

Counter-Terrorism Legislation (COTL) and Counter Insurgency (Coin) Operations in Nigeria: The Boko Haram Experience

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ABSTRACT

For more than a decade, terrorism has remained an unprecedented threat to Nigeria's national security interest, and the peaceful existence of the Nigerian State. This paper examines the impact of counter-terrorism legislation in the continual existence of the menace of insecurity despite measures adopted by the government to counter-terrorism. Nigeria has witnessed various conflicts with features of terrorism although an attempt to label such acts as terrorism had met with stiff opposition. Although the absolute definitions of acts of terrorism remained undefined under Nigerian law for a long time, the absence of a specific anti-terrorism law to prosecute terrorism-related cases had been a clog in the prosecution of terrorism-related cases. Irrespective of the enactment of the Terrorism Prevention Act 2011, this obstacle still lingers. This points to the preparedness of the Nigerian government to contain terrorism before its escalation. As a result of these undefined acts of terrorism, approaches to counter-terrorism are met with mixed methods and approaches which seem reactive rather than preventive and ending the incidence of terrorism. This study, therefore, evaluates the loopholes in the counter-terrorism legislation as it is reflected in counter-terrorism operations taking Boko Haram as a case study. The study adopts pre-test and post-test analytical framework to evaluate the inadequacies in enacting and implementations of the counter terrorism act to curb terrorism. Data were collected through documentary method and adequate study of the anti-terrorism act 2011 and 2013 as amended, official documents from NACTEST, Journals and newspaper dailies. Qualitative descriptive method of data analysis was used to analyze these data. Amongst others, we recommend a multi-sector approach especially, religious, legal and political means towards ending terrorism in Nigeria is recommended.

Keywords: Boko Haram, counter terrorism, Counter terrorism legislation,

INTRODUCTION

Terrorism continues to pose a major threat to international peace and security. Not as if the act of terrorism is new in the field of research rather the escalation, significant damages, the seeming unending fight against terrorism, and the trauma the act of terrorism poses (threats to life) draw attention for immediate response. Terrorism is a major concern of domestic and international peace and security policy. This is because the lives of virtually every person on around the globe have been altered in some way by new laws and measures designed to combat it (Jackson et al 2011). This is also reflected in the counter-terrorism strategies of different nations of the world in their response to acts of terrorism. In as much as terrorism is abhorred globally, the approach and states' position to counter-terrorism matters a lot as such is reflected in her struggle for the sustenance of internal peace and security. For example, the United States, Israel, and Russia are known for their non-tolerance or zero tolerance to any act/form of terrorism and violent extremism which is reflected in their foreign and security policies.

That notwithstanding, terrorism has been observed to be a global phenomenon as we have different and numerous terrorist groups around the globe (Al Qaeda, AQIM, ISWAP, Al-Shabaab, Boko Haram) among others pushing their agenda through various violent means. However, the States' approach to Counterterrorism and its application of counter-insurgency operations determine to a large and significant extent the violent capacity of such existing terrorist groups. Therefore, these COIN operations are inherently reflected in a

country's counter-terrorism legislation and implementations.

Although acts of terrorism are as old as man, Nigeria had continued to face multiple challenges posed by various terrorist groups including Boko Haram, which has led to devastating human costs, in terms of lives lost or permanently altered internally displaced persons, and immensely negative consequences for economic and social development (Agbibo, D. E., 2014). Since 2009 till present, the violent activities of the terror group have escalated in intensity and dimensions. For instance, the Boko Haram group conducted about 136 attacks in 2011, up from 31 in 2010, and in 2012, the attacks wheeled from 136 to 364 which represents over 267% increase and resulted in the death of about 1,132 people (FATF, 2013,5). Also, between 2013 and 2014, the report by the Global Terrorism Index (GTI) revealed that Boko Haram attacks recorded over 300% increase with the death toll rising to 7,512 (GTI, 2015). With regards to dimensions of attacks, they made use of improvised explosive devices (IEDs) against targets and also use of suicide bombing tactics to the point of recording over 11 suicide bombings carried out by the sect in 2019. Now, the prevalent strategies are not limited to jail breaks, the ambush of soldiers, kidnapping for ransom, and splintered banditry by bandits.

