

BRIEFING NOTE

**WINNING THE WAR, AND NOT
JUST THE BATTLE**

*MASTERPLAN FOR ENDING THE
BOKO HARAM INSURGENCY IN THE
NORTH-EAST*

**PROPOSED BY THE
CENTRE FOR DEMOCRACY AND
DEVELOPMENT
TO THE
FEDERAL GOVERNMENT OF
NIGERIA
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Centre for Democracy and Development

Abbreviations

CJTF- Civilian Joint Task Force

DDRR - Disarmament, Demobilization, Rehabilitation and Reintegration

DSS Department of State Services

ICC International Criminal Court

IDPs Internally Displaced Persons

ISWAPIslamic State's West African Province

NGOs Non-Governmental Organisation

NHRCNational Human Rights Commission

MNJTF Multinational Joint Trust Fund

SVTF - Special Victims Trust Fund

TPA - Terrorism Prevention (Amendment) Act

UNSC United Nations Security Council

VSF - Victims Support Fund (VSF)

Table of Contents

ABBREVIATIONS-I
TABLE OF CONTENTS-II
EXECUTIVE SUMMARY-1
INTRODUCTION-2
NIGERIA'S LEGAL FRAMEWORKS AND ACCOUNTABILITY FOR INTERNATIONAL
CRIMES:ADMNISTRATION OF JUSTICE ACT 2015-4
THE INTERNATIONAL CRIMINAL COURT-5
SPECIAL VICTIMS TRUST FUND-6
THE TERRORISM PREVENTION (AMENDMENT) ACT 2013-7
PEACE, JUSTICE AND RECONCILIATION IN THE NORTH EAST NIGERIA-9
THE PROTECTION OF CIVILLIANS IN CONFLICTS (IDPS AND REFUGEES)-11
THE GENDER DIMENSION OF THE BOKO HARAM CONFLICT-13
THE UNITED NATIONS SECURITY COUNCIL ON BOKO HARAM-15
CONCLUSION-16
REFERENCES-17

EXECUTIVE SUMMARY

THE inauguration of President Muhammadu Buhari's administration, on 29 May 2015, opened a new vista in Nigeria's democratic history, however, there are clear threats, challenges and opportunities to the entity called Nigeria. Despite the lull in the attacks by the Boko Haram elements in the last days of President Jonathan administration, the intensity and sophistication of the attacks since the inauguration of the new administration is a source of concern to Nigerians and even the international community. The sect's pledge of allegiance to the Islamic State and rebranding to the Islamic State's West African Province has its own security implications for Nigeria's co-operate existence and should not be treated with levity.

President Buhari has promised to end the Boko Haram insurgency before the end of 2015. How this promise will be matched with action remains to be seen. However, recent decisive appointments and deployments in the military and strategic alliances with neighbouring countries shows that the President is galvanising local, regional and international efforts, in an effort to end the Boko Haram insurgency. However, the truth remains that the Boko Haram insurgency is not all about winning the battle, but also the war and this involves a holistic approach that transcends the current focus on military engagement.

This Briefing note recommends a multi-sectoral approach to ending the Boko Haram insurgency and recognises the several issues driving the insurgency. While amnesty and peace negotiations remain divisive and controversial issues in relation to resolving the Boko Haram conflict, these are not matters that the Nigerian government can wish away. A reconstruction of the North East, the inclusion of gender in any peace process, improved legal framework and accountability mechanisms are necessary as part of a holistic approach to end the insurgency. With Nigeria's ascendancy to the United Nations Security Council Presidency in August 2015, expectations are that the government will use its current political capital to take decisive actions on ending the Boko Haram insurgency and its attendant consequences on the country's economy and national security. The Centre for Democracy and Development (CDD) proposes this master plan as a contribution to the on-going dialogue on the best way to deal with the Boko Haram conflict.

Signed
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August 2015

INTRODUCTION

SINCE 2009, the government of Nigeria has been battling a militant Islamic sect, namely the Jama'atu Ahlus-Sunnah Lidda'Awati Wal Jihad, popularly referred to as Boko Haram and now known as Islamic State's West African Province (ISWAP). The sect is widely reported to have committed serious human rights abuses against civilians². Apart from all the known crimes and horrors associated with Boko Haram, there have also been allegations that Nigerian security forces have committed serious violations against Nigerian citizens while trying to end the sect's terrorist attacks³. This raises questions on the effectiveness of the counter-insurgency strategies the government has adopted so far, particularly with respect to establishing a balance between national security imperatives and human rights obligations in the war against terrorism. In addition, the proportionality of the

tactics employed by the Nigerian military in relation to civilian protection and the possibility of political solution to the conflict are realities that cannot be discountenanced.

