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Terrorism and military intervention under the principle of the Responsibility to Protect: The case of Boko Haram.

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Table of Contents

CHAPTER 1: Introduction and background of the study	1
1.1. Introduction	1
1.2. Research Question	2
1. 3. Aim and objectives of the study	3
1.4. Significance of the study	3
1.5. Conceptual clarification	3
1.5.1 The concept of terrorism.....	4
1.5.2. The concept of intervention	5
1.6. Research Design	6
1.7. Research Outline.....	8
CHAPTER TWO: Theoretical and Conceptual Framework	9
2.1. Introduction	9
2.2. Liberal Institutionalism	9
2. 2.1. The weakness of Liberal Institutionalism.....	11
2.3. Theory and Practice of Responsibility to Protect	13
2.3.1. The evolution of the R2P principle	13
2.3.2. The conceptualisation of the R2P principle	14
2.4. Criteria for military intervention under R2P	16

2.4.1. Right authority	16
2.4.3. The right intention	17
2.4.4. Last resort	17
2.4.5. Proportional means.....	17
2.4.6. Reasonable prospects.....	18
2. 5. The R2P principle in practice: The case of Libya	18
2.5.1. Criticism of the R2P principle	20
2.6. Terrorism under R2P.....	23
CHAPTER THREE: Case Study: Boko Haram	26
3.1. Introduction	26
3.2. The rise of Boko Haram.....	26
3.3. Factors that influenced the development of Boko Haram.....	27
3.4. Boko Haram's regional operations.....	31
3.5. Mass atrocity crimes committed by Boko Haram in Nigeria.....	32
3.5.1. Genocide	32
3.5.2. Crimes against humanity	33
3.5.3. War Crimes committed by Boko Haram	34
3.5.4. Ethnic cleansing	35
3.6. Conclusion.....	36
CHAPTER 4: The Nigerian government's responsibility to protect	37

4.1. Introduction	37
4.2. The Nigerian government's efforts to protect its citizens	37
4.2.1. Counter-terrorism measures before Buhari.....	38
4.2.2. The hiring of Private Military Companies (PMC)/mercenaries	41
4.2.3. Counter-terrorism measures under Muhammadu Buhari	44
4.3. Regional efforts in the fight against Boko Haram	47
4.3.1. The AU role in the fight against Boko Haram	48
4.3.2. ECOWAS's role in the fight against Boko Haram	50
4.4. The UN response to Boko Haram.....	51
4.5. Controversies of R2P intervention in the Boko Haram case.....	52
4.6. Conclusion.....	55
CHAPTER 5: Conclusion and way forward	57
Bibliography	60

Abstract

Intervention is a controversial issue in international relations. In recent years, the issue of intervention has been further complicated by the attention given to terrorism following the 9/11 attacks on the United States (US) by the terrorist group under the name of Al Qaeda. In 2005, the United Nations (UN) member states adopted the Responsibility to Protect (R2P) principle that was coined by the Canadian government to give intervention a multilateral dimension. The R2P principle was established to protect civilians from four atrocity crimes, namely genocide, war crimes, crimes against humanity and ethnic cleansing. R2P gives the international community authority to intervene in situations where states are failing to protect their citizens from the aforementioned atrocity crimes.

The 9/11 attacks focused international attention on terrorism and saw a rise in the number of terrorist organizations identified globally. In Nigeria, Boko Haram's terrorist activities have caused untold suffering among civilians and displaced millions. Despite efforts at national, regional and international levels, the group continues to cause havoc in the country with its regional operations not only threatening regional stability but human security as well. It is against this backdrop that the study scrutinizes Boko Haram's violent activities to establish if the group's activities justify UN intervention under R2P. The study also assesses counter-terrorism measures taken by the Nigerian government to protect its citizens as stipulated by R2P.

Furthermore, the study embarked on an inquiry into the applicability of R2P, in particular, the application of Pillar III of the principle which involves military force. As such, the Libyan intervention which was the litmus test of R2P is assessed and used as a point of reference in the Boko Haram case where intervention under the UN is contemplated. In conclusion, the finding of the study is that although Boko Haram's activities justify UN intervention under R2P, there are reservations regarding using force in the Nigerian context. These reservations emanate from the Libyan experience and the colonial legacy that created distrust towards external interference in domestic affairs. Thus, I believe that sustainable solutions to the crisis will require political will in the Nigerian government and African-led counter-terrorism, with the UN and private stakeholders providing financial and technical support.

Keywords: Terrorism, Responsibility to Protect, Boko Haram, intervention, Nigeria.

Acronyms

AU- African Union

BRICS- Brazil, Russia, India, China, and South Africa

G7- Group of Seven

ICC- International Criminal Court

ICSS- International Commission on Intervention and State Sovereignty

IFAD- International Fund for Agricultural Development

JTF- Joint Task Force

LCB- Lake Chad Basin

LCBC- Lake Chad Basin Commission

MNJTF- Multinational Joint Task Force

NATO- North Atlantic Treaty Organisation

OAU- Organisation of African Unity

R2P- Responsibility to Protect

UN- United Nations

UNHCR- United Nations High Commission for Refugees

UNI CEF- United Nations Children's Fund

UNSC- United Nations Security Council



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CHAPTER 1: Introduction and background of the study

1.1. Introduction

In 2005, the United Nations (UN) adopted the principle of Responsibility to Protect (commonly abbreviated R2P) which gave intervention for humanitarian purposes a multilateral dimension. Endorsed by over 170 UN member states at the September 2005 UN World Summit, the notion of R2P "implies above all else a responsibility to react to situations of compelling need for human protection" (ICISS, 2005:29). The R2P principle stipulates that when reasonable measures fail to resolve the crisis and the state is failing or unwilling to resolve the situation, the responsibility to address the situation is transferred to the international community. Although coercive measures to mitigate the crisis may include political, economic or judicial measures, it is only in extreme circumstances that military action may be considered (ICISS, 2005:29). According to the International Commission on Intervention and State Sovereignty (ICISS) report (2005:29), such conditions that may lead to the invocation of R2P include four mass atrocity crimes, namely genocide, war crimes, crimes against humanity and ethnic cleansing.

Terrorism is an old phenomenon that gained sustained international attention following the 9/11 attacks on the United States. The attacks by the Al Qaeda terrorist organisation resulted in the death of nearly 3000 people and subsequent US-led military interventions against so-called terrorist harbouring states. Although terrorist activities have had a minimal mortality rate in comparison with other global crises such as disease, famine, and underdevelopment in the global south, and natural disasters, it is the nature of violence that is committed against civilians for political purposes that is of interest in this study. Thus, the study seeks to establish if a group's terrorist activities can justify UN-mandated intervention under R2P, using Boko Haram terrorism in Nigeria as a case study.

In the past two decades, Nigerians in the north eastern region of Nigeria have been victims of Boko Haram's terrorism. Since the advent of its radicalism in 2009, Boko Haram has killed over 20 000 people and caused the displacement of over two million people. It continues to embark on kidnappings of young girls and women as witnessed in Chibouk in 2014 and Dapchi at the beginning of 2018 (Balmforth, 2018). The group's operations which have

spilled to the whole Lake Chad region are not only destabilising Nigeria but are also threatening regional peace and security.

Although efforts have been made by the Nigerian government and its partners¹ to curb the terrorist group's atrocities, including attempted negotiations, these efforts appear to be fruitless as the group constantly changes tactics and resurfaces after an assumed defeat by the Nigerian government. The study explores the continued terrorism of Boko Haram and the repercussions of such terrorist attacks on civilians. It asks whether the continued terrorist attacks from Boko Haram in Nigeria are an indication that the Nigerian government is failing to protect its civilians as stipulated by the R2P principle. By drawing on the theoretical perspective of liberal institutionalism, the study seeks to establish if there are grounds for UN intervention under the R2P principle to arrest Boko Haram's terrorism. This chapter introduces the topic of the study and gives a clarification of key concepts. The chapter will also discuss the research method used in the study.

1.2. Research Question

The overarching research question that the study aims to answer is: Do Boko Haram's terrorist activities in Nigeria and the Lake Chad Basin region justify UN military intervention activation by the principle of R2P? The following sub-questions will also guide the study:

- a. Judging from past successful cases of R2P invocation, under what circumstances is international military intervention supported under R2P?
- b. Does the Boko Haram situation in Nigeria and the Lake Chad Basin fit these circumstances?
- c. What political factors complicate R2P invocation in the Nigerian context?
- d. What does the Boko Haram case say about the activation of R2P in cases of terrorism?

¹ Some of these partners include the UN, EU, AU, ECOWAS, and the Lake Chad Basin countries, the US, the UK, Canada, France, and Switzerland.

1. 3. Aim and objectives of the study

The study aims to highlight themes, questions, and criteria to establish if terrorist activities justify the activation of UN intervention on the principle of R2P by an in-depth study of Boko Haram in Nigeria and the Nigerian government's response to its terrorist activities. The following objectives will guide the study:

- a. To establish the severity of Boko Haram terrorism in Nigeria and why it has continued for so long;
- b. To examine the interventions that have been implemented on a national, regional and international level to curb Boko Haram's terrorism;
- c. To investigate if the Nigerian government is failing to fulfil its obligation to protect its citizens, and if so;
- d. To establish if the failure could be justification for UN intervention activated by R2P;
- e. To derive themes that can inform discussions and decisions regarding military intervention based on R2P to curb terrorism.

1.4. Significance of the study

The findings of the study will contribute to the discourse surrounding the fight against terrorism globally, and the mitigation of conflict in a continent that is already battling on-going conflicts in countries such as Sudan and the Democratic Republic of Congo (DRC). Furthermore, the study puts the R2P principle in the spotlight as controversies around its application are examined in the study. In so doing the outcome of the study may contribute to mitigating the negativity surrounding the principle of Responsibility to Protect that has developed since its application in the case of Libya in 2011.

1.5. Conceptual clarification

This section will define and explain the key concepts of terrorism and intervention that envelope the more specific discussion of Boko Haram in the following chapters. The more specific concepts such as R2P and Boko Haram terrorism will be discussed in chapter two and chapter three respectively.

1.5.1 The concept of terrorism

Terrorism is a complex phenomenon; its definition has been highly contested. On passing resolution 1566 in 2004, the UN Security Council defined terrorism as “criminal acts, including against civilians, committed with the intent to cause death or bodily injury, or taking of hostages, with the purpose to provoke a state of terror in the general public or a group of persons or particular persons, intimidate a population or compel a government or an international organization to do or to abstain from doing any act” (UNSC, 2004:2). Scholars such as Chukwurah, Okechukwu, and Nmire (2015:371) define terrorism as “a deliberate and systematic use of violence to destroy, kill, maim and intimidate the innocent with a goal to draw national/international attention or make demands which ordinarily may be impossible or difficult to achieve under normal political negotiation or on the battlefield against a government army” (2015:371).

Despite a common understanding that terrorism constitutes waging a war on civilians, there is no agreement on what constitutes terrorism or who could be labeled a terrorist (Wilson, 2018:78). According to Wilson (2018:79), this is because the entire subject revolves around perception. It depends on whether one supports or opposes the cause of groups in question. Thus, at times terrorists may have support in their particular context as in the case of the ANC that was labeled terrorists by the apartheid government, yet in the eyes of black South Africans, it was a liberation movement (van Winden, 2004).

For this study which explores terrorism by a non-state actor that declared war on the state by attacking civilians, the definition by the US government is preferred. According to the US government, terrorism is “premeditated, politically motivated violence perpetuated against non-combatant targets by sub-national groups or clandestine agents, usually to influence an audience” (US Department of State, 2001:13).

Following the 9/11 attacks on the US by the Al Qaeda terrorist group, the political interests changed with the global fight against terrorism gaining momentum and used as justification for military intervention (Hosein and Qasemi, 2016:158). Hosein and Qasemi point out that in the aftermath of the 9/11 attacks the US tried to activate the capacity of the UNSC by exploiting the atmosphere after the incident. In response, the UN General Assembly adopted the UN Global Counter-Terrorism Strategy in 2006. This is a unique global instrument to

enhance national, regional and international efforts to fight terrorism (UN, 2006). Terrorism under R2P will be discussed in the following chapter.

1.5.2. The concept of intervention

Intervention is defined in various ways depending on the context under which the concept is used. Intervention can be anything that deliberately affects or influences behaviour. It ranges from criticism to coercion (Sellers, 2014:6). As such, the definition of intervention is broad. Scholars such as Ajigboye (2014:87) define intervention as the use of force across the state border by an intervening state. Under international law, an intervention involves any cross-border act by an external actor in a domestic conflict, which involves the mobilization of other actors having the potential to apply physical force that does not constitute pure peacekeeping (Lieblich, 2011: 349).

Intervention is a phenomenon that has been in existence for a long time and has been developing over time. Before the nineteenth century, it featured as an ordinary policy matter within the foreign policy of a state. For instance, in the Roman Empire intervention was used as a means of resolving disagreements (Rattan, 2019:1). The phenomenon of intervention grew rapidly following developments in the twentieth century. Of particular significance in the development of the phenomenon of intervention was the shift in the nature of conflict at the demise of the Cold War with civil wars dominating in the 1990s (Garrigues, 2007:4). This shift had serious repercussions on civilians. In many instances, the intra-state conflicts have led to heinous crimes such as genocide being committed and the displacement of millions. A case in point is the 1994 genocide in Rwanda and the 1998-99 Kosovo war. Thus, with the demise of the Cold war, intervention for the protection of civilians became a pertinent issue for the international community.

Intervention by force is, however, problematic as it is the most intrusive form of intervention and is prohibited by the UN Charter (Sellers, 2014:7). Article 2 of the UN Charter commands that, “All Members shall refrain in their international relations from the threat or use of force against the territorial integrity or political independence of any state, or in any other manner inconsistent with the Purposes of the United Nations” (UN Charter, 1945:3). However, this does not imply that intervention by force is not warranted (Sellers, 2014:7). The UN Charter contemplates the use of force at the direction of the Security Council (Art. 42), in self-

defence (Art. 51), through regional organisations (Art. 52), and in other means consistent with the aspirations of the UN (Sellers, 2014:7).

As discussed in the preceding paragraphs, the human rights violations that came with the shift from inter-state to intra-state wars saw intervention for humanitarian purposes becoming a pertinent issue for the international community at the demise of the Cold War. As a result, intervention became one of the key foundations of the R2P principle which authorizes international action when necessary and justifiable to resolve an internal conflict of the state to reduce human suffering (Ajigboye, 2014:1). Intervention under R2P will be discussed in detail in the following chapter.