Looking at the counter-terrorism approach and strategies of the Nigerian government to terrorists, it purveys an unclear and definite stance cut in between enactment and implementation of the continual flux of tactics and strategies which have been criticized to have contributed to the seeming unending counter-terrorism strategies. Consequently, Ugwueze M.I and Onuoha F.C (2020) observed that; "In theory, Nigeria's counter-terrorism strategy largely reflects global best practices in countering terrorism through a soft approach. However, what is practically on the ground is antithetical to the content of the document; particularly because counter-terrorism in Nigeria is still largely shaped by a hard approach" (Ugwueze and Onuoha 2020, 6). From this assertion, there is a reflection of inadequate implementation or a lack of synergy between the legislation to implementation. In addition, the Nigerian government has not quite taken concrete actions as envisaged in the legislation of terrorism laws to address the threat of Boko Haram terrorism in the country. However, the application of force has largely proven to yield an immediate result and has degraded the sect's capacity to seize and administer territories yet the group is far from being defeated (Onuoha et al., 2020). Unfortunately, this hard and intensified military response in the fight against Boko Haram terrorism has forced the group to adopt guerrilla tactics of ambushes of soldiers and civilians as a force reaction. This has equally prompted the FGN to consider negotiating with the group's members who are willing to surrender (Ndujihe et al., 2018; Saharareporters, 2018). Although this option might not be lawfully entrenched in the terrorism prevention act of 2013, the government sees it as another approach to counter-terrorism taking a cue from various factors like poverty and illiteracy as the cause of joining terrorist groups. Through its National Counterterrorism Strategy and the Nigerian Terrorism Prevention Act 2013 as amended which provided measures for the prevention, prohibition, combating of acts of terrorism, and financing of terrorism, the Nigerian government has struggled to contain the odious activities of the Boko Haram insurgency through policy framework and overt military operations.

Therefore, in discussing counter-terrorism legislation and counter-insurgency operations in Nigeria, this chapter considers the formation of various military operations, the impact of the terrorism prevention act in counterinsurgency warfare, and a critical review of the challenges in implementation (legislation/act vs implementation) in defeating Boko Haram insurgency in Nigeria. In extension, this chapter examined operations within the framework of legislation and implementation thereby identifying the challenges to counter-insurgency operations in Nigeria.

METHODOLOGY

This chapter examines the nexus and the significant impact of counter-terrorism legislation (COTL) on counter-insurgency operations in Nigeria (Boko haram). In so doing, we employ a look at the circumstances that prompted the enactment of the terrorism act 2011 as amended 2013. This takes the form of pre-test and post-test analysis. A qualitative approach with baseline data obtained from reports and policy briefs,

government gazette, and military overt operations was adopted. Data for this study was also obtained from documentary evidence of Boko haram attacks through journal publications, newspapers and books. Through qualitative descriptive method, data from these were analytically reviewed in reference to terrorism legislation and COIN operations in Nigeria. With this, the study was able to identify some of the factors militating its success,

CONCEPTUAL AND CONTEXTUAL CLARIFICATION

In order to understand the meaning of counter-terrorism legislation and counter-insurgency operations, there is an inevitable need to explore the meaning of terrorism. Just like some concepts in social science that tend to defy a consensual definition, terrorism has numerous definitions and explanations owing to the question of the nomenclature “who is a terrorist”. However, “violence, fear, intimidation, and threats” are the consistent variables of terrorism. Towing this view, Wardlaw (1982) viewed terrorism as the use, or threat of use of violence by an individual or a group, whether acting for or in opposition to established authority, when such action is designed to create extreme anxiety and, or fear including effects in a target group larger than immediate victims with the purpose of coercing that group into acceding to the political demands of the perpetrators. In a similar vein, Terrorism is defined as the systematic use of violence and intimidation to coerce a government or community into acceding to specific political demands (Pearsall & Trumble, 2006).