Certainly, the ongoing war against Boko Haram started yielding some positive gains in the last days of President Jonathan's administration. This is best exemplified by the recapturing of territories previously occupied by the insurgents, and the inroads made into the dreaded Sambisa forest, leading to the rescue of more than 1,500 women and girls previously held there in captivity by Boko Haram⁴. Since the inauguration of the new administration, more advances have been made, spanning from recapturing of territories to rescue of more victims to multilateral cooperation forged with Nigerian neighbours and the international community etc. Despite these advances, many

Boko in Hausa language means “Western education” or “Western influence” and Haram in Arabic means “sinful” or “forbidden.” Boko Haram translated literally means “Western education or influence is sinful and forbidden”. However the Nigerian Islamic militant group prefers to call itself “Jama'atu Ahlus-Sunnah Lidda'Awati Wal Jihad” which means “People Committed to the Propagation of the Prophet's Teachings and Jihad.” See Human Rights Watch “Spiraling Violence: Boko Haram Attacks and Security Force Abuses in Nigeria” October 2012, available online at: <http://www.hrw.org/sites/default/files/reports/nigeria1012webwcover.pdf>, accessed 9 May 2015; Andrew Walker “What Is Boko Haram?” United States Institute for Peace Special Report 308, available online at <http://www.usip.org/files/resources/SR308.pdf>, accessed 9 May 2015; Freedom Onuoha “The Islamist challenge: Nigeria's Boko Haram crisis explained” (2010) 19 *African Security Review*, 54-67.

The Economist “Nigeria's crisis: A threat to the entire country” 29 September 2012 available online at <http://www.economist.com/node/21563751>, accessed 9 May 2015.

Ekene Okoro and Ifeoma Ononye “Sambisa Operations: Harvest of Rescues without Chibok Girls,” 10 May 2015, available online at <http://dailyindependentnig.com/2015/05/sambisa-operations-harvest-rescues-without-chibok-girls-2/>, accessed 12 May 2015.

Vanguard Newspapers “Boko Haram: 214 rescued girls pregnant UNFPA” 4 May 2015, available online at <http://www.vanguardngr.com/2015/05/boko-haram214-rescued-girls-pregnant-unfpa/>, accessed 12 May 2015.

other challenges still abound.

The rescue of women and girls from Boko Haram came however with its own contradictions. For example, out of more than the 1,500 women and girls rescued just before the hand over to the Buhari administration, about 214 were reportedly pregnant⁵. Moreover, if claims that more than 2,000 people are still held captive by Boko Haram insurgents⁶ are valid, then there are still many people in the den of the insurgents to be rescued. Yet, the plight of the IDPs and returnees, child insurgents and the future of members of the CJTF are a number of challenges begging for redress, even as general insecurity continues to prevail. The recent upsurge of violence since the inauguration of the new administration on 29 May 2015 is a worrisome development. Furthermore, Boko Haram has taken a regional and transnational dimension and increasingly operates across borders sometimes simultaneously in Chad, Cameroon and Niger, which makes it more and more difficult to contain. The insurgent group recent pledge of allegiance to the Islamic State⁷ and its change of name to ISWAP⁸ have also raised the stakes. Such a move is believed to give the Islamic State a foothold outside its Middle East and recent North Africa enclaves, and raise a real fear of the possibility of a global caliphate.

The counter-terrorism policy of the military has further alienated Nigerian citizens who bear the brunt of the war and are victimized by both soldiers and members of Boko Haram.

This briefing note is anchored in a long-term vision for how Nigeria can win the war against Boko Haram, not just the battle. In that regard, it proposes a master plan for the new Nigerian administration to deal with peace and security issues in North-East Nigeria. Beyond the military campaign against the Boko Haram insurgency, this briefing note examines an applicable legal framework; the role of national actors in resolving conflicts; the issue of civilians in armed conflicts; the role of the United Nations and its specialized agencies in fashioning a holistic approach for dealing with the problem.

The counter-terrorism policy of the military has further alienated Nigerian citizens who bear the brunt of the war and are victimized by both soldiers and members of Boko Haram. The dislocation of families, the disempowerment and lack of agency for victims and survivors of the conflict in the North-East clearly show that a change of strategy and a combination of different conflict management modules could significantly reduce the current unacceptable bloodbath. Amnesty International latest report's accusations against the Nigeria's military high command of atrocities committed in the North-East mean that there is need for an overhaul of the current military apparatus⁹. President Buhari's government has a clearly-cut job in that respect. However,

⁵Vanguard Newspapers "Boko Haram: 214 rescued girls pregnant UNFPA" 4 May 2015, available online at <http://www.vanguardngr.com/2015/05/boko-haram214-rescued-girls-pregnant-unfpa/>, accessed 12 May 2015.

⁶Amnesty International "our job is to shoot, slaughter and kill": Boko Haram's reign of terror in north-east Nigeria" 13 April 2015, Index number: AFR 44/1360/2015, available online at: <https://www.amnesty.org/en/documents/afr44/1360/2015/en/>, accessed 7 May 2015.

⁷See Nigeria's Boko Haram pledges allegiance to Islamic State at: <http://www.bbc.com/news/world-africa-31784538>

⁸Boko Haram changes name to 'Islamic State in West Africa available at: <http://www.news24.com.ng/National/News/Boko-Haram-changes-name-to-Islamic-State-in-West-Africa-20150424>

⁹See Amnesty Report 'Stars on Their Shoulders, Blood on Their Hands,' June 3, 2015

the statement by the President that the abuses in North-East Nigeria are “unproven allegations of human rights violations levelled against our forces¹⁰” suggest that an independent investigation has to be conducted by the government of Nigeria to ascertain the veracity of the allegations. In addition, the fact that the Nigerian Military High Command has decided to subject itself to investigations by the NHRC is a step in the right direction. There should be accountability, and the appointment of new service chiefs¹¹ should not be seen as a *fait accompli*. The government should act with the decisiveness required to ensure that citizens' hope in the military institution and other security agencies is not further eroded.