1.6. Research Design

To achieve its aim and objectives, the study utilizes a qualitative research methodology in terms of the collection and analysis of data. Qualitative research focuses on data that is concerned with opinions, motivations, observations, meaning and utterances (Gerring, 2017: 17). It mainly focuses on societies or large groups, individuals and cultures. Unlike quantitative research, which is about numbers and statistics, qualitative research is concerned with words and understandings. A qualitative approach means data approximates or characterizes, but does not measure the attributes, characteristics, and properties of a thing or a phenomenon. Qualitative data describes whereas quantitative data defines (McLeod, 2019).

Due to the nature of the research topic, which involves an on-going conflict and violence, and requires a strong understanding of the historical development of the crisis, I chose document analysis as a research technique to collect data. The research will rely on both primary and secondary resources obtained through desktop research. Primary sources to be utilized include online video clips of Boko Haram, press releases and speeches from government and UN officials, Nigerian and UN security documents, and organizational reports, like those from NGOs such as Human Rights Watch and Amnesty International. Secondary sources will include books, academic journals and newspapers, and online news articles. I am unable to do field research due to a lack of resources and security concerns. Although this is a limitation to the study, sufficient documentary sources exist to provide a well-supported answer to the research question.

Document analysis is a systematic procedure for viewing or evaluating documents, including both printed and electronic material (Bowen, 2009:27). Bowen points out that like any other analytical method in qualitative research; document analysis requires thorough examination and interpretation of data to generate meaning and understanding. Analysing documents involves coding content into themes similar to how focus group or interview transcripts are analysed (Bowen, 2009:27).

Document analysis exposes the researcher to a plethora of data which can be overwhelming. Hence to identify relevant data, a thematic analysis will be performed. Fereday and Muir Cochrane (2006:4) regard thematic analysis as “a form of pattern recognition within data, where emerging themes become the categories of analysis.” It looks across all the data to identify the common recurring issues, thereby identifying the main themes that summarise all the views collected. The process involves careful, focused reading and re-reading of all data, as well as coding and category construction (Bowen, 2009). The coding can be done manually by writing codes on the margins of notes or by using computer software. In the case of my study, which is a mini-thesis, the coding will be done manually.

Although the researcher may have a wide selection of documents, Bowen (2009) suggests that the quality of the documents is important in document analysis. Therefore, the researcher must consider whether the author was the original writer of the document or just an editor and the original purpose of the document. Heavy reliance on documents may also raise the issue of bias as these documents may not be designed to answer a research question; rather, they serve the purpose of the organization they are produced for. In the case of my study, the Nigerian government may publish documents that serve the government's purpose very well. For instance, the government documents may portray the government as having succeeded to eliminate Boko Haram, yet in reality, Boko Haram violence may have increased.

Thus, to overcome the issue of bias, the researcher needs to use document analysis together with other qualitative research methods as a means of triangulation, that is, the combination of methodologies in the study of the same phenomenon (Denzin, 1970:291). The researcher needs to extract from several sources of evidence to seek convergence and corroboration through the use of different data sources and methods (Bowen, 2009:28). Eisner (1991) quoted in Bowen (2009:28) points out that, "by triangulating data, the researcher attempts to provide a confluence of evidence that breeds credibility". Furthermore, a thorough analysis of

information obtained through various methods allows the researcher to corroborate findings across data sets thereby reducing the impact of potential bias that can exist in a single study (Bowen, 2009:28). In the case of Boko Haram in Nigeria, the triangulation will be done by comparing government documents with documents from the UN, and NGOs such as Human Rights Watch and Amnesty International that are on the ground witnessing Boko Haram and government actions. If the data from these primary sources coincide, then it will strengthen the validity of my conclusion.

1.7. Research Outline

Chapter 1- This chapter deals with the introduction of the study including the problem statement, research question, research methodology and literature review.

Chapter 2- In this section, the analytical framework will be developed by using Liberal Institutionalism as a theoretical lens. It will explore the liberal foundations of R2P, including the evolution, theory, and practice of this principle.

Chapter 3- The case study: Boko Haram will be the main focus of this chapter. It is a descriptive section that focuses on the origins and rise of Boko Haram from being a secular group to being one of the world's most dangerous terrorist organizations. The chapter will also provide an overview of the group's terrorist activities.

Chapter 4- This is the analytical section where the analytical framework will be applied to the case study and the findings will be outlined.

Chapter 5- Chapter 5 includes a summary of the findings, a systematic reflection on conclusions and recommendations for future research.

CHAPTER TWO: Theoretical and Conceptual Framework

2.1. Introduction

The purpose of a theoretical framework is to introduce and discuss the theory that explains the existence of the research problem under study (Labaree, 2009). It comprises concepts, definitions, and theories that are used to guide the study. Theories, in particular, assist researchers in solving complicated matters by providing another perspective from which to draw parallels and divergences, serving as a framework within which they can make their analysis (Reeves *et al*, 2008:631). According to Heywood (2014:514) “theories are necessary for simplifying the world, widening and sharpening our perpetual field, defining our ethical horizons and providing a guide to action.”

This chapter discusses the Liberal Institutionalism theory and the R2P principle which form the conceptual focus of the study. A clear theoretical and conceptual understanding of the R2P principle and its applicability is imperative for this study which explores the possibility of external intervention in an independent state. To establish if Boko Haram's home-grown terrorism in eastern Nigeria is a suitable case for UN military intervention activated by R2P, the chapter will critically analyse R2P based on the principle's invocation in Libya, where military intervention was authorised by the UN for the first time on a sovereign state for human protection purposes. The Libyan case is very important conceptually because it is believed to be affecting the UN's decision regarding the implementation of Pillar III in mitigating conflict as evidenced in the Syrian case.

2.2. Liberal Institutionalism

The study is grounded in Liberal Institutional theory which emphasises the role of international institutions in mitigating conflict. Liberal Institutionalism is a line of thought that has inspired the world order since the 1940s and is premised on the assumption that domestic and international institutions facilitate cooperation and peace among countries (Johnson and Heiss, 2018:1). Although Liberal Institutionalism emerged in three successive

presentations since the 1940s, namely, functionalist integration theory in the 1940s to early 1950s, neo-functionalist regional integration theory in the 1950s and 1960s and interdependence theory in the 1970s, all three versions of the theory argued that international institutions can help states cooperate for common good (Grieco, 1988:486).

The idea of cooperation has its roots in Immanuel Kant's 1795 essay *Perpetual Peace* which offers three linked prescriptions (Johnson and Heiss, 2018:3). According to Johnson and Heiss (2018), Kant's first proposal was that of a state under the republican system of government where there is the separation of powers. Under this system of government, war is undesirable as it requires the approval of the citizens who have to bear much of the costs. Secondly, externally, there must be a unification of such republican states into a federation where members co-exist harmoniously. Kant argued that such institutions facilitate trade and other linkages that would discourage war as repercussions would be more damaging to perpetrators. Thirdly, at a universal level, individual "citizens of the world" who coexist peacefully should be free to travel and conduct business in other states. The rationale is that restraining states at the domestic and international levels motivate their citizens to respect the rights of citizens of other states, further reducing the motivation for inter-state conflict (Johnson and Heiss, 2018:3). Johnson and Heiss point out that the Kantian system widens as more republican states subscribe to universalist values, which guide the treatment of members in the federation. "Thus, the political institutions lie at the core of Kantian perpetual peace, for they are crucial pieces of an expanding system that discourages war" (Johnson and Heiss, 2018:3).

The newest version of Liberal Institutionalism emerged in the 1980s as a result of the works of Robert Kohane and Robert Axelrod (Navari, 2008:39). According to Keohane (2012:126), the roots of Liberal Institutionalism lie in the pluralist conceptions of power and interests that are well expressed in the works of James Madison who believed that power must be in the hands of people. However, Madison pointed out that power must be checked to prevent its abuse. Thus he advocated for the establishment of domestic institutions to control themselves as they governed, guarding against bad leaders and moments of passion (Keohane, 2012:126). Internationally, Liberal Institutionalists are of the view that power should be utilised in the interests of liberal values but with caution and restraint. Keohane (2012:127) argues that "Liberal institutionalism justifies the use of power in establishing institutions

based on the social purpose to promote beneficial effects on human security, human welfare, and human liberty as a result of a more peaceful, prosperous and free world". In light of these arguments, the principle of the Responsibility to Protect could be viewed as a means to fulfil that social purpose in circumstances where human security is threatened. The R2P principle which provides for UN Security Council action to protect populations if the state fails to do so has become a strong norm affecting UN action (Keohane, 2012:130).

Although Liberal Institutionalism regards the state as the primary actor in the international system, it argues that institutions can influence state behaviour and act as arbitrators in disputes (Navari, 2008:39). Liberal Institutionalism also acknowledges the anarchic nature of the international system but dismisses claims by critics that it is necessarily (only) a hindrance to cooperation. Instead, Liberal Institutionalists believe that institutions' ability to provide a common ground plays a mediating role and encourages cooperation among states thereby creating global stability (Nuruzzaman, 2008:195). Institutions' ability to influence the preferences of states and their behaviour also allows them to alter the character of the international environment. This is achieved through a variety of methods that either creates incentives for cooperation such as favourable trade status or through powerful disincentives such as trade sanctions (Navari, 2008:39). In so doing, institutions promote stability and order in the absence of a global government to enforce laws.

Liberal Institutionalism argues that cooperation among states is sustained by a focus on mutual interests. There is no denial that non-cooperation among states can exist due to mistrust and cheating by some signatories of some agreements or cooperative arrangements. But, Liberal Institutionalism argues that "factors such as a long-term relationship among a relatively small number of states, reciprocity based on standards of appropriate behaviour and existence of mutual interest that promote joint gains from cooperation can curb such challenges" (Nuruzzaman, 2008:195-196).

2. 2.1. The weakness of Liberal Institutionalism

The theory has faced criticism from scholars who argue that international organisations may be created to improve the outcomes for states, but that does not assure that they accomplish their objectives (Stein, 2008:211). For instance, realists like Stanley Hoffman and Joseph Grieco have criticised liberal institutionalism because international organisations such as the

UN during the Cold War were paralysed by the US and Soviet vetoes. Moreover, because liberal states directed most of the financial resources on security issues, limited resources were available to promote the development of poorer states (Devitt, 2001). The belief is that such institutions prioritise the interests of major powers at the expense of weaker ones. In recent years, in the case of the UN and R2P, the problem of selective application of the principle has been blamed on the abuse of the principle by influential states to further their national interests as will be discussed below.

Realists also regard institutions as a means to realise and maintain domination. Mearsheimer, quoted in Navarani (2008:41) argues that "The most powerful states in the system create and shape the institutions so that they can maintain their share of world power, or even increase it". Realists concentrate on the influence powerful states have on institutions, and argue that latecomers or weaker states are excluded or have less say in decision making (Navarani, 2008:41). According to Mearsheimer (1994:7), "Realists maintain that institutions are basically a reflection of the distribution of power in the world. They are based on the self-interested calculations of the great powers, and they have no independent effect on state behaviour." The withdrawal of the UK from the European Union (EU), and the US renegotiating or leaving several international arrangements that it traditionally supported substantiate the realist criticisms of institutions (Johnson and Heiss, 2018:1).

There has also been an outcry among non-Western critics as well regarding the conceptual roots of Liberal Institutionalism. The bone of contention is that debates about Western states and institutions initially between realists and liberals, and later between neoliberals and neorealists, were dominated by Western thinkers (Ayoob, 2002:29). As a result, the non-Western experiences were overlooked and risked marginalization of states in the Global South in international relations (Acharya, 2011). As such, most of the major modern domestic governance standards and intergovernmental organisations reflect the experiences and expectations of the West (Johnson and Heiss, 2008:15).

Moreover, while seeking to promote peace, liberals have indiscriminately imposed liberal values and democratic institutions on non-liberal states (Johnson and Heiss, 2008:14). According to Johnson and Heiss (2018:14), "such interventions jeopardise Liberal Institutionalism itself". The two authors argue that in imposing the liberal ideas on non-liberals, liberals are depriving non-liberals the right to preference. Since Kantian peace is

premised on the idea of states' spontaneous alignment of universal political principles, then forced adherence cannot bring real peace. "Instead it makes Liberalism operate illiberally (Jonson and Heiss, 2018:14)." NATO's overstepping its mandate in Libya which saw the overthrow of Muammar Gaddafi and facilitated regime change could be an example of how coercive imposition of liberal principles fails to bring peace as will be revealed later in the study.

However, despite the criticisms labelled against Liberal Institutionalism, it remains the best theory to guide this research where intervention for the protection of civilians is contemplated. In a world where military intervention against a sovereign state is prohibited, only multilateral institutions such as the UN can intervene in a domestic crisis such as the one in Nigeria to protect civilians.

2.3. Theory and Practice of Responsibility to Protect

In this section, the study explores R2P as a manifestation of an effort to institutionalize cooperation among states to intervene as the international community (under the auspices of the UN) in cases of dire human rights violations in states where these states are unable to protect people. But, applying the Liberal Institutional lens to R2P goes beyond state cooperation to explore how R2P aims to reframe state sovereignty in terms of a responsibility to human security.

2.3.1. The evolution of the R2P principle

The R2P principle emerged at a time when international relations were characterised by bitter controversies surrounding intervention for humanitarian purposes (Cunliffe, 2011:3). The post-Cold War era heralded a shift in the nature of conflicts, from interstate to intrastate wars in the 1990s (Garrigues, 2007:4). This shift had serious repercussions on civilians. In many instances, the intra-state conflict has led to serious human rights violations and crimes against humanity, for example, the 1994 genocide in Rwanda and the 1998-99 Kosovo war. Thus, with the demise of the Cold war, intervention for human protection became a pertinent issue for the international community.

However, the idea of intervention for humanitarian purposes was marred by controversy both when it occurred as in the case of Bosnia and Kosovo, and when it failed to happen as in the

case of the Rwandan genocide (ICISS, 2001:2). The debates on the controversy surrounding intervention for humanitarian reasons in the 1990s led to divisions in the UN with some insisting on a "right of humanitarian intervention" and others strongly criticising intervention as a violation of state sovereignty (UN, 2008:2). As a result, there was an urgent need for a broadly accepted norm to guide the international response to atrocities. The opportunity to develop such a norm presented itself with the Kosovo crisis.

The 1999 Kosovo bombing marked a turning point on the issue of intervention. For the first time in history, the doctrine of intervention for humanitarian purposes was invoked. Until then, states had shied away from using force for humanitarian reasons except through the collective decision making of the UN Security Council (O'Connell, 2010:42). According to O'Connell (2010:42), following NATO's bombing of Yugoslavia over the mistreatment of Kosovo's Albanian population, the United Kingdom spoke openly in terms of aiding in the development of a doctrine of humanitarian intervention. This responsibility was taken by the Canadian government which took the initiative and created the International Commission on Intervention and State Sovereignty with a mandate to study the idea. The ICISS 2001 report formulated the alternative principle of "the responsibility to protect", with a focus on protecting individuals at imminent risk (UN, 2008:2).