In a comprehensive and broad explanation, Article 2 of the draft comprehensive Convention on International Terrorism defined terrorism as: any person who commits an offense within the meaning of this Convention if that person, by any means, unlawfully and intentionally, causes: death or serious bodily injury to any person; or serious damage to public or private property, including a place of public use, a state or government facility, a public transportation system, an infrastructure facility or the environment; or damage to property, places, facilities, or systems referred to in paragraph 1 (b) of this article, resulting or likely to result in major economic loss, when the purpose of the conduct, by its nature or context, is to intimidate a population or to compel a government or an international organization to do or abstain from doing any act (Schmid & Graaf, 1980). On this basis, the UN Security Council, in its resolution 1566 (2004), uses three cumulative criteria to characterize terrorism: (i) intent; (ii) purpose; and (iii) specific conduct, consisting of the following:

1. Criminal acts, including against civilians, committed with the intent of causing death or serious bodily injury, or the taking of hostages;
2. Regardless of whether motivated by considerations of a political, philosophical, ideological, racial, ethnic, religious or other similar nature, with the purpose of provoking a state of terror in the general public or in a group of individuals or particular individuals, intimidating a population or compelling a government or an international organization to carry out or to abstain from carrying out any act; and
3. Which constitute offenses within the scope of, and as defined in, the international conventions and protocols relating to terrorism.

From this and other numerous definitions, the use of the threat of violence to seek and create fear not just to the direct victims but to the wide audience for the purpose of advancing a political, religious, or ideological cause is referred to as terrorism. (UK terrorism act, 2000, Pearsall & Trumble, 2006).

Though the Nigeria Terrorism prevention Act 2013 was not definite in its description of the term terrorism, however, it highlighted the use of threats, violence, or attempts to instill fear to a wider or subsection of the public in advancing an ideology or a political cause as the act of terrorism. The act extended that accomplice acts whether through finance or arms are also termed acts of terrorism. Therefore, in explanation of terrorism in this chapter, it is viewed as act that involves the use of threats, intimidation, violence and fear to the wider public in advancing an ideology or an objective for political reasons.

Counter-terrorism on the other hand, refers to a government’s plan to use the instruments of national power

to neutralize terrorists, their organizations, and their networks in order to render them incapable of using violence to instill fear and to coerce the government or its citizens to react in accordance with the terrorists' goals". (Stigall, Miller, and Donnatucci, 2019,6). therefore, it involves the wholesome approach (hard vs soft) plans, and strategies that are deployed to battle and stem every act of terrorism ranging from indoctrination to radicalization and violent extremism or the tipping point. In this study, it refers to all the approaches used in fighting the Boko haram insurgency to maintain peace and stem every act of terrorism in Nigeria. While counter-terrorism legislation refers to those laws, acts, or statutes that are made by the legislators in response to countering terrorism. These laws and acts refer to all rules guiding the involvement of an individual in acts of terrorism ranging from financing to violence. In the case of Nigeria, we are referring to the counter-terrorism prevention act or bill of 2013 and other acts that led to the establishment of some counter-terrorism institutions like NACTEST. Just like counterterrorism, COIN refers to both kinetic and non-kinetic approaches to ending the insurgency. Insurgency in this context refers to the rising of various non-state armed groups that tends to use violence and force to advance their agenda. In Nigeria, these insurgency groups are often referred to as terrorists like Boko haram, which is globally known for its terrorist activities. However, due to the nature and agenda of various non-state actors and the agenda they advance, various adjectives like non-state actors, armed groups, unknown gunmen, bandits, and kidnappers are used to draw a thin line between known terrorists like Boko haram and ISWAP. Some scholars have identified insurgencies to be full of challenges because of their asymmetric nature, duration, and the financial resources involved (Petraeus 2006). However, counter-insurgency requires a whole government approach and international cooperation for it to be successful.

NORMATIVE FRAMEWORK FOR COUNTER TERRORISM LEGISLATION (COTL) IN NIGERIA.

In generic terms, legislation refers to the enactment of acts or the process of making a bill to become law. This sub-theme in this chapter now reflects the responsibilities of the legislative arms of the government of Nigeria in fighting the insurgency of Boko haram. However, in counter-insurgency strategy, the roles of the legislature and the executive have to be considered with regard to making of laws and implementation.