Nigeria has a legal framework that is capable of dealing with the Boko Haram conflict through clearly identified rule of law-based responses to terrorism. However, the existing framework is unmistakably handicapped due to political interference and bias of the judiciary, ineffective criminal justice system, lack of coordination between state and federal governing bodies, absence of victims' compensation and political will to drive home needed justice sector reforms. These debilitating factors notwithstanding, it is important to review Nigerian laws and international obligations that may have effect on the North-East conflict.

NIGERIA'S LEGAL FRAMEWORK AND ACCOUNTABILITY FOR INTERNATIONAL CRIMES

ADMINISTRATION OF CRIMINAL JUSTICE ACT 2015

IN May 2015, Former President Goodluck Jonathan signed into law the Administration of Criminal Justice (ACJ) Act 2015¹². The law, among other things, merges the criminal and penal codes that apply differently in the northern and southern parts of Nigeria. It also deals with the slow pace of administration of criminal justice in Nigeria. Effective utilization of the new law will require political will to implement; and it is hoped that the new government will show commitment and leadership in implementing the provisions of the law. Because of Nigeria's peculiar legal system, the ACJ Act is only applicable to the Federal Capital Territory (Abuja) and cases brought before the country's component Federal High Courts until states in the Federation adopt similar legislations localizing the law in their domain¹³. This means that the Sharia legal system

¹²Punch Newspapers “Jonathan signs new criminal justice bill into law” 14 May 2015, available online at: <http://www.punchng.com/news/jonathan-signs-new-criminal-justice-bill-into-law/>, accessed 19 May 2015.

See Section 2 of the ACJA which provides that “the provisions of this Act shall apply to criminal trials for offences established by an Act of the National Assembly and other offences punishable in the Federal Capital Territory, Abuja.”

¹³ICC “Nigeria” available online at http://icc-cpi.int/en_menus/asp/states%20parties/african%20states/Pages/nigeria.aspx, accessed 12 May 2015.

Lisa Schlein “UN Human Rights Chief Condemns Boko Haram Attacks” 23 June 2012, available online at <http://www.voanews.com/content/nigeria-un-human-rights/1246278.html>, accessed 11 May 2015.

THE INTERNATIONAL CRIMINAL COURT

THE Federal Government of Nigeria signed the Rome Statute of the International Criminal Court (ICC) on 1 June 2000 and deposited its instrument of ratification to the Statute on 27 September 2001 as the 39th State Party to the Rome Statute¹⁴. “The ICC, therefore, has jurisdiction over the Rome Statute crimes committed on the territory of Nigeria or by its nationals, from 1 July 2002 onwards.” The Office of the High Commissioner for Human Rights argues that some of the crimes committed by Boko Haram amount to crimes against humanity and has urged the Nigerian government to ensure that perpetrators of such acts of violence are brought to justice¹⁵.

The ICC has listed Nigeria as a country under preliminary examination; and since 2005, the Office of The Prosecutor of the ICC has received several communications in relation to the situation in Nigeria. These include the ethnic and religious conflicts that have been occurring in North central Nigeria since 2004 and the recent violent clashes that took place in the wake of the parliamentary and presidential elections in 2011¹⁶.

Nigeria is currently under investigation by the ICC, and under the principle of complementarity provided in the Rome Statute,

Nigeria has the primary obligation to hold accountable those that commit international crimes in the country¹⁷. Despite several different interpretations of complementarity under the Rome Statute, it is clear that Nigeria, within her sovereign powers can determine how to pursue different models of accountability that are not limited to criminal prosecution. It is only if Nigeria is inactive, unwilling or unable to investigate, prosecute or effectively deal with international crimes committed within the country's jurisdictions that the ICC will become involved¹⁸.

Beyond criminal accountability, the government should find a way of reconciling individuals, communities and the nation at large. Accordingly, a homebred accountability framework comprising religious and traditional leaders; elder statesmen; women and civil society actors; and especially those committed to peace-building, becomes imperative for post-conflict accountability.

While pursuing other means of accountability, the Nigerian government must immediately prioritise the domestic implementation of the Rome Statute as a first step towards accountability for crimes committed in the North-East.

¹⁴ICC “Nigeria” available online at http://icc-cpi.int/en_menus/asp/states%20parties/african%20states/Pages/nigeria.aspx, accessed 12 May 2015.

¹⁵Lisa Schlein “UN Human Rights Chief Condemns Boko Haram Attacks” 23 June 2012, available online at <http://www.voanews.com/content/nigeria-un-human-rights/1246278.html>, accessed 11 May 2015.

¹⁶International Criminal Court “The Office of the Prosecutor: Report on Preliminary Examination activities” 13 December 2011 available online at:

¹⁷<http://www.icc-cpi.int/NR/rdonlyres/63682F4E-49C8-445D-8C13-F310A4F3AEC2/284116/OTPreportonPreliminaryExaminations13December2011.pdf>, accessed 11 May 2015.

¹⁸See Paragraph 10 of the Preamble, Articles 1 and 17 of the Rome Statute of the International Criminal Court. Idayat Hassan and Benson Olugbuo “Exploring the Justice, Peace and Reconciliation Pathways in Boko Haram's Insurgency in Nigeria” (2014) 4 *West Africa Insight*, 15-23.