To come up with an internationally accepted norm, in 2001, the ICISS conducted extensive consultations around the globe to enhance its understanding of the problems surrounding reconciling intervention with state sovereignty. The ICISS "succeeded in repositioning the international consensus on intervention to prevent and halt atrocities because it rejected the language and discourse of humanitarian intervention" (Thakur, 2013:65). According to Thakur (2013), R2P would ensure that the needs and interests of victims of atrocities would take priority over the agendas of the intervening powers. For the first time state sovereignty became a responsibility instead of a privilege.

2.3.2. The conceptualisation of the R2P principle

R2P is premised on the idea of sovereignty as responsibility, not an exclusive state right as stipulated by the treaty of Westphalia of 1648. The Treaty of Westphalia introduced the notion of sovereignty which stipulated that the sovereign enjoyed exclusive rights within a given territory (Hassan, 2006:67). Following human tragedies such as the genocide in

Rwanda and Srebrenica and abuse of power in some states throughout the world, there was a shift from the conservative Westphalian state sovereignty to sovereignty that could be forfeited if the state was found wanting. Endorsed by over 170 UN member states at the September 2005 UN World Summit, the notion of Responsibility to Protect “implies above all else a responsibility to react to situations of compelling need for human protection” (ICISS, 2005:29). According to Evans (2015:1), the idea of R2P was to create an immediate collective international response in cases of genocide, crimes against humanity and war crimes occurring behind sovereign walls. The intention “was to create a new norm of international behavior that states would feel ashamed to violate, compelled to observe, or at least embarrassed to ignore” (Evans, 2015:1).

The R2P principle is guided by three pillars. While the first pillar stipulates that every state has a responsibility to protect its population from mass atrocity crimes of genocide, war crimes, crimes against humanity and ethnic cleansing, the second pillar is to assist the state in this function through non- military means (Small, 2014:183). This responsibility includes the prevention of such crimes, including their incitement through appropriate and necessary means (UN General Assembly, 2009:4). Pillar II “seeks to draw on the cooperation of states, regional and sub-regional arrangements, civil society and the private sector, as well as on the institutional strengths and comparative advantages of the United Nations system (UN General Assembly, 2009:8).” Pillar II requires the international community to encourage and assist the state in crisis in meeting its responsibility to protect.

Pillar III, on the contrary, involves coercive measures and military action. Pillar II stipulates that if preventative measures fail to mitigate the crisis, and the state is unable or unwilling to redress the situation, this responsibility to redress the situation is transferred to the international community. Coercive measures to mitigate the crisis may include political, economic or judicial measures, and in extreme cases-but, only extreme cases-they may also include military action (ICISS, 2005:29). Pillar III also emphasizes that the international community’s collective action must be timely and in accordance with the UN Charter. The UN General Assembly report (2009:9) points out that if the international community acts timely through successful bilateral, regional and global efforts to avoid bloodshed, the use of force would not be necessary.

2.4. Criteria for military intervention under R2P

Because the idea of military intervention is controversial, the ICISS report stipulates stringent guidelines on the use of force in a humanitarian crisis. The ICISS report stipulates that for military intervention to be considered the situation must meet six criteria including right authority, just cause, right intention, last resort, proportional means and reasonable prospects (ICISS, 2001:32).

2.4.1. Right authority

In an international system that is characterised by mistrust and abuse of power by some states, the issue of authority must be prioritised and specified. Thus, the ICISS specifies that the right authority entails authorisation from the UN Security Council which is mandated with ensuring that intervention is being undertaken with the right intentions. The UN has a mechanism to establish an intervention force by calling on states to contribute military personnel and resources. It is also a diplomatic organisation with the capacity to deal with issues of peace, security, and human protection. The Security Council, in particular, has the principal but not sole or exclusive responsibility under the UN Charter to deal with matters of peace and security in the world (UN Charter, 1945:7). Although the UN Charter acknowledges the existence of regional and sub-regional organisations and their role in global peace and security, it prohibits any enforcement action by these regional organisations without authorisation of the Security Council (ICISS, 2001:48). This acknowledgment of the security role of these regional organisations is crucial in the African continent where the colonial experience has created mistrust towards external interference among Africans. The latter will be returned to in chapter 4.

2.4.2. Just cause

According to the ICISS (2001: xii), for military intervention to be contemplated, there must be serious and irreparable harm occurring to human beings, or imminently likely to occur. Such harm includes: “large-scale loss of life, actual or apprehended, with a genocidal intent or not, which is a result either of deliberate state action, or state neglect or inability to act, or failing to do so, and large scale ethnic cleansing, whether carried out by killing, forced

expulsion, acts of terror or rape” (ICISS, 2001: xii). The intention of military intervention in these circumstances should be both to halt and to prevent the aforementioned atrocity crimes.

2.4.3. The right intention

To ensure that there are no ulterior motives in embarking on a military campaign in a sovereign state, the international community’s military intervention must be motivated by the right intentions which must be to halt human suffering, and it could best be achieved through collective efforts which are consistent with regional opinions and supported by the victims concerned. This aspect is very important once again in the African context where the colonial experience has created suspicion among Africans about external intervention.

2.4.4. Last resort

As mentioned earlier in the study, military action should only be considered when all other non-military means have been exhausted. In other words, the responsibility to react with military force can only be justified when the responsibility to prevent has been fully discharged (ICISS, 2001:36). According to the ICISS report (2001:36), this means that every diplomatic and non-military avenue for the prevention or peaceful resolution of the humanitarian crisis must have been explored before considering military action. Of particular interest for this study is the way the ICISS report deals with the conflict between a state and insurgent minority/terrorist group. It recommends that non-coercive measures such as dialogue, ceasefire and the deployment of international peacekeepers and observers must take precedence over military action.

2.4.5. Proportional means

The ICISS report stipulates that in cases of military intervention, the scale, duration, and intensity of the operation should be as minimal as possible. The means have to be in proportion with ends and be in line with the magnitude of the original provocation. The ICISS report also emphasizes minimal interference on the political system of the targeted country, and strict adherence to rules of international humanitarian law (or *ius in bello*) (ICISS, 2001:37).

2.4.6. Reasonable prospects

On embarking in military intervention, the ICISS report stipulates that there must be a reasonable belief among policymakers that intervention will succeed in ending human suffering and perhaps, more importantly, prevent it from escalating to a full-scale armed conflict (ICISS, 2001: xii). Thus, military action for limited human protection purposes cannot be justified if in the process it triggers a larger conflict. According to the ICISS report (2001:37), “it will be the case that some human beings cannot be rescued except at unacceptable costs.”

2. 5. The R2P principle in practice: The case of Libya

In this section, I will discuss how R2P functioned in the case of Libya to provide a sense of how this principle works in practice. To establish the applicability of the R2P principle, particularly the military intervention dimension, and whether it can be an effective solution to the Boko Haram terrorism in Nigeria, it is essential to analyse previous cases where it was invoked.

The Libyan intervention is a unique case where the UN Security Council authorised military action against a government without its consent in the name of protecting civilians (Brockmeier, Stuenkel, and Tourinho, 2016: 113). The crisis emerged when the Muammar Gaddafi government responded to anti-government protests by violently crushing the protests. In response, the UN Security Council authorised military action to halt the resultant human suffering through resolution 1973 (UNSC, 2011).

In 2011, influenced by the uprisings in North Africa and the Middle East, Libyans took to the streets demanding protection of their human rights, greater political freedom and representative government, justice, and economic opportunity (Global Security, 2016). Although the so-called Arab Spring uprisings led to the collapse of the authoritarian regimes in Tunisia, and Egypt, it was met with great resistance from Muammar Gaddafi (Kedze, 2015). Gaddafi ruled Libya with an iron fist for over 40 years, banning and brutally suppressing any form of opposition (Global Security, 2016). As the uprisings escalated, Gaddafi responded by embarking on a violent campaign against his people (Global Security,

2016). This violence on civilians prompted the UN Security Council to pass Resolution 1973 authorizing intervention to end government violence against civilians in Libya.

Even though the political situation deteriorated fast in Libya, preventative measures were taken before the authorisation of the military action as per the requirement of the R2P principle. Rieke (2012:73) points out that although more structural preventative measures and long term measures were not implemented due to time constraints, the international community resorted to short term measures to prevent the fragile situation from exploding into one of the large-scale atrocities. The preventative measures taken include targeted sanctions, International Criminal Court referral, a no-fly zone and finally military action (Brockmeier, Stuenkel, and Tourinho, 2016: 116). However, none of these preventative measures seemed to be able to deter Gaddafi and the situation continued to deteriorate sliding into large-scale atrocities. Not only was Gadhafi ignoring preventative efforts by the international community, but was planning a major assault on Benghazi and ordered the army to be merciless on the opponents, calling them “cockroaches” as done by the Hutu in Rwanda when they were attacking the Tutsi during the 1994 genocide (Evans, 2011). Such utterances alarmed the UNSC which responded by adopting resolution 1973 on 17 March 2011 “authorising member states, acting nationally or through regional organisations or arrangements, to take all necessary measures to protect civilians under threat in the country” (UNSC, 2011).

Although there was disagreement among permanent members of the Security Council regarding military intervention against a functioning government, China and Russia abstained from voting for the authorisation, rather vetoing it. Thus, NATO went ahead and intervened in Libya on 21 March 2011. The international community's military engagement ended with the fall of the Gaddafi regime and his subsequent death on 20 October 2011 (Rieke, 2012:75). Despite the controversies that emanated from this intervention, the proponents of R2P regard it as a successful case where coercive measures were utilized to save civilians from the genocidal actions of the state. Gareth Evans (2011) in an interview described the Libyan R2P case as "a classic example that followed the right procedural endorsements initially with resolution 1790 and later resolution 1973." Moreover, what was significant about the passing of the 1973 resolution and the Libyan intervention is the level of regional support for a more rigorous UNSC response. With the regional organizations such as the African Union, the

League of Arab States, the Gulf Cooperation Council and the Organisation of the Islamic Council, all condemning Gaddafi's violence on civilians, the UNSC immediately imposed the no-fly zones over Libya (Morris, 2013: 1272).

In summary, from a Liberal Institutionalism perspective, the case study of Libya reveals that collective efforts under the auspices of international organisations can indeed mitigate conflict and maintain world peace. Norms such as R2P adopted by an international organisation such as the UN can motivate the international community to react and prevent a repeat of human tragedies such as those that occurred in Rwanda and Srebrenica. However, despite halting atrocities, the invocation of Pillar III of R2P in the Libyan case triggered intense debates and controversies as will be explained in the following section where the R2P principle will be critiqued.

2.5.1. Criticism of the R2P principle

One of the greatest criticisms of Liberal Institutionalism has been the fact that institutions being formed by the states can be abused to pursue the interests of influential states. This has been the case with the UN that has been seen by some observers as serving the interests of powerful states. Despite being praised for being a milestone in promoting human security the R2P principle has been marred with controversy since its coining in 2001 and adoption by the UN in the 2005 World Summit, and especially its practical implementation in the Libyan case.

As a principle, R2P has been flawed from the onset, as the principle does not have any legal standing. Thus, R2P does not obligate states to intervene for humanitarian purposes but is only depended on the capacity of civil society and interest groups to influence states' behaviour, and convince them to alleviate or prevent suffering beyond their borders (Hehir, 2015:689). In an international system that is characterised by anarchy (no world government/supra-nationalism), intervention continues to rely on the judgment and choices of states with the capacity to intervene (Rao, 2013:700). This not only exposes the principle to the neglect of cases where great powers have no national interest, but also to abuse by intervening states where they do.

Libya is used as an example of precisely this critique playing out: a situation where R2P was abused to further the interests of NATO states. Although it is indisputable that the passing of Resolution 1973 by the Security Council halted atrocities against civilians by the Gaddafi regime, there is controversy surrounding the intention of the major powers. There is significant consensus among non-Western states such as the BRICS member states (Brazil, Russia India, China, and South Africa), that the resolution was abused by NATO members as pretext for advancing regime change in Libya and that it was stretched to cover activities unauthorized by the UNSC in the resolution (Newman, 2013:248).

NATO has also been accused of displaying a lack of interest in a political solution in Libya. This was manifested when NATO denied the African Union delegation to Libya permission to fly over Tripoli (Mahdavi, 2015:21). One of the key elements of the UN and AU is the prioritisation of regional mitigation of conflict. The fact that NATO obstructed a regional attempt at mitigating the crisis at a desperate moment authenticates the ulterior motive allegations labeled against its member states. Furthermore, Mahdavi (2015:21) points to the evidence revealed by the *New York Times* of NATO forces bombing retreating Libyan tanks. Surely these are not actions of an intervening force seeking to mitigate a crisis. The aforementioned evidence points to one conclusion, that indeed NATO overstepped its mandate in Libya to further the interests other than those of civilian Libyans. Although the intervening powers may have regarded the removal of Gaddafi as the quickest and possibly permanent solution for civilian protection, some observers argue that NATO was undoubtedly working outside the ethos of R2P (Bazirake and Bukuluki 2015:1024). Pillar II of R2P emphasizes the need for the international community to assist the state in crisis in mitigating the crisis, not the contrary as witnessed in the overthrow of Gaddafi in Libya.

Moreover, some scholars such as Michael Doyle have criticized the UN intervention for “a lack of strategic doctrine on how to design protection”, which resulted in NATO collaborating with the rebels and framing it as a Pillar III action (Doyle, 2016:9). In so doing, the UN failed in its responsibility to rebuild as stipulated by Pillar III of the principle. Hence, once the military intervention was over, the power vacuum created by the overthrow of Gaddafi was filled by competing militias. Instead of transitioning to democracy, the conflict escalated and saw the country descending into lawlessness and being torn apart by militias competing for power and territory (Hobson, 2016:21). This same view was raised by Hamann

and Muggah (2013) who following the 2011 Libyan intervention argued that there are reservations about the politicisation and instrumentalisation of the R2P principle. They argue that there is skepticism about the intentions of certain proponents of R2P, but of major concern is the unintended results of intervention, like generating new forms of suffering and discontent.

Another criticism offered against the application of R2P is the lack of political will to intervene in some instances. This concern was raised by Kofi Anan in a comment regarding the Darfur case when he remarked:

When I look at the murder, rape, and starvation to which the people of Darfur are being subjected, I fear that we have not gotten far beyond 'lip service'. The lesson here is that high-sounding doctrines like the 'responsibility to protect' will remain pure rhetoric unless and until those with the power to intervene effectively-by exerting political, economic or, in the last resort, military muscle-are prepared to take the lead (UN, 2006).