As stated earlier, before the emergence of Boko haram majority of the insecurity challenges facing Nigeria revolves around arm robbery, kidnapping, and oil bunkering which affects the economy. The first attempt to introduce the anti-terrorism bill was in 2005 under the Obasanjo administration. The proposed legislation, states that anyone convicted of a terrorist offense could be sentenced to up to 35 years imprisonment. The bill was withdrawn and later didn't scale through because of a lack of requisite support and different perceptions. As Sampson, I. T. and Onuoha, F. C. (2013) puts it;

“...differing perceptions and interpretations of lingering militancy in Niger Delta region (South) and Islamic extremism (North) presented the main challenge to Nigeria's endeavor to enact comprehensive terrorism legislation. People from the Niger Delta and some members of the Muslim Community had denounced the draft PTA for what they described as an open-ended definition of terrorism with the potential of subsuming the activities of the Niger Delta and Islamic militants under its definition...” (Pp 39-40.)

These counter opinions from Nigerian legislatures delayed the passage of counterterrorism legislation in Nigeria. By the year 2010 and the early months of 2011, the incidence of terrorism in Nigeria became full-blown. Mantzikos, (2014), added that between September 2010 and May 2011, Boko Haram successfully carried out over fifty attacks. Consequently, it then dawned on the lawmakers that terrorism had no borders and must be combated. Thus, on December 10, 2010, an Executive-Sponsored counterterrorism bill was read and swiftly passed with an overwhelming majority of votes in both chambers of the National Assembly and passed the Terrorism Prevention Bill in May 2011 while President Goodluck Jonathan signed it into law on June 3, 2011.

Now a critical understanding of the enactment and signing of the Terrorism prevention act indicates that it was a reactionary approach to terrorism. This approach occasionally reflects some of our country's responses to the issues of terrorism. For example, the jailbreak of Kuje prison, and the kidnap of Abuja and Kaduna train victims have necessitated the drastic and adoption of a repressive action of the military in operation *hadin kai* for both air and ground troops to deal decisively with banditry and terrorism as against proactive measures of deradicalization, provision of basic social amenities and other counter violent extremism measures.

Apart from the legislation of the Terrorism Prevention Act 2011 as amended in 2013, Nigeria also adopted its first National Counter Terrorism Strategy (NACTEST) in 2014. It is aimed to be a living document that will continue to undergo reviews, consistent with constantly evolving situations. The NACTEST combines the hard military approach, intelligence gathering, and use of force, with a soft approach, which aims to win hearts and minds and address the root causes of radicalization within Nigerian communities. The strategy is built on five pillars or work streams namely; Forestall (Prevention through public sensitization campaigns and deradicalization), Secure (Protection of life & property, key national infrastructure & services national interests worldwide), Identify (Investigating and bringing violent extremist offenders to justice), Prepare (Preparing the populace in order to mitigate the consequences of terrorist incidents), Implement (framework to effectively mobilize and sustain a coordinated cross-govern population-centered effort). From the foregoing, we can infer that the counter-terrorism laws and the policy framework therein are often associated with the Terrorism prevention act 2011, and NACTEST policy framework of counter-terrorism center (CTC) that embedded the use of both kinetic and non-kinetic approaches to stem insurgency and terrorism in Nigeria. NACTEST recognizes factors that fuel the growth and survival of terrorist groups as conflicts and instability, modern technology such as internet, radicalization, extreme ideologies, poverty, unemployment, ethno-religious differences and societal vices. The document, therefore, reflects Nigeria's effort at main streaming the UN GCTS four pillars into its counter-terrorism programs. As a result, the strategy was articulated as a national blueprint to guide the soft approach to combating the threat of terrorism in Nigeria. NACTEST has five pillars or streams code-named FSIPI which stands for forestall, secure, identify, prepare and implement. FSIPI was conceived based on the four major pillars of the UN GCTS. The forestall pillar of NACTEST entails both domestic and international efforts and partnership aimed at countering the conditions conducive for the spread of terrorism. This pillar focuses on addressing issues that will diminish the capability of terrorists to operate freely in Nigeria. Priorities in this regard included enhancing security awareness amongst the populace, reducing the possibility and ability of terrorist groups to recruit new members while introducing measures that would deter potential terrorists. Properly planned and adequately resourced preventive measures, when employed, would reduce the frequency of attacks.