SPECIAL VICTIMS
TRUST FUND

ANOTHER legal framework closely related to the domestic implementation of the Rome Statute is the issue of the SVTF for victims of Boko Haram atrocities. In July 2014, the federal government set up a Presidential Committee on Victims Support Fund (VSF) for victims of Boko Haram's atrocities in Nigeria, under the chairmanship of Lt. Gen. Theophilus Yakubu Danjuma (Rtd). The Committee subsequently raised N58.79 billion to assist victims of the Boko Haram insurgency¹⁹. Furthermore, all 25²⁰ members of the Presidential Committee were made initial Trustees of the Nigerian Foundation for Support of Victims of Terrorism registered with the Corporate Affairs Commission. An Executive Director was recently appointed to manage the affairs of the VSF²¹. The working of the VSF remains a mystery. Some people have even claimed that the Fund has failed to deliver upon its mandate²². So, despite its

nomenclature of incorporated trustees, there is an immediate need to review the working of the VSF as it is presently constituted.

Against this background, we propose the immediate passage of the Rome Statute Bill as it provides for a SVTF to assist victims; families of victims; and survivors of international crimes in Nigeria. The money raised for the VSF can be used to set up the SVTF.

¹⁹Boko Haram: Victims Support Fund target overshoot by N8.79 billion Jonathan August 2, 2014Premium Times <http://www.premiumtimesng.com/news/165935-boko-haram-victims-support-fund-target-overshot-by-n8-79-billion-jonathan.html> see also NCICC Press Release “[NCICC PRESS RELEASE: Enhance the Committee on Victims Support Fund \(CVSF\) through passage of the “Crimes against Humanity, War Crimes, Genocide and Related Offences Bill, 2012”](#)” 1 August 2014, available online at <http://www.cddwestafrica.org/index.php/en/2015-01-14-10-03-01/news/150-ncicc-press-release-enhance-the-committee-on-victims-support-fund-cvsf-through-passage-of-the-crimes-against-humanity-war-crimes-genocide-and-related-offences-bill-2012>, accessed 12 May 2015.

²⁰The vice chair, Mr. Fola Adeola resigned membership of the committee, Fola Adeola resigns as deputy chair of Boko Haram victims' support committee: <http://www.premiumtimesng.com/news/more-news/185839-fole-adeola-resigns-as-deputy-chair-of-boko-haram-victims-support-committee.html>.

²¹Dr. Sunday Ochoche as the Executive Director of the Nigeria Foundation for Support of Victims of Terrorism. See Newswire Nigeria “[Boko Haram: Victims Support Fund Appoints Dr Sunday Ochoche as Executive Director](#)” 8 December 2014, available at: <http://newswireng.com/2014/12/08/bharam-victims-support-fund-appoints-dr-sunday-ochochche-as-executive-director/>, accessed 11 May 2015.

Boko Haram, 0.5 Million displaced Victims with Yola families are suffering: Where's Victim Support Fund <http://www.nigeriancurrent.com/ck88-news/boko-haram-0-5m-displaced-victims-with-yola-families-are-suffering-where-s-victims-support-fund> assessed 17 May, 2015.

THE TERRORISM
PREVENTION
(AMENDMENT) ACT
2013²³

DESPITE the adoption of the TPA 2013, there have been arguments that the law has not brought down the intensity of terrorist activities in Nigeria. In addition, some Nigerian soldiers are using the law in an unlawful manner against the civilian population and suspected terrorists²⁴. Furthermore, the TPA prescribes a death sentence for anyone convicted of terrorism in Nigeria²⁵, let alone the fact that the amendments undermine some provisions of the Nigerian Constitution²⁶. Others have condemned the terrorist attacks against the Nigerian state and called on the government to hold accountable those responsible for the crimes, in accordance with Nigerian law²⁷. NGOs have also called on the Nigerian government to ensure that “reported violations of human rights by members of the security are investigated and those found guilty be punished in accordance with the laws²⁸.”

Despite the existence of the TPA, only few individuals have been brought to account for involvement in terrorist activities. It is generally acknowledged that the apprehension of criminals and collection of evidence for the case against them is usually the role of law enforcement agencies. Generally, the Nigeria Police Force has the primary duty to investigate while the Ministry of Justice staff prosecutes persons accused of suspected acts of criminality, including terrorism. However, there is currently a competition of some sort between the Nigeria Police Force and the Department of State Service (DSS) in prosecuting terrorism suspects. One step forward might be to restore police authority in the North-East and empower the police to carry out their responsibilities effectively. However, the current weaknesses of the Nigeria Police Force necessitate a reform strategy to reposition the institution for maximum efficiency.

²³The Terrorism (Prevention) Act, 2011 was signed into law by President Goodluck Jonathan in June, 2011. The amended Act was passed into and assented by the President in 2013.

²⁴Dakas Dakas “Interrogating Nigeria's Counter Terrorism Strategy through the Prism of Law and Human Rights” (2014) 4 *West Africa Insight* 20-23; Isa Sa'idu “Nigeria: Soldiers Violating Terrorism Act Provisions - Barr. Umar” 20 October 2012 available online at: <http://allafrica.com/stories/201210200301.html>, accessed 11 May 2015.

²⁵Section 2 of the TPA; See also Edegbe Odemwingie “Nigeria: Senate Prescribes Death Penalty for Terrorists” 21 February 2013 *Leadership Newspaper*, available online at: <http://allafrica.com/stories/201302210343.html>, accessed 11 May 2015.

²⁶See Section 39 (9) of the Nigerian Constitution.