Although the thesis will not explore the Darfur case in detail, a few paragraphs on it make Anan's critique clearer. The crisis in Darfur which presented the earliest visible test for the R2P principle is emanated from the competition over scarce resources. The scarcity of resources led to tribal friction and later conflict between the settler tribes (mostly Africans) and the nomadic tribes (Arabs) (Hassan, 2010:22). According to Hassan (2010:22), the conflict in Sudan was between African tribes who were labelled rebels, and the Arab tribes who had the support of the Sudanese government and its militia group called the Janjaweed.

Despite the conclusion by the UNSC that the actions of the Sudanese government and its militia group, the Janjaweed, constituted war crimes and crimes against humanity that may be similar to genocide (UN, 2005:3), R2P was not properly implemented. The major obstacle has been the Sudanese government's unwillingness to accept intervention by foreign forces, insisting on its ability to protect its citizens. Thus, even though there was uncertainty regarding the effectiveness of the protection rendered by the Sudanese government, R2P as a principle could not be used to prevail over the Sudanese government's insistence on its primary responsibility to protect its citizens (Bazirake and Bukuluki, 2015:1024).

However, besides the Sudanese government's rejection of intervention, there is evidence to suggest that R2P failed from the onset in Darfur. According to Gifkins (2015:2), it took six months to negotiate Resolution 1706 on Darfur with language proving very difficult, and the following year, there was insufficient consensus to refer to R2P in a resolution on Darfur

again. The apparent lack of willingness to achieve a resolution, which prolonged the conflict in Darfur, can be regarded as highlighting the flaws in the R2P principle. Bazirake and Bukuluki (2015:1024) are of the view that although the R2P language may have mobilised international attention on the conflict in the region, it failed to activate united or even sufficient political will for states to agree on an explicit and convincing response consistent with the R2P framework.

The R2P doctrine has also been criticized for failing to incorporate gender into the concept leading to accusations that the ICISS report was gender-biased (Scanlon, Eziakonwa and Myburgh, 2007:22). According to Scanlon, Eziakonwa, and Myburgh (2007:23), there were no concrete suggestions in the report as to how women could be incorporated into the various processes of R2P. The primary responsibility of states to protect women from atrocities was overlooked, and the principle is often ambiguous due to its limited interpretation of protection and security (Scanlon, Eziakonwa and Myburgh, 2007:23). This is problematic especially considering that most conflicts in the African continent are characterised by sexual violence and rape. As will be discussed below, Boko Haram in Nigeria, for instance, has been using rape and forced pregnancy as a weapon of war.

In summary, despite criticisms labeled against the R2P principle, it remains an essential framework guiding military intervention for the protection of civilians from the four atrocity crimes stipulated by the ICISS report. Although the ICISS report proposes three pillars guiding the implementation of R2P, the Libyan case has shown us that implementation of the pillars of R2P in sequence may not always happen in cases of impending genocide, particularly if carried out by the state on its citizens. However, the report stipulates that the criteria guiding intervention should be followed at all times to legitimize intervention for human protection and prevent abuse of intervention by powerful states to further their interests.

2.6. Terrorism under R2P

Although the ICISS report, which was completed before the 9/11 attacks that ignited interest in international terrorism, was not conceived as addressing such issues of terrorism, there are aspects of the report which are relevant to the pressing issues that faced the international community post 9/11 (ICISS, 2001:ix). The ICISS report (2001: ix) points out that of

particular importance is the precautionary principles outlined in the report, which can guide military operations, both multilateral and unilateral, against the scourge of terrorism. The report specifies that, “there is no difficulty in principle with focused military action being taken against international terrorists and those harbouring them. It stipulates that military power should always be exercised in a certain way, and must be guided by the principles of right intention, last resort, proportional means and reasonable prospect as outlined in the report” (ICISS, 2001:ix).

2.7. Conclusion

In conclusion, the chapter discussed the theoretical framework guiding this study. Liberal Institutionalism theory, which emphasises the necessity of multilateralism and cooperation in solving problems, such as humanitarian crises, makes the theory an apt theoretical lens to examine R2P’s application to terrorism. Through this theoretical lens, institutions, such as the UN, are mandated to carry out interventions that may override state sovereignty. The norms emanating from R2P as a guiding framework for intervention give legitimacy to intervention in an international system where there is no global government to enforce international laws.

However, after analysing the Libyan intervention to help determine the circumstances that can justify UN intervention and its effectiveness in preventing mass atrocity crimes, the conclusion was that R2P may create unintended results by fuelling the crisis or prolonging it. Moreover, the principle can be abused by powerful states to further their interests. However, despite the criticism of R2P, it remains an essential framework guiding intervention for human protection. If the stringent guidelines for intervention proposed by the ICISS report are followed, the principle can go a long way in protecting civilians from mass atrocity crimes.

There is a gap in the literature and conceptualisation of R2P when it comes to the principle’s applicability to terrorism as a case for R2P intervention. The ICISS report does not focus on terrorism, but specifies that there is no difficulty in principle with focused military action being taken against international terrorists and those harbouring them. But here too, military power should be guided by the principles of right intention, last resort, proportional means and reasonable prospects as outlined in the report. In the following chapters, the study aims to fill part of this gap by looking at R2P’s applicability to Boko Haram’s terrorism in Nigeria

and fleshing out the themes and controversies that were not explicitly dealt with when R2P was conceptualised.



CHAPTER THREE: Case Study: Boko Haram

3.1. Introduction

Terrorism gained the centre stage in the international system following the 9/11 terrorist attack on the US by the al Qaeda terrorist organisation in 2001. In the African context, terrorist groups such as Alshabab in east Africa and Boko Haram in West Africa and the Lake Chad Basin (LCB) have been active. Despite efforts at national, regional and international levels, these terrorist groups continue to cause havoc in their areas of operations.

Boko Haram has been active in the north eastern region of Nigeria for almost two decades. The group's terrorist activities have had a negative impact on the lives of ordinary civilians who have been bearing the brunt of the violence. The group has been accused of serious human rights violations, including committing the four atrocity crimes of genocide, war crimes, crimes against humanity and ethnic cleansing. Boko Haram's operations have adopted a regional dimension with the group's terrorist activities spilling to neighbouring countries such as Chad, Niger, and Cameroon thereby threatening to destabilize the region. The chapter seeks to examine the rise of the terrorist group and its violent activities to establish if the group's activities meet the criteria for a UN military intervention under R2P.

3.2. The rise of Boko Haram

Boko Haram emerged in 2002 as a local Islamic group under the leadership of Mohamed Yusuf who was a radical Islamist cleric in Maiduguri in north-eastern Nigeria (Shuab and Salleh, 2015:218). The Nigerian intelligence community, however, locates the group's true historical roots as far back as 1995 when Abubakar Lawan established the Ahlulsunnawal' jama'ahhijra or Shabab group (Muslim Youth Organisation) in Maiduguri, Borno State (Onuoha, 2014:3). Yusuf established a religious compound in Maiduguri, which comprised of a mosque and a school that catered for children from poor families. The centre, which was disguised as a haven for the marginalized soon became the recruiting and breeding ground for terrorists (Adebayo, 2014:481).

The name Boko Haram which can be translated as "Western education is forbidden" has been regarded by many experts as a term that goes beyond simple secular schooling; it means a rejection of Western civilization and institutions (Adegbulu, 2013:266). Thus, the terrorist

group seeks to replace the modern state formation with the traditional Islamic state because they believe western values contradict Islamic values. Boko Haram blames wrongs in society on Western civilization and sees the entrenchment of Sharia law as the solution to curb Western influence. It believes that such entrenchment can only be achieved by destroying modern state institutions. Hence, the attack on police stations, military bases, schools, and other government establishments and institutions representing western civilization.

The group made its intentions clear from the onset. Boko Haram's principal goal is to create a strict Islamic state in the north, which it believes will address the ills of society, including corruption and poor governance (ICG, 2014:9). In line with other Salaf organizations, Boko Haram believes that successful implementation of the Sharia can only be possible through regime change as they believe that a democratic system contravenes and ridicules the law of their God (Montclos, 2014:8). However, Boko Haram differs from other Nigerian radical Islamist groups in that it publicly confronts the state; an approach established by Mohammad Yusuf. Montclos (2014:8) points out that unlike the Izala in Jos, Kaduna or Kano, Yusuf was against participating in democratic processes such as elections and forbade his followers from working for the Nigerian government. Yusuf was radical in his approach to the extent that his preaching was not only focused on attacking the state and its operatives, but also some Islamic scholars, organisations, and groups that seemed to have compromised the true teachings of Islam (Bintube, 2015:17). This explains the attacks on mosques and Muslims that characterised the group's activities in a Muslim dominated region in the north-eastern parts of the country.

3.3. Factors that influenced the development of Boko Haram

The factors that have influenced the rise of Boko Haram in Nigerian have political, social and religious origins. There is consensus among observers and scholars on the reasons that influenced the development of Boko Haram into a terrorist movement, including poverty and unemployment, the imbalance between Nigeria's north and south, corruption and poor governance, mishandled responses by government and security forces and distortion of religious realities. The combination of these factors created conducive environment for the group to mobilize and develop into one of the deadliest terrorist groups Nigeria has ever seen.

Although Nigeria is rich in natural resources, the majority of its population live under appalling conditions. According to Shuab and Salleh (2015:223), the International Fund for Agricultural Development (IFAD) revealed that despite Nigeria's plentiful resources and oil wealth, poverty is so widespread that the country is rated as one of the world's 20 poorest countries, with as many as 70% of the population being classified as poor, and 35% living in absolute poverty. A UN study has revealed that poverty in the 12 most northern states is nearly twice that of the rest of the country (Adebayo, 2014:481-482). These harsh socio-economic conditions accompanied by a high rate of unemployment created a lucrative source of recruits for Boko Haram. The group has capitalized significantly on the frustrations and despair caused by poverty and unemployment.

However, some scholars such as Montclos (2014:8) have disputed these claims pointing out that there is no evidence that Boko Haram has particular support from the poor; neither is the group still fighting for social injustice after 2014. Following the atrocities that the group has inflicted among the poor Nigerians in the north-eastern parts, it would not be surprising that those that still support the terrorist group are only in it for survival. Whatever the arguments are, as mentioned above, there is enough evidence pointing to the role played by poverty and unemployment in the development of Boko Haram.

The colonial legacy has also been blamed for the development of Boko Haram. Like everywhere else in the African continent, there have been imbalances in the development of the colonial state. In the Nigerian context, the bone of contention is the imbalance between the north and the south. The marginalisation of the Northerners by the past governments created tensions between the two regions. According to Siollum (2014), the British colonial authorities ruled the north (where most Muslims live) and south of Nigeria (where most Christians live) separately. Western schools started by Christian missionaries flourished in the south, but Muslim leaders resisted the establishment of Christian mission schools in the north. Siollum (2014) points out that this unequal development led to a huge economic and educational imbalance between the north and south, which persist until today. Furthermore, the collapsing economy and industrial shut down in the region created a feeling of despair and hopelessness among the northern Nigerians. Yusuf pointed out such failures by the government, citing the verses in the Quran, thus, convincing the youth that he is the leader

who would deliver them from suffering to the Promised Land (Adebayo, 2014:481). It is among these disgruntled uneducated individuals that Boko Haram found potential recruits.

Politically, the country has not been that fortunate either. An unstable political environment coupled with corruption and poor governance, frustration and a sense of injustice among those in the periphery was certainly significant in the expansion of Boko Haram in Nigeria (Montclos, 2015:8). Corruption is rife in Nigeria with the country constantly ranked as one of the most corrupt countries in the world. According to Transparency International (2013), the country ranked 144 of 177 corrupt countries in the world. As a result, not only does this corruption deny millions of opportunities, but when corruption and clientelism fail, politicians often resort to violence to achieve their goals (ICG, 2014:2).

Moreover, the political elite from all parts of the country benefit from the income generated from oil whilst the majority of the population continues to suffer. According to Brinkel and Ait-Hida (2012), revenue generally is not invested in the communities but is divided amongst the political elite. This corruption and failure by the government to provide basic services to its citizens created great resentment towards the government which Boko Haram capitalizes on. Shehu Sani (2015), a human rights activist and Senator for Kaduna Central Senatorial District, noted that there was a disconnection between the government and the governed and this growing gap between the leaders and those being led created a vacuum, which was exploited by the extremists and used to spread their violent ideology. Furthermore, because the onslaught is often targeted at the voiceless, successive Nigerian governments have not dealt with the issue with urgency (Adegbulu, 2013:260). Thus, Boko Haram capitalises on this lack of urgency and grew into this menace it has become.

Although the next chapter will look at the Nigerian government's response to Boko Haram in detail, suffice to say here that the government's response has also led to the group's expansion. Some argue that Boko Haram's onslaught is often targeted at the voiceless and therefore successive Nigerian governments have not dealt with the issue with urgency (Adegbulu, 2013:260). Others argue that the group mutated into a fanatically violent terrorist movement over the years as a result of harsh responses by government and security forces (Montclos, 2014). They observe that the firm responses and crackdown by the army have fuelled the violent operations of Boko Haram (Siollun, 2014:2). The security forces have been accused of utilizing extreme measures to catch the terrorists, which resulted in human

rights violations. The security forces caused resentment in the region by carrying out forced searches in suspects' houses and individuals, and extra-judicial killings. This led Sani (2015) to comment, "If you violate the fundamental rights of your citizens, all you are encouraging is acts of lawlessness". It is suggested that the 2009 shooting of Boko Haram members at a funeral procession just before the July uprisings, was seen as a declaration of war as Mohammed Yusuf released videos soon after the shooting vowing to take revenge (Amnesty International, 2012:7). The final trigger of the group's violent terrorism was the subsequent killing of Yusuf out of the confines of the law and since then, north-eastern Nigeria has not experienced peace (Sani, 2015).

The development of Boko Haram from a peaceful sectarian group to the terrorist organisation it has become would not have been possible without funding. The group is believed to have sustained its operations through diverse sources of funding, including membership dues, donations from politicians, assistance from foreign terrorist groups, raiding of banks, and ransom from kidnapping (Onuoha, 2014:4). According to Awodola and Ayuba (2015:251), the current *modus operandi* of the group is kidnappings for ransom and human trafficking, a tactic that is increasingly becoming a thriving criminal business with annual net returns in billions of dollars. Boko Haram has also become an expert in armed robberies, with no record of a failed robbery attempt (Awodola and Ayuba, 2015:251). The group also "extorts money, food items, and property from residents of areas it controls, as well as wealthy persons whom they have intimidated into paying protection fees to avoid being attacked by them" (Onuoha, 2014:4).