APPROACHES TO COUNTER-TERRORISM IN NIGERIA

Though a good chunk of this chapter focuses on COTL and COIN, however, there are need to explore the different approaches to coin as there is a significant relationship between legislation (the process of making and enacting laws) and implementation. States, through their security forces and the monopoly use of force, have an obligation to take all the necessary measures to protect all individuals within their jurisdiction from terrorism. As a result, they need to put an emphasis on preventing terrorism while simultaneously upholding, human rights and the rule of law. Strategic approaches to counterterrorism often encompass several objectives, addressing different issues and stages that will eventually lead to the occurrence of terrorism. The UN Global Counter-Terrorism Strategy notably defines a holistic approach to counterterrorism that includes: Measures to address conditions that aid the spread of terrorism; prevent and combat terrorism; and respect for human rights and the rule of law while fighting terrorism. Similarly, the UN Security Council resolution 1373 (2001) imposes a legally binding obligation on all states to establish appropriate legislative, regulatory and institutional frameworks, including, to:

- Refrain from providing any form of support, active or passive, to entities or individuals involved in terrorist acts amongst others. This

prompted the Nigerian government to establish in November 2014, its first-ever soft approach to counterterrorism through the National Counter-Terrorism Strategy (NACTEST). This strategy was designed to provide a holistic national framework for leveraging all elements of national power in dealing with the threat of terrorism and violent extremism; taking a cue from the blueprint put forward by the United Nations General Assembly (UNGA) Resolution 60/288 of September 8, 2006. This Resolution established the United Nations Global Counter-Terrorism Strategy (UN GCTS) as a framework for combating terrorism around the world and which UN member states are expected to domesticate. Nigeria’s effort to domesticate the UN GCTS was its adoption of NACTEST (Ugwueze and Onuoha 2020). Having taken a cue from the legislative point of view of enacting terrorism prevention act, establishment of NACTEST and numerous counter insurgency operations by the military, the critical question still remains, why has Boko Haram terrorism persisted despite the efforts being made by the Nigerian government?

Notably, a RAND report prepared by Jones and Libichi (2008) shows that the most effective steps for defeating terrorism demand less military interventions and more civilian participation. In the report where 648 terrorist groups that existed between 1968 and 2006 were sampled, Jones and Libichi (2008, p. 19) maintained that defeating terrorism requires that members of the terrorist group decide to adopt nonviolent tactics and join the political process in actualizing their objectives (43%). The next most effective strategy is for the local law-enforcement agencies (example, the police) to arrest or kill key members of the group where members of the local community assist them in intelligence gathering (40%). Third step which could only achieve 7% result was the use of military force against the terrorists and the fourth is for the terrorists to achieve victory over the state forces (10%) (cited in ugwueze and Onuoha 2020, 13). Despite this existing knowledge, Nigeria continues to rely on the military (hard) approach that could only achieve their expected results in counter-terrorism which has made the fight against insurgency seems unending. Though the sole dependent on hard approach yields a result of immediate destabilization of terrorist groups, it has been criticized owing to reasons like embezzlement of arms budget allocation among others (Oriola, 2018; Greenbarg Reporters, 2016; Premium Times, 10 December 2015, Ukpong 2017). In Summary, approaches to counter-terrorism are basically *soft and hard approaches*. Though scholars have explained the unalienating application or sole dependent on one approach over the other which tends not to end terrorism. Therefore, a simultaneous combination of both approaches is always recommended for effective counter-terrorism strategy and objectives.

Examples of these approaches are tabularized below;

S/N	Soft approach	Hard approach
1.	Counter radicalization	Military operations
2.	De radicalization and disengagement (successful examples: Saudi Arabia’s 2004 PRAC -prevention, rehabilitation, and Aftercare program, the 2002 committee of religious dialogues organized by the presidential decree in Yemen, the united kingdom’s CONTEST program of 2003 Pursue, protect, prepare and prevent.)	Drone and aerial bombardments
3.	Prison-based approaches	Marking a territory as a RedZone for military operations
4.	Comprehensive disengagement	Decapitation

Given the threat terrorism poses to peace; security and development, some international and regional organizations, as well as some states have embarked upon the articulation and implementation of robust counter-terrorism strategies. Increasingly, states have come to realize not only the role of military campaign in dealing with terrorism but more importantly, the centrality of other variables such as rule of law and good governance in counter-terrorism efforts. Although, the conventional use of hard approach such as the military in combating violent extremism remains an important counter-terrorism strategy, excessive reliance on such approach is increasingly becoming unpopular given its inadequacies in stemming the tide of terrorism (Eji, 2016; Oyewole, 2013, 2017). Inherent in the above explanation of the approaches to counter-terrorism is the undeniable fact that there exists a law with a stance on what a country terms terrorism and the actual sanction meted out for it. This exposes the relevance of legislation and implementation. Therefore, it poses a linear structure of the existence of the law and its implementation which is manifested in counter-insurgency operations. Unfortunately, the case of Nigeria is unclear which affects to a significant extent the fight against terrorism.