²⁷The communiqué was signed by 20 Nigerian based NGOs and CSOs. See Civil Society Legislative Advocacy Centre “State of the Nation Address by Civil Society Organisations in Nigeria” 7 July 2011 available online at: <http://www.cislacnigeria.net/2011/07/state-of-the-nation-address-by-civil-society-organisations-in-nigeria/>, accessed 11 May 2015.

²⁸Ibid.

In recognition of the need for accountability for international crimes, the following recommendations are made:

- a) The Chief Justice of Nigeria, as a matter of urgency, should be mandated to establish an International Crimes Division of the High Court/Federal High Court, through the issuance of a Practice Direction to deal with the international crimes committed by members of Boko Haram and government forces during the conflict. This will not involve the enactment of a new law by the National Assembly or the amendment of an existing one.
- b) ICC domestic implementation of the Rome Statute, which gives Nigeria the legal framework to deal with international crimes committed in the country, should be prioritised.
- c) The Rome Statute Bill that is currently before the National Assembly envisages a Special Victims' Trust Fund, which will give the VSF a necessary legal backing required to perform its functions. It should be adopted by the National Assembly.
- d) The relevant authorities should develop a security master plan that takes care of the porosity of Nigeria's borders as a means of curtailing illicit trafficking in ammunitions and drugs, which pose dangers to the nation's security.
- e) The Federal Government should carry out a review of the operationalisation of the TPA and its impact on the war on terrorism and effects on Nigerian civilian populations.

PEACE, JUSTICE AND RECONCILIATION
IN NORTH-EAST NIGERIA

SINCE independence, Nigeria has witnessed several ethnic, economic, religious and political conflicts; however it is the current threat by Boko Haram and affiliated groups that is threatening the most the security of the Nigerian state. The limited successes recorded by the amnesty granted to the Niger Delta militants initially prompted several highly placed Nigerians, including the Sultan of Sokoto, to request the Federal Government to grant amnesty to Boko Haram members²⁹. The Governor of Bornu State, Kashim Shettima, has consistently maintained that a three-pronged approach—military, economic and amnesty—must be adopted to end the insurgency. However, the government of former President Goodluck Jonathan consistently maintained that Boko Haram members did not have any genuine interest to negotiate peace with the government. The change of government offers an opportunity to consider peace negotiation options, including limited cases of amnesty that can be operationalised within the

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framework of existing legal initiatives to end conflicts in Nigeria.

Within the context of peace, justice and reconciliation lies the need for accountability. However, the real question is accountability for whom? There are credible allegations that Nigerian security forces may have committed crimes in the counter-insurgency operations.

Still very few of them, if any, have been brought to justice. In addition, while aiding security forces in countering the extremists, the members of the Civilian Joint Task Force are also known to have committed crimes against civilians and some Boko Haram members.

Moreover, it is worth asking the following question: what should be done with youths being forcefully recruited into the sect, as well as former Boko Haram members who fled the group since its departure from Dawah to Jihad³⁰? All these issues necessitate an accountability process that recognizes the

²⁹Punch Newspapers “Sultan seeks amnesty for Boko Haram members” 6 March 2013, available online at <http://www.punchng.com/news/sultan-seeks-amnesty-for-boko-haram-members/>, accessed 11 May 2015.

³⁰The transition of the sect from dawah to jihad was said to have occurred in 2009 following the clash with the Nigerian securities that led to the death of over 800 people and the leader of the sect Muhammad Yusuf. Report of the UN Secretary- General “The rule of law and transitional justice in conflict and post-conflict societies” 23 August 2004, S /2004/616, available online at <http://www.unrol.org/files/2004%20report.pdf>, accessed 14 May 2015.

It is important to pursue justice, peace and democracy together, especially in countries in transition and fragile post-conflict settings³¹. It is at this juncture that we must recognise the role of religious, traditional leaders; and women in ending the Boko Haram conflict. Although Boko Haram has Islamic leanings, it does not represent the interest of mainstream Muslims in Nigeria. Besides, the involvement of religious and traditional rulers will go a long way to douse tensions in places Boko Haram has operated and that Nigerian soldiers liberated.

This means that fighting impunity for international crimes and working for peace are not mutually exclusive objectives³². The need for accountability, peace, justice and reconciliation in North-East Nigeria cannot be underestimated. It is therefore recommended

that the government:

1. Pursue possible peace negotiation options with Boko Haram insurgents;
2. Considers setting-up an Amnesty Commission to deal with the possibility of granting amnesty to those who renounce violence and embrace peace;
3. Ensures that the proposed Amnesty Commission include a reconciliation component patterned after the South African Truth and Reconciliation Commission, *Rwandan Gacaca* and *Ugandan Mato Oput* processes, as local circumstances may dictate.

³¹Report of the UN Secretary- General “The rule of law and transitional justice in conflict and post-conflict societies” 23 August 2004, S /2004/616, available online at <http://www.unrol.org/files/2004%20report.pdf>, accessed 14 May 2015.

³²See Message from Mr. Ban Ki-moon, Secretary-General of the United Nations, for the Meeting on Building a Future on Peace and Justice” in Kai Ambos, Judith Large and Marieke Wierda (eds) *Building a Future on Peace and Justice: Studies on Transitional Justice, Peace and Development* (2009) Berlin: Springer-Verlag Berlin Heidelberg, 3.

