielsgard & Julian, supra note 153, at 524.

224 Id. at 527.
could fuel non-violent negotiations and solutions. This is possible because of the lack of strong linkages with other existential terrorist groups like ISIS and because the source of Boko Haram’s grievances lies in a strictly domestic agenda. Historically, the group sought peaceful methods for advancing its goals and even during its second violent phase it continued to largely target local entities as its excursions into nearby Chad, Cameroon, and Niger were for practical and non-ideological purposes. Thus, the efficacy of negotiation with this group is significantly more likely to succeed than with other groups with a more polarized international agenda.

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