Apart from stemming terrorism, one of the major objectives of COIN operation is to foster the development of effective governance by a legitimate government. These objectives are achieved by the use of kinetic and non-kinetic (Military and non-military) approaches to COIN. In every insurgent situation, the state responds appropriately with strategies usually known as counterinsurgency (COIN). Counterinsurgency is the military, paramilitary, psychological, social, and economic undertakings implemented by the government to foil insurgency (David and James, 2006)

Since the inception of terrorism and insurgency in Nigeria, the government has developed various strategies for curbing the activities of Boko Haram. However, most of the observable and laudable strategies are military overt operations in counter-insurgency operations. Such strategies include the deployment of the specially trained anti-terrorism combat squad to the terrorist zones in order to suppress the activities of Boko Haram Okupe (2015), acquisition and development of more sophisticated, adequate, and appropriate military hardware (procurement and defense), the approval given by the international bodies that give authority to neighboring countries (Chad, Niger, and Cameroon) to lawfully deploy troops on Nigerian soil through MNJTF Multi-National Joint Task Force (Bala and Tar, 2021 ; Varin, 2015) and the declaration of a state of emergency in the three most affected northern states, namely Adamawa, Borno, and Yobe.

Direct military overt operations in counter-insurgency warfare indicate that since 2013 thousands of aerial bombardments and sorties have been launched against the insurgents and have strengthened its presence in the COIN. It has flown a total of 5,390 operational missions comprising; 2,648 for ground attacks, 1,479 for airlift, and 1,443 for ISR, and conducted 1,488 airstrikes against the insurgents (Peacock, 2015 ; Premium Times, 2017). These military operations have led to a modicum success like the repel of Boko Haram attacks in Konduga in December 2014, the recapture of territories from the insurgents with airstrikes (the battle of Gwoza) in March 2014, the bombardment of the insurgents' hideouts in October 2017 resulting to the death of many terrorists in Urga, Borno among other triumphs (Oyewole, 2016; Sani, T. 2017; Zenn, J. 2019, Maza, K.D, et al. 2019).

In Nigeria, the COIN crusade has over the years been majorly kinetic warfare relying on the use of coercive force to annihilate Boko Haram insurgents. It is a combination of air and land operations by the Air Force and Army that is substantially enemy-centric which aim to :maintain civil order, protect the civilian population and conquer/exterminate the insurgents. (Doukhan, 2015). According to (Onuoha, FC. 2014), the bilateral cooperation with nations like the United States, China, the United Kingdom and France in terms of airspace operations improved Nigeria's Military. Towards the rescue of the abducted 276 Chibok schoolgirls and training of 650 Nigerian troops.

Some of the Military Operations are tabulated below

s/n	Year	Code name	Description
	2011	Operation Restore Order I	Restoration of law and order in the north-east and Borno state in particular
	2011	Operation Restore Order II / III	Provision security for the locals against Boko Haram in Bauchi and Yobe
	2013	Operation Boyona	Damage of insurgents' camps and their incapacitation in communicating regrouping and reinforcing, arrest culprits and bringing them to justice
	2013	Operation ZamanLafiya	Same with Operation Boyona
	2015	Operation Gama Aiki	Clearance of remains of Boko Haram from Northern Borno and the border regions with Chad and Niger
	2015	Operation Lafiya Dole Decimation of many Boko Haram insurgents, their arrest, freeing of abducted hostages and discovery of bomb production factories.
	2016	Operation Crackdown	Decimation of weaponry and capacity of Boko Haram
	2016	Operation Rescue	Finale Conquest of Boko Haram in Sambisa Forest
	2017	Operation Deep Punch	Clearance of Boko Haram's remnants from Sambisa forest and restoration of order in the northeast.
	2018	Operation Last Hold	Exhibition of military combat efficiency, complete damage of Boko Haram insurgents locations in the Lake Chad, clearance of the Lake Chad water ways, obliteration of insurgents' terrorist camps & strong points in the Lake Chad basin, facilitation of rescue operation of hostages, restoration of economic activities & relocation of IDPs back to their communities.
	2021	Operation Tuka Takaibango	Boosting Operation Lafiya Dole, tackling the emerging threats of Boko Haram and ISWAP, their renewed violence and enclaves.
	2022	Operation Hadinkai	To totally eliminate Boko haram through bombardments and ground troops.