Some of Boko Haram's funding is believed to have come from other terrorist groups such as Al Qaeda in the Islamic Maghreb (AQIM). There is evidence suggesting that Boko Haram has indeed been getting both financial and technical support from the extension of AQIM in the Islamic Maghreb (Zenn, 2018). According to Zenn, in 2009, AQIM leader, Abdelmalek Droukdel, wrote a letter to Boko Haram promising them money and training. An extension of Boko Haram called Ansaru is believed to have received \$325 000 as part of its share of the 11million pounds paid for the release of a French family kidnapped in Cameroon, of which he donated \$265 000 to Shekau (ICG, 2014). AQIM in the Islamic Maghreb is also believed to be training the Boko Haram recruits in areas of bomb-making, and launch shoulder-fired

weapons (Onuoha, 2014:5). With this much financial and technical backing, Boko Haram has managed to grow into a transnational terrorist group.

3.4. Boko Haram's regional operations

Over the past decade, Boko Haram has expanded its operations across borders with its violent activities spilling over to the neighbouring countries of Cameroon, Chad, and Niger. Cameroon became a target after declaring war on Boko Haram at the Paris Summit in 2014. Since then the group has extended its operations to Northern Cameroon, where frequent attacks have been reported (Heungoup, 2016). It is believed that of the 200 attacks attributed to Boko Haram in 2014 (as of 30 June), about 40 have occurred in Cameroon in the communities bordering Nigeria (Peace and Security Council, 2014). Apart from violent attacks, Boko Haram has also been involved in kidnappings in the country. Statistics reveal that between 2013 and 2014, the group abducted 22 foreign nationals, including Chinese, French, Canadians, and Italians. The abducted were only released following payment of a ransom and the release of its members detained in Cameroon (Heungoup, 2016). The group uses Banki as its entry point into Cameroon and has also established camps in Lake Chad islands including Madayi and Mari.

In Niger, not only have members of Boko Haram used the country as a gateway to joining AQIM Islamists in Mali, but there have also been attacks in the border towns, which have seen thousands displaced (Washington Post, 2012). The group's criminal activities such as arms smuggling and drug trafficking have been the order of the day in these countries. In July 2009, Nigeria expelled dozens of Boko Haram members believed to be citizens of Niger (ICG, 2014:26).

In the case of Chad, Boko Haram only began attacking the country in 2015 with 12 of its deadly attacks staged between 2018 and 2019. The group's tactics included direct attacks on villagers and pastoral camps to kill and loot as many goods as possible, and raids on army positions (Remadji, 2019). According to Remadji, 35 soldiers and 40 civilians were killed in these attacks, with over 30 civilians including women and children abducted in the process. All these attacks on Cameroon, Niger, and Chad are a clear indication that the group has expanded its support and operation base, thereby threatening to destabilise the Lake Chad

Basin. This has turned the crisis into a regional crisis as these countries battle with Boko Haram.

3.5. Mass atrocity crimes committed by Boko Haram in Nigeria

The ICISS report that established the principle of R2P identified four mass atrocity crimes that the state is obliged to protect its citizens from and these four mass atrocity crimes include: genocide, war crimes, crimes against humanity and ethnic cleansing. Boko Haram has been accused by many observers and human rights groups such as Amnesty International (2012:10) and Human Rights Watch (2018) of committing the four atrocity crimes in Nigeria. Thus, this section seeks to explore these claims and whether they form the justification for UN military intervention under R2P.

3.5.1. Genocide

International law regards genocide as a crime committed against members of a national, ethnic, racial or religious group. Even though the victims of the crime are individuals, they are targeted due to their membership, real or perceived, of one of these groups (UN, 2014:1). According to Article 2 of the Convention on the Prevention and Punishment of the Crime of Genocide, such acts include “killing members of the group, causing serious bodily or mental harm to members of the group, deliberately inflicting on the group conditions of life calculated to bring about its physical destruction in whole or in part, imposing measures intended to prevent births within the group and forcibly transferring children of the group to another group” (UN, 1951:280).

In the case of Nigeria, Boko Haram has posed threats of genocidal massacres by declaring its goal as eradication of all Christians and Western influence in Nigeria (Genocide Watch, 2012). Since 2010, the group has embarked on attacks on churches, schools, and government buildings killing hundreds of people. In 2010 and 2011, the Christmas attacks in central Plateau, Abuja, and other cities marked the beginning of the reign of terror on Christians (BBC, 2013). Such attacks on Christians have continued throughout the past decade. In 2013 the group targeted churches in various states on three consecutive Sundays resulting in fifty deaths (CNN, 2019).

Thus, based on the preceding evidence, the study concludes that Boko Haram has carried out genocide against Christians. The group has not only attacked Christians, but has also threatened to eradicate Christians and Western influence. Such incitements and threats are stated in the ICISS reported as genocidal tendencies, which the state should condemn and prevent from happening (ICISS, 2005:3).

3.5.2. Crimes against humanity

Crimes against humanity include acts that are part of a widespread or systematic attack directed against any civilian population (Rome Statute, 1998:5). For an act to be regarded as a crime against humanity, the ultimate target of the attack must be the civilian population (UN, 2015:1). According to the Rome Statute (1998), these acts include "murder, extermination, enslavement, deportation or forcible transfer of population, imprisonment or other severe deprivation of physical liberty in violation of fundamental rules of international law; torture, rape, sexual slavery, enforced prostitution, forced pregnancy, enforced sterilization, or any other form of sexual violence of comparable gravity; persecution against any identifiable group or collectivity on political, racial, national, ethnic, cultural, religious, gender, or other grounds that are universally recognized as impermissible law, in connection with any act Article 7 of the Rome Statute or any crime within the jurisdiction of the ICC; enforced disappearance of persons; the crime of apartheid and other inhuman acts of a similar character intentionally causing great suffering, or serious injury to the body or to mental or physical health" (ICC, 1998:3-4).

In the case of Boko Haram in Nigeria, there is sufficient evidence to suggest that the group has committed crimes against humanity. First and foremost, the group's attacks are systematically organised with great coordination, targeting civilians, both Christians and Muslims that are deemed corrupted (Bintube, 2015:17). Boko Haram is believed to have intentionally killed and maimed civilians in attacks throughout the states of Borno, Maiduguri, and parts of Adamawa and Yobe (UNHCR, 2015:6). According to the UNHCR (2015:6), the group has been extreme in the attacks and used stones, machetes, knives, sophisticated weapons, explosive devices, helicopters, landmines armoured vehicles and motorcycles to perpetrate the killings. Such acts, when perpetrated as a part of a widespread or systematic attack against civilians, constitute crimes against humanity as stipulated by Article 7 of the Rome Statute (Amnesty International, 2012:10). This has been the case with Boko Haram's

attacks, with the most recent staged on mourners on 27 July 2019 resulting in 65 deaths (CNN, 2019).

Boko Haram's actions have been well articulated and coordinated. In recent years the group has become notorious for the kidnapping of women and the use of sexual violence as a weapon of conflict. Of major significance is the 2014 kidnapping of the 276 girls at a boarding school in Chibok which drew international attention instigating campaigns such as bring back our girls, and the most recent one in Dapchi where over 100 girls were kidnapped (Balmforth, 2018). In the case of the Chibok girls, Boko Haram leader threatened to sell the girls to slavery as commanded by Allah (BBC, 2014). In one of the videos received by the French Press Agency in May 2014, Abubakar Shekau proclaimed that "Islam acknowledges slavery. Don't let them fool you because we hold slaves [...]. Why do you condemn slavery? I have no country like Nigeria, Cameroon, Niger or Chad. Everywhere I go, I'm at home. My real country is the Land of Islam [where there are slaves] (Montclos, 2014:14)".

Furthermore, Boko Haram has been accused of deliberately using rape and other sexual violence against women as one of its tactics in the terror campaign against the Nigerian state (Attah, 2016:387). The group is notorious for repeatedly raping and impregnating their captives. The UN Special Representative of the Secretary-General on Sexual Violence in Conflict, Zainab Hawa Bangura, noted that this tactic by Boko Haram "is not only destroying existing family and community structures but is bent on controlling future composition" (UN, 2015). It is believed to be a deliberate plan by Boko Haram to ensure that the women produce off-spring that will continue terrorism in the future (Zenn and Pearson, 2014:389). Based on Article 7 of the Rome Statute, these planned acts of rape, sexual slavery and forced pregnancies by Boko Haram constitute crimes against humanity.

3.5.3. War Crimes committed by Boko Haram

War crimes refer to an act performed at war or conflict that gravely violates accepted international rules of war. These war crimes can be committed against a diversity of victims, either combatants or non-combatants (UN, 2015:1). According to the Rome Statute (1998:6), such victims in international armed conflicts are specifically protected by the four 1949 Geneva Conventions protecting the wounded and the sick in armed forces in the field, the wounded, sick and shipwreck members of armed forces at sea; prisoners of war and civilian

persons. War crimes can be committed in both international and non-international conflicts. Under international humanitarian law, conflict covers medical and religious personnel, humanitarian workers and civil defence (UN, 2015:1). Article 8 of the Rome Statute has classified war crimes to include certain acts directed against property or persons under the protection of the provisions of the Geneva Convention, including, murder, hostage-taking, torture, mistreating prisoners of war, intentionally starving someone, targeting civilians, rape and sexual slavery, forced pregnancy and other forms of sexual violence, as well as using children in hostilities (ICC, 1998:5-8)

As indicated earlier in the chapter, Boko Haram has committed all the crimes that are referred to in the Rome Statute. The group has murdered civilians, kidnapped women and girls, and has repeatedly raped and forcefully impregnated them. Amnesty International (2016:2) notes that the group may have abducted at least 2000 women and girls in 2009 only, and trapped thousands more when it took control of the towns in the northeast. The group has not been selective in committing atrocities in Nigeria. As such, children have not been spared by the group. The use of children under the age of 15 in conflict is prohibited under article 77 of the 1977 Additional Protocols to the Geneva Convention (Protocol I, 1977:282). According to the United Nations Children's Fund (UNICEF), 83 children were used as suicide bombers including a baby who was strapped to a girl in 2017 (Human Rights Watch, 2018). Furthermore, the group continues to recruit children as child soldiers, with 2018 recording the highest levels of children maimed or killed in Boko Haram terrorism since the UN started monitoring grave violations (UN, 2018). UN (2019) verified cases reveal that a total of 1947 children were recruited and used in the conflict in north-eastern Nigeria.

3.5.4. Ethnic cleansing

Although there is a distinction between genocide and ethnic cleansing, ethnic cleansing has not been recognised as an independent crime under international law (UN, n.d.). As a result, there is no precise definition of this concept or the exact acts to be qualified as ethnic cleansing UN, n.d.). Nevertheless, the UN Commission of Experts mandated to investigate violations of international humanitarian law in the former Yugoslavia, in its preliminary report in 1991-1992 define ethnic cleansing as "rendering an area ethnically homogenous by using force or intimidation to remove persons of given groups from the area" (UN, n.d.). The Commission later defined ethnic cleansing in its final report as "a purposeful policy designed

by one ethnic or religious group to remove by violent and terror-inspiring means the civilian population of another ethnic or religious group from certain geographic areas" (UN, n.d.).

Boko Haram in Nigeria made its intentions of establishing a strict Islamic state in the north known from the onset. The group blamed Western values for the wrongs of society, including corruption and poor governance, and believed that a strict Islamic state would address such wrongs of society (ICG, 2014:9). As a result, the terrorist group seeks to replace the modern state formation with the traditional Islamic state because it believes that Western values contradict Islamic values (Adegbulu, 2013:266). Christianity, which has Western origins, has been a target of Boko Haram. The group regards Christians as neo-colonialists intent on the destruction of Islam, and responsible for the deprivation of northern Muslims (Ross, 2015). Thus, the group targets Christians to eradicate them from the region (Genocide Watch, 2012).

3.6. Conclusion

In summary, Boko Haram has expanded from being a small religious group to being rated as one of the deadliest terrorist organisations in the world. Since its declaration of war against the Nigerian government in 2009, Boko Haram has staged attacks on civilians resulting in the death of over 20 000 people and displacement of over two million. Several factors have been influential in the development and expansion of the group, and these factors had both political and social origins. Boko Haram's operations have now spilled over to neighbouring Niger, Chad, and Cameroon that have not only suffered an influx of refugees from Nigeria but have also suffered from Boko Haram's terrorism. Even though the ICISS report is more concerned about large-scale loss of life, the chapter also established a strong case that Boko Haram's terrorist activities constitute the four mass atrocity crimes stated in the ICISS report as a justification of that activation of R2P.

CHAPTER 4: The Nigerian government's responsibility to protect

4.1. Introduction

The purpose of the study is to establish if Boko Haram's terrorism in Nigeria justifies UN intervention under R2P. According to the ICISS report (2001: xii), for military force to be contemplated, there must be serious and irreparable harm occurring to human beings, or imminently likely to occur. Such harm includes, "large scale loss of life, actual or apprehended, with a genocidal intent or not, which is a result either of deliberate state action, or state neglect or inability to act, or failing to do so, and large scale ethnic cleansing, whether carried out by killing, forced expulsion, acts of terror or rape" (ICISS, 2001: xii). The ICISS report stipulates that the criteria for military intervention include right authority, just cause, right intention, last resort, proportional means and reasonable prospects (ICISS, 2001:32).

The preceding chapter deduced that Boko Haram's terrorism in Nigeria constitutes mass atrocity crimes of genocide, crimes against humanity and war crimes. Such crimes activate R2P for the protection of civilians if the state in question cannot protect its citizens against these crimes. R2P stipulates that intervention must be considered as a measure of last resort. Thus, to establish if the Boko Haram case justifies UN intervention under R2P, the chapter analyses the counter-terrorism measures taken at the national, regional and international levels to evaluate their ability to protect citizens from the terrorist group.

Although intervention may be an option in the Boko Haram crisis, it may also be problematic. Thus, the chapter will also discuss some political factors that may affect intervention in the Nigerian scenario based on lessons learnt from previous interventions such as that of Libya.

4.2. The Nigerian government's efforts to protect its citizens

Pillar I of R2P stipulates that every state has "the primary responsibility to protect its population from mass atrocity crimes of genocide, war crimes, crimes against humanity and ethnic cleansing" (Small, 2014:183). In the case of Nigeria, there is notable evidence that an effort has been made by the government to curb Boko Haram's terrorism. The Nigerian government experimented with several actions to bring to an end the violent attacks from

Boko Haram (Akinbi, 2015:42). This section analyses the counter-terrorism taken by the Nigerian government to curb Boko Haram terrorist activities.