THE PROTECTION OF
CIVILIANS IN
CONFLICTS (IDPs AND
REFUGEES)

THE current government should recognize the need for the safety of civilians and return to normalcy in the affected areas in the North-East. There is the need to support initiatives like the Safe Schools Initiative, which is aimed at protecting schools from further attacks from Boko Haram³³. The continuation and sustenance of these projects beyond the Jonathan administration is very important and should be pursued with vigour by the new administration. In addition, it is important for the government to clearly define the role of the CJTF in a post-conflict situation. Furthermore, the authorities should adopt a policy to deal with the plight of Nigerians refugees in neighbouring countries and IDPs, especially women and children, the elderly and people living with disabilities that face difficult choices during these trying days of insecurity.

It is expected that, with the waning capacity of the sect, several of the insurgents may negotiate for amnesty with the government. In such an instance, any approach to be adopted by the government should be within the province of Identify, Separate, Isolate, Influence and Reintegrate. This will involve **identifying** the primary drivers of the Boko Haram insurgency, including human and economic realities of the

conflict; **separating** low level foot soldiers and under-aged fighters from the rest of the group; **isolating** Boko Haram's top level decision making units; **influencing** communities to support the activities of the government; and **reintegrating** disarmed combatants back into the society, through a Disarmament, Demobilization, Rehabilitation and Reintegration (DDRR) process³⁴.

In that respect, we propose the following recommendations:

In such an instance, any approach to be adopted by the government should be within the province of Identify, Separate, Isolate, Influence and Reintegrate.

1. There is need for long-term socio-economic revival development plans to redevelop the entire North-East area.

2. In the aftermath of the conflict, a well-structured DDR process should be initiated by the Federal Government. Such a process should take cognizance

of background, age, gender, manner-cum-depth of involvement in the conflict.

3. The Buhari administration should immediately design and put in place a Re-insertion process (short-term socio-economic initiatives) that will engineer a socio-economic revival of individuals and communities. Those who have surrendered, have been de-radicalized, or have gone back to their villages will immensely benefit from such a programme as it will keep them socially engaged and economically active.

³³ More information on the Safe Schools Project and the Presidential Initiative for the North-East is available online at <http://pine.ng/cause/pessi/> (accessed 16 July 2015).

³⁴ Idayat Hassan - Counter Insurgency from Below, the Need for Local Grassroots Defenders in Curbing the Insurgency in North-East, Nigeria West Africa Insight Vol 4. No.2 ISSN 2006-1544

4. There is urgent need for the immediate prioritisation of education; destroyed schools must be rebuilt and a massive campaign launched on the importance of education. The free meals initiative promised by the Buhari government should be introduced in the schools as form of incentive and support to parents and their wards.

5. The reconstruction of infrastructure within the communities must be undertaken to enhance the well-being of the people. Markets, hospitals, water facilities etc. that were destroyed must be reconstructed to enhance the living conditions of the people.

6. There is need to set-up Peace and Security Committees where religious and traditional leaders help to reconcile warring parties and

reintegrate victims back into society. For example, the Peace and Security Committee set up by the Federal Government should be replicated in all North-East states.

7. Women-led civil society organisations like Women Peace and Security Network in Borno State should be encouraged and supported to play active roles in peace, education, mobilisation and negotiation initiatives.

8. In designing any post-conflict security architecture for the North-East, there should be strong emphasis on building a cohesive structure that creates an interface between the communities and security personnel. It is proposed that the National Security and Civil Defense Corps (NSCDC) be a core component of such a structure.

THE GENDER
DIMENSION OF THE
BOKO HARAM
CONFLICT

THE gender dimension of the Boko Haram conflict is a constant threat to peace and security in North-East Nigeria. It involves looking holistically at the roles women play in conflicts, both as victims and active combatants. Boko Haram's tactics includes abduction of women and girls for use as sex slaves, labour, and suicide bombers. In addition, the majority of the IDPs are women and children and suffer from extreme deprivation. Furthermore, most of these women have lost family members to Boko Haram attacks and bear the brunt of the conflict in different representations. Research has actually shown that women and girls have actually been at the receiving end of the Boko Haram conflict³⁵.

The Buhari government should be proactive in the ways it tackles issues of gender, IDPs and returnees to avoid further stigmatization of the victims. It is obvious that women are generally discriminated against, due to cultural, religious and social practices. Further discrimination of women, who already pay a huge price in the Boko Haram conflict, will trigger a chain of reactions that will militate against effective reintegration in the society.

It is also important to acknowledge that women may have directly or indirectly played roles that clearly show support for the insurgency,

especially when they are forced or semi-forced by circumstances into these roles. Several women have been forced into marriage with Boko Haram fighters. Others are currently being used as suicide bombers, spies and couriers, which has altered the face of the insurgency as female bodies have been militarized as weapons of war and mass destruction. It is however difficult to ascertain whether the female suicide bombers act out of personal decisions or are forced to carry out these attacks against their will and principles.

The UNSC Resolutions 1325 (2000) and other local initiatives like the National Gender Policy; the National Action Plan on Women, Peace, and Security come in handy for the Buhari administration. The need to include women in any conflict resolution and prevention strategies cannot be overemphasized. Women in the North-East should be involved in decision-making processes.

Proposals for peace negotiations and possibility of amnesties should involve women associations as part of the consultation process. The government must put in place a robust institutional arrangement that prioritises the issue of gender in any "Marshall Plan for the North-East." Such plan should take into cognizance a process of rehabilitation, reconciliation and inclusion.