Source : Premium (2021), Omenma et al (2020), Vanguard News (2017), Eji, E. (2016), Authors' compilation

Without relying heavily on the laudable achievements of the military or the repressive aspects of COIN only, there are other varieties of socio-economic and political responses by state and non-state actors which are aimed at addressing the root and immediate drivers of insurgency. For example, in 2011 the Nigeria government engaged former president, Chief Olusegun Obasanjo in a peace deal with the leaders of the insurgent groups that will include compensation to families of its erstwhile leader, Mohammed Yusuf and other deceased members and rehabilitation of their mosques (Egunjobi & Odiaka, 2014). In a similar vein, Gana et al (2018) observed that the Borno State government paid around 100 million naira as compensation to the families in the same year. In addition to this, in 2013, a 26-member Amnesty Committee on Dialogue and Peaceful Resolution of Security Challenges in the North was established and headed by the then, Minister for Special Duties, Kabiru Tanimu with the view of ascertaining the grumbles of the group and possibly offer amnesty with pay in exchange of ceasefire (Ojo, 2020).

Owing to the contribution of poverty and bad governance as root drivers of violent extremism and insurgency, the government 2016, introduced social protection programs comprising Conditional Cash Transfer (CCT), Government Enterprises and Empowerment Programme (GEEP), and Home-Grown School Feeding Programme (State House, 2020) to the poorest set of people, unemployed youth, school children, artisans which were targeted at the vulnerable individuals in the Boko haram ravaged region.

From the foregoing examination of the counter-terrorism strategies in Nigeria, the findings reveal that military overt operations or kinetic approach to terrorism is an immediate response which from the analysis of counter-insurgency warfare in Nigeria has recorded a significant success in the war against insurgency. It is combative and enemy-focused. Though with criticisms of violation of human rights and other challenges, military operations to counter terrorism in Nigeria tend to be reactionary rather than proactive in the prevention of terrorism. On the other hand, the non-kinetic approach to counter-terrorism tends to be a gradual process that will reduce the challenges and vulnerabilities of individuals being recruited into the sector. It is people-focused and all-encompassing. Therefore, these two approaches to COIN can be summed up as follows; the kinetic dimension includes Military Campaign, Intelligence/ Police raids, Discreet Military operations and drone Strikes. While the Non-kinetic Dimension includes; Criminal Justice Initiatives, deradicalization programme, Strategic communication and Community engagement

Interrogating COTL and COIN operations in the fight against Boko Haram in Nigeria.

A critical analysis of COTL and COIN operations in Nigeria reveals mixed feelings, questions, and also appraisals of military performances. This is because, there have been cases of violation of human rights by the military, low morale by soldiers, rehabilitation of repentant Boko Haram members, cases after rehabilitation terrorists will go back to killing and maiming the public and debates on what act or who to be proscribed a terrorist or a freedom fighter owing to the unclear explanation of acts of terrorism by the Nigeria government and her laws therein. A critical look at the Terrorism Prevention Act as amended 2013 reveals this unclear nature of identity of a terrorist as well as the adjudication of justice in counter insurgency operations. For example, an excerpt from this act attempts to explain the act of terrorism as;

“Any person or body corporate who knowingly in or outside Nigeria directly or indirectly willingly –

1. Does, attempts or threatens any act of terrorism.
2. Commits an act preparatory to or in furtherance to act of terrorism
3. Omits to do anything that is reasonably necessary to prevent an act of terrorism
4. Assists or facilitates the activities of persons engaged in the act of terrorism...