4.2.1. Counter-terrorism measures before Buhari

Since the emergence of Boko Haram's violence in 2009, the successive Nigerian governments have experimented with various counter-terrorism measures to mitigate the crisis (Akinbi, 2015:42). One of these actions was to try and have a dialogue with the Boko Haram leaders. Initially, the Nigerian government made it clear that it was open for dialogue with Boko Haram. For instance, on 16 of September 2011, President Olusegun Obasanjo held talks with the group in Maiduguri, and as part of their conditions for a temporary ceasefire, Boko Haram demanded the end of arrests and killing of its members, compensation for families of members killed by the military, and prosecution police responsible for Mohamed Yusuf's extrajudicial killing (ICG, 214:33). This attempt failed due to the assassination of Boko Haram's representative, Babakura Fugu who was the brother in law to Mohammed Yusuf.

As violence escalated in Nigeria, President Goodluck Jonathan on attaining power fell under pressure to deal with the crisis. In 2011, following a string of attacks on churches on Christmas day in the troubled north-east region of Nigeria, President Jonathan declared a state of emergency in the region leading to the closure of borders with Chad, Niger and Cameroon (Reuters, 2011). In a statement to Reuters (2011), President Jonathan stated, "The temporary closure of our borders in the affected areas is only an interim measure designed to address the current security challenges and will be resumed as soon as normalcy is restored." The President also added that he had given orders to the chief of defence staff to take other "appropriate measures, including establishing a special counter-terrorism force" (Reuters, 2011). This announcement of the state of emergency is an indication of Jonathan's toughest move to curb Boko Haram's violence since the emergence of the crisis (Oladipo, 2012).

Following in the footsteps of his predecessor (President Obasanjo), in 2012, Goodluck Jonathan continued with attempts to negotiate with Boko Haram, with the president of the Supreme Council for Sharia in Nigeria, Ahmed Datti, as an intermediary. However, like the previous attempts at negotiations, the meeting failed because the Nigerian government's commitment to such negotiations was half-hearted. At times government officials spoke

about on-going indirect negotiations just to deny these statements on other occasions (ICG, 2014:33). As a result, this option did not yield positive results.

Moreover, these overtures towards Boko Haram might have failed because there has been a huge gap between the demands of Boko Haram that wants the entire country to be brought under Sharia law, and what the government was willing to offer. Even if more dialogue had occurred between the government and leaders of Boko Haram, the religious radicalism of the sect diminished the prospects of reaching rapprochement (Akinbi, 2015:42). Boko Haram has also accused the government of insincerity and using negotiations as bait to catch their leaders following the arrest of its spokesperson Abdul Qaqa in Kaduna in a meeting with the government. In response, the group declared the foreclosure of any possible dialogue with the government (ICG, 2014:37). As a result, the government has resorted more to a military response to eliminate Boko Haram than negotiation.

As Boko Haram's violence intensified, the Nigerian government responded by embarking on military expeditions against the terrorist group (Akinbi, 2015:42). To facilitate these military expeditions, the Nigerian government increased the capacity of the military, which had not anticipated the insurgency-like activities and was not prepared for the bombing campaign. Examples of such bombings occurred in 2011 in Abuja, at the UN headquarters and Christmas day bombing at St Theresa's in Madalla (CNN, 2019). The government's military efforts were further increased by the formation of a Special Forces unit called the Joint Task Force (JTF). According to the ICG (2014), starting in early 2011 the government deployed 3600 personnel to Maiduguri and other major north-east towns as part of this Joint Task Force, consisting of the military, police and the State Security Service units. On 11-12 May 2013, the government sent 20000 additional troops, accompanied by heavy military equipment including jet fighters to Maiduguri (ICG, 2014).

However, these military expeditions have been heavily criticized for their harshness, which resulted in human rights abuses being committed by the Nigerian military. The security services have been accused of conducting door-to-door searches, which resulted in harassing and in some cases shooting of civilians. A case in point is that of the 2011 Kaleri Ngomari Custain area in Maiduguri where the JTF's door-to-door search resulted in 24 people being killed by the security forces. Women and children were beaten up, and homes burnt down. Such operations alienated citizens from the state and security forces, creating favourable

conditions for recruitment by Boko Haram (Solomon, 2012:9). Thus, the government's handedness has been rendered ineffective and fuelling the crisis.

Moreover, the effectiveness of Jonathan's military campaign against Boko Haram was further crippled by high levels of corruption within the top brass of the military. This corruption led to abuse of defence funds and arms purchases, substantially affecting military operation (Onapajo, 2016:27). According to Onapajo, the military operation suffered due to inadequate weapons and low morale of unpaid soldiers. Furthermore, corruption and human rights abuses cost Nigeria its international partners. For instance, the US officials became wary of extending cooperation with the Jonathan administration by 2014, citing that most of the \$2.1 billion in aid sent to Nigeria were unaccounted for (Awofeso and Iheanacho, 2017:23). With such crucial support withdrawn, the military expedition against a deadly and determined terrorist group was likely to be unsuccessful.

While the government forces struggled to defeat Boko Haram, civilians continued to bear the brunt of Boko Haram's atrocities. The battle against Boko Haram took a turn in 2013 when civilians frustrated by the government's failure to protect them from the group's atrocities took matters into their hands and formed a vigilante group called the Civilian Joint Task Force (CJTF) in northeast Nigeria. This group comprised of more than ten thousand people, mostly civil servants, volunteers, professionals, students and traders (Maiangwa and Popovski, 2016:166). Although this was initially a community initiative, the Nigerian government later utilized this vigilante group in the fight against Boko Haram.

Since its formation, CJTF has been active in Borno state in complementing the effort of government forces, providing community safety and security (Onuoha and Saheed, 2019:28). The CJTF's activities include maintaining checkpoints, searching pedestrians, vehicles, and residences, and providing vital information to the Nigerian security forces that could lead to the capture of Boko Haram members (Maiangwa and Popovski, 2016:166). According to Maiangwa and Popovski (2016:166), the vigilantes' intimate knowledge of the community and the fact that some of its members are former Boko Haram members, enables it to easily identify the terrorists on behalf of government forces. As a result, the Nigerian government provided training to some of the CJTF and has incorporated them into the JTF (Maiangwa and Popovski, 2016:167).

However, although the CJTF has contributed significantly in the fight against Boko Haram and the protection of their communities, the vigilantes' activities have been accompanied by human rights abuses of residents, abuse of membership of CJTF to witch-hunt opponents, serving as informants to Boko Haram and elite manipulation, especially by politicians and the military (Onuoha and Saheed, 2019:27). The group is also reportedly recruiting children under the age of 18 to manage checkpoints. It is feared that lack of law enforcement training may cause CJTF to mutate and become a source of insecurity like Boko Haram (Maiangwa and Popovski, 2016:167). Like the failed military expeditions of the government forces, the use of the CJTF in the fight against Boko Haram has not yielded the desired results; instead, the CJTF brutality has fractured communities in north-east Nigeria.

4.2.2. The hiring of Private Military Companies (PMC)/mercenaries

In 2015, in a bid to win the upcoming presidential elections, the Goodluck Jonathan administration resorted to hiring Private Military Companies (PMCs) to help it defeat Boko Haram (Ogunlesi, 2015). One private company hired by President Jonathan was STTEP (Specialised Task, Training, Equipment and Protection International), a South African private company under the Chairmanship of Eeben Barlow, which the international media and the South African government labelled mercenaries. Officially, this company was hired only to provide training to the Nigerian army; however, in practice, it also supplied the badly needed military equipment and air support while appearing to work in collaboration with the officer corps (Varin, 2018:150). Varin (2018:150) states that STTEP emphasised a coordinated air and ground operation, utilising trackers and light infantry to enable the Nigerian army to pursue the terrorist group after a counter-attack.

STTEP managed to help the Nigerian government make significant headway in the fight against the terrorist group. By the beginning of March, STTEP had helped the Nigerian government recover 36 towns previously controlled by Boko Haram and destroyed the group's headquarters in the town of Gwoza in north-eastern Nigeria (Ogunlesi, 2015). The mercenaries also carried out attacks in the Sambisa Forest which were considered to be the hideout for Boko Haram and difficult to navigate, rescuing many hostages in the process (Varin, 2018:151). Furthermore, the presence of the mercenaries and the achievements made by the Nigerian Defence Force (NDF) with their help had a positive psychological effect and boosted the morale of the security forces (Varin, 2018:150). Strategically, the hiring of

mercenaries “gave the NDF much needed quick-wins in a relatively short time frame, which afforded them crucial strategic breathing space” (Pfotenhauer, 2016).

Despite the headway made by the mercenaries in the fight against Boko Haram, their involvement in the crisis was controversial. To start with, the Nigerian government was very secretive about the involvement of these mercenaries in the fight against Boko Haram. Nossiter (2015) states that despite the government’s denial, one of the senior government officials in Maiduguri revealed that there were South Africans camped out in a remote portion of airport Maiduguri who conducted their operations at night to conceal their identity. This claim by this government official was confirmed by the news of the death of a South African citizen (fighter), Leon Lotz, at the hands of Nigerian troops in what news reports termed “friendly fire” (Ogunlesi, 2015). It was only in March 2015 that President Jonathan confirmed in an interview that he had formerly contracted PMSCs to assist the Nigerian army’s fight against Boko Haram (Varin, 2018:150).

The South African government, on the other hand, was not impressed by the presence of South African citizens in the Nigerian crisis without government authorization, immediately labelling them mercenaries (Pfotenhauer, 2016). The term mercenary carries all the worst perceptions of the “dogs of war” that created chaos across the continent during the final days of colonialism (Waddington, 2015). Mercenaries have a tainted reputation due to the involvement in attempted coups in countries such as Comoros Islands and Seychelles in 1978, and Equatorial Guinea in 2004, and their involvement in the politics and wars for financial gain (Varin, 2018:146). The news of STTEP operations in Nigeria prompted the South African Defence Minister Nosiviwe Mapisa-Nqakula to “unequivocally state that any such people should be arrested on arrival in South Africa” (Waddington, 2015). According to Waddington (2015), South African law prohibits citizens from directly participating without government sanctions in foreign wars. However, even though the South African government denies knowledge of STTEP’s operations in Nigeria, articles by the *Beeld*, an Afrikaans newspaper, and Peter Fabricus (from the Institute for Security Studies) state that Abuja and the mercenaries claim to have cleared their involvement with the South African government (Waddington, 2015).

The use of foreign mercenaries in conflict is problematic as it comes with complications. These complications arise when these mercenaries get involved in direct combat, combat

support, and destabilizing activities. A case in point is that of the American company Blackwater, some of whose leaders and employees were convicted in 2014 for human rights violations and unlawful acts in Iraq (Boutellis, 2019). STTEP, in particular, was vilified by the international community and media for its apartheid origin. These military men fought in controversial border wars in Namibia and Angola between 1966 and 1989 (Varin, 2018:146). However, Eeben Barlow, the chairperson of the company clarified the company's position in Nigeria in an interview with *Aljazeera* on 5 January 2020. He stated, "there is a fine line between moral and immoral. But that really goes back to the people involved... We've never prolonged a conflict, in fact, we've ended them despite them carrying on for decades. We've ended them in a very short space of time" (Aljazeera, 2020). There is also no evidence of scandals in Nigeria such as those involving Blackwater in Iraq or incidents of foreigners abusing locals. The only incident was the death of two contractors near Maiduguri (Varin, 2018:153).

In the Nigerian context, the use of foreign mercenaries undermined the country's position as having one of the most prestigious armies in the region and continent (Varin, 2018:149). Nigeria is one of the leading contributors to UN peacekeeping missions and has played a major role in the Economic Community of West African States (ECOWAS) peace operations in countries such as Liberia, Sierra Leone and Cote d'Ivoire (Varin, 2018:149). However, as mentioned earlier in the study, the Nigerian military has faced many challenges over the years, which has crippled its capabilities and their fight against Boko Haram. Hence, the hiring of the mercenaries provided some relief to the struggling Nigerian army, but also showed the inability of the Nigerian state to protect civilians without outside help.

In summary, Jonathan's efforts have been dubbed as a failure by some observers who blamed his personality and weak leadership skills for the entrenchment of Boko Haram operations. According to Assanvo et al (2016:8), Goodluck Jonathan faced criticism for his bad leadership and lack of political will which has been blamed for failing combat Boko Haram. This view is shared by Amao and Maiangwa (2017:15) who argued that, "a leader's idiosyncrasy matters a lot when it comes to the strength of its defence forces". As a result of all the aforementioned factors that negatively affected performance on the side of the Jonathan government, it is not surprising that Boko Haram emerged developed into such a deadly terrorist organisation under his administration.

4.2.3. Counter-terrorism measures under Muhammadu Buhari

The dubbing of Goodluck Jonathan's fight against Boko Haram as a failure by observers became Muhammadu Buhari's campaign tool in the 2015 Presidential election which worked well for him. Thus, the coming in of President Buhari, who was determined to eliminate Boko Haram, led to some major inroads in the fight against Boko Haram. Buhari's presidency ushered in a radical change in the war against terrorism with the adoption of a more military approach to the crisis. This military approach was based on two strategies, that is, the diplomatic/multilateral strategy and internal military restructuring (Onapajo, 2017:68). Buhari also embarked on trips to the neighbouring states of Chad, Niger, and Cameroon to strategise and strengthen the Multinational Joint Task Force (MNJTF) to wage an effective campaign against the terrorist group (Onapajo, 2017:68). The formation and role of the MNJTF will be discussed below in the study.

As part of his multilateral strategy, Buhari sought to mend the relationship with Western countries. As stated earlier in the chapter, the human rights abuses and corruption during the Jonathan administration alienated Nigeria from its international partners who were crucial in the fight against Boko Haram. Thus, Buhari used the opportunity presented to him by the Group of Seven (G7) meeting held in June 2015 in Germany to seek international assistance in the fight against Boko Haram (Onapajo, 2017:68). According to Onapajo (2017), Buhari further accepted an invitation from President Obama for talks on renewing their partnership on counter-terrorism. As a result, the US pledged \$5 million for counter-terrorism, which was complemented by military assistance, including training, surveillance and information sharing with Nigeria and the MNJTF (Onapajo, 2017:68). The injection of such financial and military support from the big powers had an impact on the government's counter-terrorism efforts, which led to some notable successes.