The Buhari government should be proactive in the ways it tackles issues of gender, IDPs and returnees to avoid further stigmatization of the victims. It is obvious that women are generally discriminated against, due to cultural, religious and social practices.

³⁵Jacob Zenn and Elizabeth Pearson, "Women, Gender and the evolving tactics of Boko Haram" (2014)5 Journal of Terrorism Research 1-9, available online at: <http://ojs.st-andrews.ac.uk/index.php/jtr/article/view/828/707>, accessed 14 May 2015.

In recognition of the gendered nature of the Boko Haram conflict, the following recommendations are made:

1. The Nigerian Government should put in place effective structures to ensure that women and girls who are victims of Boko Haram atrocities receive adequate care and attention. The employment of psychologists and trauma experts will be helpful in that regard.

2. The government should also ensure that women and girls are not discriminated against due to the negative effects of the conflict. For example, the pregnant girls that were rescued from Sambisa forest should not be subjected to stigmatisation by communities and officials. In addition, there is need to provide medical and related services to young women who are pregnant, as well as to their prospective children.

3. The government should ensure the inclusion of women in all peace building and reconciliation efforts, including but not limited to:

- a) The appointment of a Gender Advisor to the President of the Federal Republic of Nigeria for the North-East;
- B) The establishment of a Gender Advisor position at the Office of the National Security Adviser and in other government Ministries, Departments and Agencies dealing with security issues;
- c) The necessary inclusion of women in the peace negotiating teams. Wherever possible, some of the kidnapped women/young girls should be involved in the negotiations.

THE UNSC has been active on the Boko Haram conflict. The initial slow pace attitude of the UNSC was a result of Nigeria's temporary membership of the UNSC and refusal to allow the matter to be discussed openly. However, some subsequent developments enabled the Jonathan's administration to ensure the classification of Boko Haram as a terrorist organization and the official designation of the sect in the sanctions list of the UNSC. A recent discussion on a UNSC resolution on Boko Haram was stalled due to differences in the proposed mandate of the Multinational Joint Task Force (MNJTF) and already existing agreements to combat the Boko Haram insurgency. The UNSC recently adopted a Presidential statement condemning Boko Haram and backing the MNJTF, created to combat the terrorist group³⁶. While the statement was highly comprehensive in terms of approach and human rights et al., it was very silent on the issue of accountability.

The new Nigerian administration has to carefully consider the benefits or otherwise of the UNSC resolution on the Boko Haram conflict. Any UNSC resolution to be adopted should make the protection of civilians a top priority. Furthermore, there should be support for accountability for international crimes committed in North-East Nigeria. It is the primary responsibility of Nigeria to design a template that recognises the country's obligations under international law, and the need to reconcile several communities that have been torn apart by the conflict. The emphasis of the current administration should be on

international support for reconciliation, rehabilitation and reconstruction while not neglecting the issues of [disarmament, demobilization and reintegration](#).

It is therefore recommended that the Buhari administration support, when necessary, a UNSC resolution on Boko Haram that:

- 1.Emphasises the protection of civilians as a core mandate of the MNJTF;
- 2.Clearly focuses on the need for rehabilitation, reintegration and reconciliation, while not neglecting the issues of [disarmament and demobilization](#);
- 3.Prioritises immediate reconstruction of infrastructure in the communities affected by the conflict to enhance livelihoods of the returnees;
- 4.Ensures accountability for international crimes committed by both Boko Haram and the Nigerian security forces.

³⁶ Security Council Presidential Statement Condemns Boko Haram Attacks, Supports Joint Strategy to Combat Terrorist Group's Threats SC/11983 <http://www.un.org/press/en/2015/sc11983.doc.htm>

CONCLUSION

SECURING the lives and properties of Nigerians and their country's territorial integrity is a task that is not negotiable. Therefore, the current administration must diligently perform and accomplish such a vital task. It will require political will, considerable resources, careful planning and effective execution. It will also require leading by example. The Buhari administration must find a way to deal with the remote and immediate causes of the Boko Haram insurgency, including the development of short-term, mid-term and long-term strategies to deal with issues of insecurity throughout Nigeria. However, of immediate concern is the issue of the North-East, and the recommendations in this briefing note are made as part of a holistic and sincere approach to resolving the Boko Haram conflict. It is further recommended that funds held by the VSF should be used to start the implementation of the strategies discussed earlier.

REFERENCES

Amnesty International "our job is to shoot, slaughter and kill': Boko Haram's reign of terror in north east Nigeria" 13 April 2015, Index number: AFR 44/1360/2015, available online at <https://www.amnesty.org/en/documents/afr44/1360/2015/en/>, accessed 7 May 2015

Andrew Walker "What Is Boko Haram?" United States Institute for Peace Special Report 308, available online at <http://www.usip.org/files/resources/SR308.pdf>, accessed 9 May 2015

Boko Haram, 0.5 Million displaced Victims with Yola families are suffering: Where's Victim Support Fund <http://www.nigeriancurrent.com/ck88-news/boko-haram-0-5m-displaced-victims-with-yola-families-are-suffering-wheres-victims-support-fund> assessed 17 May 2015

Civil Society Legislative Advocacy Centre "State of the Nation Address by Civil Society Organisations in Nigeria" 7 July 2011 available online at: <http://www.cislacnigeria.net/2011/07/state-of-the-nation-address-by-civil-society-organisations-in-nigeria/>, accessed 11 May 2015

Dakas Dakas "Interrogating Nigeria's Counter Terrorism Strategy through the Prism of Law and Human Rights" (2014) 4 *West Africa Insight* 20-23

Edegbe Odemwingie "Nigeria: Senate Prescribes Death Penalty for Terrorists" 21 February 2013 Leadership Newspaper, available online at <http://allafrica.com/stories/201302210343.html>, accessed 11 May 2015

Ekene Okoro and Ifeoma Ononye "Sambisa Operations: Harvest of Rescues without Chibok Girls" 10 May 2015, available online at: <http://dailyindependentnig.com/2015/05/sambisa-operations-harvest-rescues-without-chibok-girls-2/>, accessed 12 May 2015

Freedom Onuoha "The Islamist challenge: Nigeria's Boko Haram crisis explained" (2010) 19 *African Security Review*, 54-67

Human Rights Watch "Spiraling Violence: Boko Haram Attacks and Security Force Abuses in Nigeria" October 2012, available online at: <http://www.hrw.org/sites/default/files/reports/nigeria1012webwcover.pdf>, accessed 9 May 2015

ICC "Nigeria" available online at: http://icc-cpi.int/en_menus/asp/states%20parties/african%20states/Pages/nigeria.aspx, accessed 12 May 2015

Idayat Hassan - Counter Insurgency from Below, the Need for Local Grassroots Defenders in Curbing the

Insurgency in North-East, Nigeria (2014) 4 *West Africa Insight* 25 - 28

Idayat Hassan and Benson Olugbuo “Exploring the Justice, Peace and Reconciliation Pathways in Boko Haram's Insurgency in Nigeria” (2014) 4 *West Africa Insight*, 15 - 23

International Criminal Court “The Office of the Prosecutor: Report on Preliminary Examination activities” 13 December 2011 available online at:
<http://www.icc-cpi.int/NR/rdonlyres/63682F4E-49C8-445D-8C13-F310A4F3AEC2/284116/OTPreportonPreliminaryExaminations13December2011.pdf>, accessed 11 May 2015

Isa Sa'idu “Nigeria: Soldiers Violating Terrorism Act Provisions - Barr. Umar” 20 October 2012 available online at: <http://allafrica.com/stories/201210200301.html>, accessed 11 May 2015

Jacob Zenn and Elizabeth Pearson “Women, Gender and the evolving tactics of Boko Haram” (2014) 5 *Journal of Terrorism Research* 1 - 9, available online at:
<http://ojs.st-andrews.ac.uk/index.php/jtr/article/view/828/707>, accessed 14 May 2015

Kai Ambos, Judith Large and Marieke Wierda (eds) *Building a Future on Peace and Justice: Studies on Transitional Justice, Peace and Development* (2009) Berlin: Springer-Verlag Berlin Heidelberg

Lisa Schlein “UN Human Rights Chief Condemns Boko Haram Attacks” 23rd June 2012 and available online at: <http://www.voanews.com/content/nigeria-un-human-rights/1246278.html>, accessed 11 May 2015

NCICC Press Release “[NCICC PRESS RELEASE: Enhance the Committee on Victims Support Fund \(CVSF\) through passage of the “Crimes against Humanity, War Crimes, Genocide and Related Offences Bill, 2012”](#)” 1 August 2014, available online at:
<http://www.cddwestafrica.org/index.php/en/2015-01-14-10-03-01/news/150-ncicc-press-release-enhance-the-committee-on-victims-support-fund-cvsf-through-passage-of-the-crimes-against-humanity-war-crimes-genocide-and-related-offences-bill-2012>, accessed 12 May 2015

Newswire Nigeria “Boko Haram: Victims Support Fund Appoints Dr Sunday Ochoche as Executive Director” 8 December 2014, available at:
<http://newswirengr.com/2014/12/08/bharam-victims-support-fund-appoints-dr-sunday-ochocher-as-executive-director/>, accessed 11 May 2015

President Buhari's Speech at the United States Institute for Peace 22 July 2015, available online at: <http://pulse.ng/local/buhari-read-full-text-of-president-s-speech-at-us-institute-for-peace-id4005380.html>, accessed 31 July 2015.

Punch Newspapers “Jonathan signs new criminal justice bill into law” 14 May 2015, available online at: <http://www.punchng.com/news/jonathan-signs-new-criminal-justice-bill-into-law/>, accessed 19 May 2015

Punch Newspapers “Sultan seeks amnesty for Boko Haram members” 6 March 2013, available online at:
<http://www.punchng.com/news/sultan-seeks-amnesty-for-boko-haram-members/>, accessed 11 May 2015

Report of the UN Secretary- General “The rule of law and transitional justice in conflict and post-conflict societies” 23 August 2004, S/2004/616, available online at:
<http://www.unrol.org/files/2004%20report.pdf>, accessed 14 May 2015

The Economist “Nigeria's crisis: A threat to the entire country” 29 September 2012 available online at:
<http://www.economist.com/node/21563751>, accessed 9 May 2015

Vanguard Newspapers “Boko Haram: 214 rescued girls pregnant UNFPA” 4 May 2015, available online at:
<http://www.vanguardngr.com/2015/05/boko-haram214-rescued-girls-pregnant-unfpa/>, accessed 12 May 2015

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