One of Buhari's successes was an improvement in security in the northeast of the country. On President Buhari's coming to power Boko Haram was occupying 14 local government areas in the northeast, but these areas had been repossessed by the government and by 2016, there was free movement in the area (Nwabughio, 2016). Maintaining lasting peace and security was a priority for Buhari. Hence, the realisation of the necessity of radical military reforms including removing top military commanders considered corrupt, incompetent and unprofessional (Awofeso and Iheanacho, 2017:24). According to Awofeso and Iheanacho

(2017:24), the aim was to boost the morale of the military that was frustrated by being under-equipped and bad leadership. These reforms were accompanied by an increase in the welfare packages and timely payment of the salaries and entitlements of the soldiers on the battlefield (Onapajo, 2017:68). With a motivated military force on the battlefield, it was not surprising that Buhari's administration managed to repossess its lost territories and 'technically defeat' the terrorist group. However, as will be discussed below, these efforts are not enough as Boko Haram continues to cause havoc in the northeast of Nigeria.

As mentioned earlier in the study, Buhari's predecessors, President Obasanjo and Jonathan's approach to the Boko Haram crisis was not only limited to militaristic measures. On realising that military force was not enough to quell Boko Haram's terrorism; they made attempts to reach a peaceful settlement through negotiations, which unfortunately failed. Following in their footsteps, Buhari's counter-terrorism measures combined both military action and non-military measures. His non-military approach involved leniency measures, which allowed the surrendering Boko Haram members to be re-integrated back into communities. Such measures included discussions on a possible amnesty, defector's program for presumed repentant low-risk male combatants known as Operation Safe Corridor and a rehabilitation program for low-risk women (Brown, 2018).

Operation Safe Corridor, in particular, was established in 2016 by the Nigerian government to target surrendering Boko Haram members. The approach focuses on key areas, such as religious ideology, structural or political grievances and post-conflict trauma (Adibe, 2020). According to Adibe (2020), the approach is premised on the assumption that terrorists and extremists can be engaged in a way that can reduce their risk of re-offending. Such programs emerged out of the realisation that the counter-terrorism measures in place have not resulted in the desired outcome and have alienated the government forces from civilians (Brown, 2018).

However, like other counter-terrorism measures that have been implemented in Nigeria, this approach has faced challenges that may affect its success. The program was faced by challenges such as backlash from communities who are unwilling to welcome repentant terrorists back into communities, most of these programs do not cater for women and children and they also lack effective monitoring and evaluation from the start (Bukarti and Bryson, 2019:30). As a result, it has been difficult to determine the level of success of these programs.

The preceding chapter outlined how frustrated unemployed youth have been exploited by Boko Haram to the group's advantage. To reduce Boko Haram's access to recruits (unemployed youth) in the region, the Buhari administration introduced programs supporting and promoting youth in peace, security, and development by creating an enabling space for education and youth development. In these programs, student organizations are motivated to organise workshops and seminars where the causes of violent extremism and counter-terrorism ideas are discussed (Musa, 2018). Such programs are crucial in the fight against Boko Haram as they keep the youth out of the reach of the group which had been capitalising on their frustrations. Furthermore, scores of schoolgirls that had been kidnapped by the group in Chibok were also reunited with their families under the Buhari administration (BBC, 2019).

Despite evidence that the Nigerian government has made efforts to protect its citizens from the mass atrocity crimes committed by Boko Haram as stipulated by Pillar I of R2P, the group has proven resilient. There has been a surge in the attacks by Boko Haram in northeast Nigeria in the beginning of 2019, with the July 2019 attack on mourners (left 65 people dead) being a major attack in recent years (BBC, 2019). The rise of Boko Haram has led academics such as Alex Thurston, a visiting assistant political science professor at Miami University of Ohio to comment, "In terms of the current situation, I do think the current trend line is quite dangerous and that they are far from defeated (Giles, 2019)". The attacks continued throughout 2019 to early 2020 with the recent major attack carried out in February 2020, leaving 30 people dead (Adebayo, 2020). Kidnappings have also increased in recent years. According to the Nigerian Security Tracker, a product of the Council on Foreign Relations in the US, despite a decline in kidnappings between 2016, there the level has increased since then, with 310 reported in 2018 (Giles, 2019). Although the Nigerian government has succeeded in liberating militant-held territories and President Buhari claimed victory over Boko Haram in 2015, civilians continue to be targeted by the terrorist group. As a result, these trends put the Nigerian government's ability to protect its citizens in doubt.

There is consensus among observers that the military stance by the successive governments to counter-terrorism in the country has fuelled the crisis. According to Udama (2013), and Amao and Maiangwa (2017) the efforts by the government have not been successful, mainly because of the corruption, ill equipment of the military and lack of motivation among the

army. Furthermore, the Nigerian security personnel have also been accused of human rights violation in the conflict region, including rape, extrajudicial killings and abuse (Addaney, 2016:158). Amnesty International (2018:8) concur with this view pointing out that instead of freeing thousands of victims trapped in conflict areas, the military has carried out systematic abuse against these victims, including war crimes and possible crimes against humanity. Following the recent rise in the Boko Haram attacks, the Nigerian military has responded by implementing unlawful tactics that have had negative impact on civilians and may constitute war crimes (Amnesty International, 2020). According to Amnesty International (2020), these attacks include, razing entire villages, deliberately destroying civilian homes and arbitrarily detaining six men from the displaced villages. The Director of Amnesty International, Osai Ojigho, points out that, “They repeat a longstanding pattern of the Nigerian military’s brutal tactics against civilian population. Forces allegedly responsible for such violations must be suspended immediately and brought to justice” (Amnesty International, 2020).

It is indisputable that the Nigerian government under Muhammadu Buhari has shown commitment, and has made great strides in the fight against Boko Haram. However, the continued activities of Boko Haram suggest that despite these efforts the Nigerian government is failing to fulfil its responsibility to protect civilians as stipulated by R2P. The next section discusses efforts by the international community to assist Nigeria in fulfilling its responsibility to protect as stipulated by Pillar II of R2P.

4.3. Regional efforts in the fight against Boko Haram

As noted earlier in the study, the UN Charter acknowledges the existence and security role of regional and sub-regional organisations, but prohibits any enforcement action without the authorisation of the Security Council (ICISS, 2001:48). In the Nigerian context, there has been significant effort by the African Union (AU), Economic Community of West African States (ECOWAS) and the Lake Chad Basin Commission to help crush Boko Haram’s terrorism. Regional ownership of the conflict is crucial because of the colonial experience which eroded trust in Western powers. Thus this section analyses the regional efforts in the fight against Boko Haram.

4.3.1. The AU role in the fight against Boko Haram

The AU is a continental organization that was formed by the 2002 African Union Constitutive Act. The continental body aims to promote the unity, cohesion, and solidarity between African states. African leaders pioneered a collective that espoused the need for state intervention in respect of grave humanitarian circumstances. This was ratified in Article 4(h) of the African Union's Constitutive Act five years before the 2005 UN Summit which saw the adoption of the R2P principle (Bazirake and Bukuluki, 2015:1023). The AU Constitutive Act under article 4(h) and 4(j) grants: "(h) the right of the union to intervene in a Member State pursuant to a decision of the Assembly in respect to grave circumstances, namely: war crimes, genocide, and crimes against humanity ... (j) the right of Member States to request intervention from the Union in order to restore peace and security" (AU Constitutive Act, 2002). Moreover, the AU has been involved in interventions in the continent before the adoption of R2P in 2005 for the promotion of order and stability. A case in point was the 2003 deployment of 3000 troops in Burundi to act as bridging force until the arrival of a large UN peacekeeping force (Zambakari 2016:51).

To reiterate its commitment to protecting populations in the continent, the AU created a 15-member Peace and Security Council (PSC) in May 2004. The PSC was created for the prevention, management, and resolution of conflicts on the continent (AU, n.d.). It was also designed as a collective security and early warning system to facilitate timely and effective response by the AU to conflict situations on the African continent (AU, n.d.). According to Scanlon, Eziakonwa, and Myburgh (2007:20), "the decision-making body presented a bold institutional commitment to a culture of protection, echoing the core ideas of the ICISS report on the responsibility to protect". These scholars maintain that even though the R2P principle is not mentioned in any AU legislative documents, the PSC provides a source of authority for interventions based on civilian protection. The PSC and its subsidiary bodies, namely, the Continental Early Warning System, the Panel of the Wise and Africa's Standby Force, as well as the adoption the AU Policy on Post-Conflict Reconstruction and Development (PCRD), provides the foundation for implementing the three dimensions of the R2P principle in the continent (Scanlon, Eziakonwa and Myburgh, 2007:20).

Similarly, issues of counter-terrorism are not new to the African continent. Continental efforts to address terrorism and violent extremism go back to the 1990s where the

Organization of African Union (OAU), which is the predecessor of the AU, started to adopt counter-terrorism frameworks, which regarded acts of terrorism as criminal activities. A case in point was the adoption of the Plan of Action on the Prevention and Combating Terrorism, which includes practical measures that significantly address the continent's security concerns (Ramdeen, 2017). Since then the continental body has been influential in the fight against terrorism on the continent.

Thus, in a bid to find an African solution to the Boko Haram crisis in Nigeria, the AU with the endorsement of the UN Security Council authorised the deployment of MNTTF, comprising of the forces from Chad, Niger, Nigeria, Cameroon, and Benin. All these countries, except Benin, are members of the Lake Chad Basin Commission (LCBC), an intergovernmental organisation established in 1964 by Cameroon, Chad, Niger, and Nigeria to coordinate access and use of the resources in the Lake Chad Basin, and has recently become an engine of military cooperation in the fight against Boko Haram (Galeazzi et al, 2017:3). The task force was formed in 1998, before the Boko Haram crisis and was strengthened during the 2014 Paris Summit, dedicated to addressing security concerns in Nigeria. In the Summit it was agreed that, "regional cooperation should be enhanced by coordinated patrols and border surveillance, pooling intelligence and exchanging relevant information" (Ramdeen, 2017). Ramdeen points out that with the support of the US, the United Kingdom (UK) and the EU, the task force managed to make some inroads in the fight against Boko Haram.

However, the MNJTF's operations were faced with challenges as the Lake Chad Basin Commission (LCBC) lacked the capacity, experience, and financial strength to carry out such a huge operation. As a result, the AU had to step in to provide support in areas of administration, financial management, information technology, logistics and infrastructure (Assanvo, Abatan, and Sawadogo, 2016:3). For instance, the AU is responsible for the strategic piloting of the MNJTF and has established a strategic support cell in Addis Ababa to oversee the task force and coordinate and manage donor support. As such, the AU has become a partner of that LCBC in its operations in the region (Assanvo, Abatan, and Sawadogo, 2016:5).

Although the MNJTF has made progress in curbing the Boko Haram violence in the region, having been able to liberate Boko Haram-held territories, these successes have been

accompanied by setbacks (Ramdeen, 2017). These military operations have become a replica of those carried out by the Nigerian security forces in the northeastern part of the country. The MNJTF has been accused of human rights violations as a result of the indiscriminate airstrikes by the Chadian forces on suspected terrorists (Amnesty International, 2014). The most recent incident of the mistaken bombing was carried out by the Nigerian forces that bombed a camp of displaced people in 2017, killing six civilians and injuring 200 (Ramdeen, 2017). Ramdeen (2017) notes that where military operations occurred, villages were evacuated, leaving villagers without a livelihood, and resulting in many being displaced. While the initial successes have strengthened the hopes of eliminating Boko Haram, this optimism is short-lived as the group's persistent attacks, such as the one which occurred on 3 June 2016 in Bosso in the south-east of Nigeria overshadow the successes (Assanvo, Abatan, and Sawadogo, 2016:1).

In summary, although the MNJTF has given hope in the fight against Boko Haram, its hard-handedness similar to that of the Nigerian forces has limited its success to address Boko Haram's terrorism. Harassment of civilians alienates the military forces from the citizens, driving them to sympathise with Boko Haram.

4.3.2. ECOWAS's role in the fight against Boko Haram

The Economic Community of West African States (ECOWAS) is a regional bloc that was created by the Treaty of Lagos in 1975. Its goal was to promote economic integration between its member states. However, in 1993 member states signed a Revised Treaty to fast track the integration of economic policy and improve political cooperation (Evans, 2019). This Revised Treaty saw a shift from economic focus to the inclusion of security and peace-related issues. According to the 1993 treaty, the principal responsibility of settling regional conflicts lies with the signatories and the subsequent policies have established and defined the parameters of ECOWAS peacekeeping forces (Evans, 2019). Since then ECOWAS has played a significant role in the maintenance of peace and security in the region.

According to Article 4 of the Revised Treaty, ECOWAS has the mandate to protect the rights of citizens of its member states (ECOWAS RT, 1993:7). Thus, following Boko Haram's human rights violations in Nigeria and the region as a whole, ECOWAS member states adopted counter-terrorism measures. These counter-terrorism measures include the 2013

Political Declaration on Common Position Against Terrorism, which includes a Counter-Terrorism Strategy and Implementation Plan (Ewi, 2013). The main objective of the Declaration and Strategy is “to prevent and eliminate terrorism and to give effect to regional, continental and international counter-terrorism instruments and to provide a common operational framework for action” (Ewi, 2013).

However, beyond the strategy, the existing response mechanisms are not as adaptable as the threats they are meant to address. Despite the existence of a regional framework, violent terrorist activities persist (PSC, 2019). ECOWAS’s response to Boko Haram’s terrorism has been discouraging as it failed to invoke the protocol on conflict prevention management that authorises member states to act in case of any action threatening regional peace (Brenya and Kuffuor, 2015:88). The regional bloc has been more verbal than active, releasing several communiqués in which it condemned Boko Haram’s violence and called for regional cooperation and for assistance to be given to Nigeria (ECOWAS, 2014). These communiqués reveal that even though ECOWAS acknowledged the atrocities of Boko Haram, it still preferred not to actively participate in the crisis. The regional bloc’s response has been discouraging considering the severity of the crisis.

4.4. The UN response to Boko Haram

The UN is an international organization with a mandate to maintain international peace and security. The Security Council, in particular, is mandated under the UN Charter to deal with peace and security matters (UN Charter, 1945:7). The R2P principle, which provides for the UN Security Council action for the protection of civilians where the state is unable to do so has become a strong norm affecting UN action (Keohane, 2012:130). However, in the case of Boko Haram, the UN has not fared well in maintaining regional peace and security and protection of vulnerable populations. Despite being directly attacked by Boko Haram at its Abuja headquarters and large-scale mass atrocity crimes committed by the terrorist group, the UN has not treated the crisis with urgency.

In response to the escalating crisis, the UN responded to the call of assistance by the Nigerian government and imposed economic sanctions on Boko Haram following the kidnapping of the Chibok girls in 2014 (Hazlewood, 2014). However, these sanctions which were meant to cripple the group financially and materially have been regarded as merely symbolic. They did

not have much of an impact on the group, which does not rely on formal funding (Hazlewood, 2014). The group is believed to have financed its operations through various sources which include membership dues, donations from politicians, assistance from foreign terrorist groups, bank robberies, and ransom from kidnapping (Onuohan, 2014:4).

Despite all the powers and authority vested in it to maintain world peace and security and the adoption of the R2P as a guiding framework for intervention for the protection of populations, the UN has continued to treat the crisis in Nigeria without urgency. Other than the 2014 sanctions and adoption of resolution 2349 in 2017 to address Boko Haram menace in the LCB region, the UN's response has been condemnation of Boko Haram violence and encouragement of local ownership of the fight against Boko Haram. In a statement at the 7461st meeting of the Security Council on 11 June 2015, the Security Council president expressed the Security Council's strong condemnation of the terrorist attacks conducted by Boko Haram since 2009 and urged the regional players to continue with their counter-terrorism measures against the terrorist group (UNSC, 2015:1-2). Even though the UNSC acknowledged the severity of the crisis and the vulnerability of the civilians in Nigeria, it refrained from taking effective action even though it appeared that the use of force would be an appropriate measure to drive out Boko Haram. The Security Council appears to be pushing the responsibility of the protection of Nigerian civilians to the regional organizations (AU and ECOWAS), which seem to be struggling to mitigate the crisis.

4.5. Controversies of R2P intervention in the Boko Haram case

The chapter discussed the efforts taken by both the Nigerian government as the primary source of protection for its citizens and regional organisations and the international community as a secondary source of protection in cases where the state is failing to fulfil its primary responsibility to protect. Despite all efforts at the national, regional and international levels to mitigate the crisis, Boko Haram continues to unleash terror on civilians not only in Nigeria, but also in the whole Lake Chad Basin region. Boko Haram's resilience is an indication of the failure of the implementation of Pillar I and Pillar II of R2P, which encourages a soft approach to a domestic crisis before intervention by the international community is considered. In light of these realities, I take the position that Boko Haram terrorism justifies UN intervention under R2P. However, there are reservations regarding that

position in that while Boko Haram may be a clear case of UN intervention, past interventions have shown that it may be problematic in this case.

The findings of the study reveal that although the Boko Haram's terrorist activities may be a case of UN military intervention, having a Western led military force, in this case, may be problematic considering that anti-Western sentiments triggered the crisis in the first place. There is a long history of tensions between the West and Muslims worldwide as revealed in the study, and these tensions have recently been exacerbated by a growing narrative in the West that labels all Muslims as terrorists. Thus, inviting a Western-led military force may increase the sense of victimhood by the Muslim Nigerians, thereby exacerbating anti-West sentiments among Muslims (Sithole, 2014:69). This may complicate the conflict, causing it to spiral out of control.

Military intervention is marred with controversy as it challenges sovereignty—a key foundation of the Westphalian system that was extended to all states through the UN Charter. UN military intervention in Nigeria will undoubtedly dent the image of the Nigerian government, which has already been damaged by Boko Haram's terrorism. This is attributed to the fact that between the 1970s and the 1990s, Nigeria played a significant role in peacekeeping and conflict management in the African continent (Amao and Maiangwa, 2017:2). As a result, the successive Nigerian governments have not been very receptive to foreign assistance and risk external interference (Montclos, 2014:21). The issue of external intervention could be even more unacceptable to the Buhari administration that claimed victory over the group.

Furthermore, the concept of intervention is still viewed with suspicion by African leaders, because of past experiences where it was abused by influential states such as France, the US and the Soviet Union, which pursued parochial security interests during the Cold War, supported despotism and perpetuated "spheres of influence" (Scanlon, Eziakonwa and Myburgh, 2007:19). As a result, African states have used state sovereignty as a line of defence. Scanlon, Eziakonwa, and Myburgh (2007:19) point out that respect of other states in terms of international law is crucial for African states as they rely on it to ensure their sovereignty and independence, because they lack political and military power. "To ensure that the responsibility to protect becomes an effective concept on the continent, it is important that these fears be assuaged (Scanlon, Eziakonwa and Myburgh, 2007:19)."

In an international system that is characterised by mistrust and abuse of power by some states, the issue of the right authority must be prioritised and specified. Although the UN Charter mandates the UN Security Council to ensure that intervention is being undertaken with the right intentions, this has not prevented the big powers from abusing this authority to push their agendas. A case in point is that of Libya where the Security Council authorised military intervention to halt state atrocities against civilians. Although the mission was accomplished, there is consensus among non-western states such as the BRICS member states (Brazil, Russia India, China, and South Africa), that the resolution was abused by NATO members. In this view, R2P was a pretext for advancing regime change in Libya and the mission was stretched to cover activities unauthorized by the UNSC in the resolution (Newman, 2013:248). Thus, it could be argued that UN military intervention may be abused in the same manner to further the interests of big powers if R2P is extended to terrorism.

Experience has also shown that intervention, especially in developing countries, has never been purely humanitarian in its objectives and motivations. Intervening powers tend to escalate the conflict by providing support to a faction to further their goals. (Ajigboye, 2014:96). Moreover, the intervening powers embark on intervention without a post-intervention strategy to assist the countries in distress. A case in point is the Libya intervention, which ‘lacked strategic doctrine on how to design protection’, and resulted in France, the UK and the US (3 permanent members of the UNSC in NATO – P3) pursuing a course of supporting the rebels (Doyle, 2016:9). In so doing, the UN failed in its responsibility to rebuild the state as stipulated by Pillar III of the R2P principle. Hence, once the military intervention was over, the power vacuum created by the overthrow of Gaddafi was filled by competing militia. Instead of transitioning to democracy, the conflict escalated and saw the country descending into lawlessness and torn apart by militia competing for power and territory (Hobson, 2016:21). Thus, the major concern with external intervention is the unintended results, such as generating new forms of suffering and discontent (Hamann and Muggah, 2013).

Moreover, the Libyan case has complicated the intervention even more in the African context, especially considering the continent’s history of colonialism. The colonial experience left the African continent sensitive and suspicious of any form of external interference. This distrust has been worsened by the West’s meddling in intrastate resource-

based conflicts in a bid to exploit the continent's natural resources (Bazirake and Bukuluki, 2015:1024). The AU's cautious attitude was revealed by the constant preference of regional intervention instead of international intervention in the continent's conflicts. According to Garrigues (2007), "it is not surprising that despite playing a key role in the approval of the R2P, the position of the African Union has some important precautions." Thus, authors like Emba (2016) argue that the R2P principle may pose some challenges for sovereignty as well, especially considering that the African continent is "still leaking the wounds of colonialism." Hence great caution needs to be taken by the UN and the permanent member states of the Security Council not to appear to be undermining the Nigerian government and regional efforts in general in the case of Nigeria.

However, despite the foregoing concerns about intervention, the study maintains that the Boko Haram crisis in Nigeria qualifies for UN intervention under R2P. The study relies heavily on the Libyan case as a point of reference mainly because it was the first test of UN intervention under R2P and has been viewed as flawed. The study argues that the Nigerian case differs from the Libyan case in that the conflict concerns home-grown terrorism by a non-state actor. Boko Haram is a non-state actor with an intention to destabilise the Nigerian government and the western region as a whole, posing a human security threat. In the Libyan case, the state itself posed a threat to its citizens, which is not the case in Nigeria. There is, therefore, a greater chance of the UN intervention to occur with the blessing and cooperation of the Nigerian government. Moreover, Boko Haram is not just a domestic rebel group, but a terrorist group with affiliation to other dangerous terrorist groups, Al Qaeda and ISIS. Therefore, Boko Haram poses a threat to international security as well. In this sense, the political will that is needed for the international community to engage in an R2P intervention may be more forthcoming. Hence the shortcomings of the application of R2P in past cases may well be surmountable in the Nigerian case. At the same time, as argued by Garrigues (2007), the consequence of action cannot be worse than inaction.

4.6. Conclusion

The chapter has discussed counter-terrorism measures at the national, regional and international levels to establish if the Boko Haram crisis is a case for UN intervention under R2P. The chapter deduced that the Nigerian government and the regional organizations, with the help of the international community, took up their responsibility to protect the citizens of

Nigeria with very limited success. However, the Boko Haram crisis was not treated with urgency from its inception despite evidence that the group was committing mass atrocity crimes. It took the kidnapping of over 250 Chibok girls for the crisis to gain international attention.

Although the crisis eventually got attention, there is still a lack of urgency and commitment among major players such as the AU, EWCOWAS and the UN, with ECOWAS and the UN taking a more verbal stance than action. The UN, in particular, has been accused of shifting the responsibility of mitigating the crisis to the Nigerian government, which is struggling, and encouraging regional organizations to assist it. National and regional efforts have been flawed too. The military approach by both the Nigerian government and MNJTF saw their military forces committing similar crimes as those committed by Boko Haram. Such irresponsible behaviour by the security forces meant to protect citizens alienated the civilians. As a result, the crisis has been escalating for a decade now with no possibility of Boko Haram backing down.

Although the study concluded that the Boko Haram crisis is a case for UN intervention under R2P, it also found that there are reservations regarding intervention especially following the flawed intervention in Libya, which was the first litmus test of intervention under R2P. There is fear that the big powers may abuse the intervention to further their interests as they did in Libya. However, because of the differences in the Libyan and Nigerian cases these reservations, it is argued here, can be overcome by designing the intervention with the Nigerian government's cooperation.

CHAPTER 5: Conclusion and way forward

The study aimed to establish if terrorism could be a case of UN intervention under R2P. Although terrorism only gained center stage in the international system following the 9/11 attacks on the US, it has become a global security threat that not only threatens global peace and security but human security. The study used the Boko Haram case study to establish when terrorism could be a justification for UN intervention under R2P. A thorough examination of the group's violent activities established that even though the ICISS report, which outlined the conceptual basis for R2P, is more concerned about large scale loss of life, Boko Haram's terrorist activities constitute the four mass atrocity crimes stated in the ICISS report as a justification of that activation of R2P.

The study concluded that although the Nigerian government took up its responsibility to protect civilians from Boko Haram atrocities, the group's resilience indicates that domestic efforts have not been sufficient to protect civilians. Accepting sovereignty as a responsibility, the Nigerian government sought assistance from the international community to help defeat Boko Haram for the protection of its citizens. Although the international community responded in various ways to help end the atrocities of the terrorist group, the group has remained resilient, with civilians bearing the brunt of the violence. Despite all efforts at the national, regional and international levels to mitigate the crisis, Boko Haram continues to unleash terror on civilians not only in Nigeria, but also in the whole Lake Chad Basin region. Boko Haram's resilience is an indication of the failure of the implementation of Pillar I and Pillar II of R2P, which encourages a non-military approach to a domestic crisis before military intervention by the international community is considered. In light of these realities, I take the position that Boko Haram's terrorism justifies UN intervention under R2P.

The study found that although the ICISS report was concluded before the 9/11 attacks, it specifies that there is no difficulty in principle with focused military action being taken against international terrorists and those harbouring them. It stipulates that military power should always be exercised in a certain way, and must be guided by the principles of right intention, last resort, proportional means and reasonable prospect as outlined in the report (ICISS, 2001:ix). In the Boko Haram case, efforts to protect civilians have fallen short, leading to the conclusion that the situation calls for UN intervention under R2P.

However, I also conclude that a move to R2P intervention will be controversial because of the previous experience in Libya and the Nigerian government's resistance. The Libyan intervention, which was the litmus test for UN intervention under R2P, is believed to be affecting future interventions. Although the intervention succeeded in the short run to prevent genocide by the Gaddafi government, in the long run it escalated the conflict following NATO's facilitating regime change in the country. Since then Libya has not had peace. Instead of transitioning into democracy, the country plunged into large-scale conflict accompanied by serious human rights violations with no clear resolution from the international community². As a result, the intervention in Libya has created scepticism among the opponents of R2P. However, the study focused on the positive aspects of the principle in the case of Boko Haram without overlooking the possibility of a replay of the Libyan scenario. The study deduced that the Boko Haram's home-grown terrorism is a different case from that of Libya as it involves non-state actors that have declared war on the state with no intention of a peaceful resolution unless their demands are met.

Another factor that could affect intervention in Nigeria is the government's resistance to external intervention. UN military intervention in Nigeria will undoubtedly dent the image of the Nigerian government, which has already been damaged by Boko Haram's terrorism. Between the 1970 and 1990s, Nigeria was a leading country on the continent in the area of peacekeeping and conflict management (Amao and Maiangwa, 2017:2). As a result, the successive Nigerian governments have not been very receptive to foreign assistance, which they feared could place the country at risk of foreign interference (Montclos, 2014:21). The issue of external intervention could be even more unacceptable to the Buhari administration that claimed victory over the group.

Therefore, the way forward is likely to work with the Nigerian government and especially for African states to strengthen political will around the need for the R2P intervention, but also to maintain the sequence of the pillars. This may reduce Nigeria's resistance. Once this has been done, international political will can be sought probably through emphasising the

² At the time of writing there are efforts by the international community, especially Turkey, to reach a peace agreement, but the efforts have not yet led to concrete results.

humanitarian necessity and to be sensitive to controversies surrounding political issues such as Islam in Africa and fear of neo-colonialism.

Moreover, the UN as an international body with all the powers and authority vested in it to maintain world peace and security and the adoption of the R2P as a guiding framework for intervention for the protection of populations should replace the "burden-shifting" approach with the "burden-sharing" approach (Scanlon, Eziakonwa and Myburgh, 2007:7). This can be done by joining forces with the AU, forming hybrid missions such as the African Union-United Nations Hybrid Operations in Darfur (UNAMID) established in 2007 to protect civilians and facilitating humanitarian and political process in the region (UN, 2007). Such hybrid operations will bring financial relief to the cash strapped AU and provide the much-needed resources which are making AU peacekeeping operations ineffective.

The R2P principle has been criticised for being gender-biased and excluding the protection of women in the doctrine. Although it was not an explicit focus of the study, I want to identify the gender undertones of Boko Haram's terrorism as a topic for future research. In the context of northeast Nigeria where Boko Haram is using rape and forced pregnancy as weapons of war, and the government defence force is implicated in such offences, the AU with the support of the UN should work in collaboration with the Nigerian government and NGOs on the ground in northeast Nigeria to protect women and assist sexual violence victims. One suggestion that future policy research can explore is to establish a Sexual Violence Unit (SVU) similar to that established in the DRC to combat sexual violence. The SVU works with government ministries, UN agencies, donors and both local and international civil society, acting as source information, thereby facilitating the prevention, protection, and response to sexual violence across the DRC (UN, n.d.). Such a move could provide a haven for the victims who have lost confidence in their government and help curb future offences as it opens more channels for victims to report cases free of the fear of victimisation.

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