(Source: Terrorism Prevention and Amendment Act, 2013. P. 8)

From the excerpts and the content of the Act, “terrorism” was repeatedly used, however, what constitutes and becomes definite as an act of terrorism was not clearly stipulated but are left on the perception and understanding of the government and security agencies which becomes quite problematic. In furtherance to this, substitute for sections 3-8 of the principal act New sections 3-25 states that “Any person who intentionally-

1. *Murders, kidnaps or commits other attacks on a person or an internationally protected person...*

This aspect has been jaundiced with levels and degrees of ascribing identities to the perpetrators. Such as banditry, unknown Gunmen, kidnappers and others. This unclear cut description of acts of terrorism has intricately implicated the CoIN operations in methods and approaches. Although the Boko Haram terrorist group are the most recognized terrorist group in Nigeria, the terrorism Prevention Act which is found not to exhaustively provide the definite acts of terrorism in Nigeria has left the security with the options of adopting CoIN operations that are hoped to stop the persistent terror attacks that now lingers over a decade. Accordingly, Clark observed the complexity of counter-terrorism, stating that defeating terrorism is more difficult and far-reaching than we have assumed. More so, winning the game is another matter altogether. (Clark, 2003, 5). Drawing from Clark’s assertion is the question of appropriate and workable strategies for countering the threat of terrorism. Other scholars like (Campbell. 2006, Lum, Kennedy, & Sherley, 2006) have identified the absence of evaluation research on counter-terrorism strategies and the subsequent

reasons for the seemingly unending asymmetric war on counter-insurgency. Their observations revealed that some strategies do not appear to be effective as they either didn't work or sometimes increased the likelihood of terrorism and terrorism-related harm. This seems to reflect the Nigerian situation, as there is no existing evidence of a comprehensive review of Nigeria's responses to counter-terrorism either by policymakers or researchers

Judging from the initial enactment of the Nigeria Terrorism Prevention Act (2013) which was embattled by the jaundiced views of some lawmakers and the eventual reactionary response of enactment, it made the counter-insurgency strategy look problematic from the onset. Again, the National Counter Terrorism Strategy (NACTEST), which as a policy framework contains COIN operations in Nigeria seems to be a different approach as compared to various discrete military operations in the theatre of war against insurgency. The NACTEST is organized into five work streams, each with its key objectives. The work streams are to; Forestall, Secure, Identify, Prepare, and Implement. Forestall aims to stop people from becoming terrorists, Secure strengthens protection capacity against terrorists, and identify aims at pre-emption through detection and early warning. The Prepare workstream has the objective of mitigating the impact of terrorist attacks while Implementing outlines the framework for the mobilization of a coordinated cross-governmental counter-terrorism effort. Although its aims are commendable, however, there are identified gaps that need to be addressed for it to provide the necessary strategic framework for countering terrorism in Nigeria. Some of the gaps are outlined in Table 1.

S/n	Observation	Implication	Perceived result or effect.
1.	Lacks a national definition of terrorism.	Poses a challenge to policy implementation as terrorist acts could be subjected to varying interpretations	Government's non-definite stand in proscribing a group of terrorist or freedom fighters as in the case of IPOB, MEND, SHIITE Muslims
2.	The government's disposition to negotiate with terrorists is not stated	Raises doubts and suspicion on policy trust of government.	Controversy on the issues of negotiating with terrorists, de radicalizing, rehabilitation, and coining the term "repentant terrorists"
3.	Silent on the protection of Nigeria's interests abroad and on responses to state-sponsored and individual sponsored terrorism	Necessary contingency plans may not be developed in this regard	Subsequent silence and non-publication of terrorist financiers even as published by UAE (https://www.thecable.ng/like-uae-us-places-six-nigerians-on-terror-list)
4.	The five pillars Forestall, Secure, Identify, Prepare, and Implement	Not well coordinated, tends to shift towards a reactionary response from the military against counter-terrorism.	Dominated by Counter terrorism operations that are repressive and kinetic with the focus to secure than prevent, reconstruct, and building state resilience.

Excerpts from Eji E.(2016.9)and modified by the authors

The fact that counter-terrorism strategies differ from nation to nation reiterates the need for a nation's counter-terrorism approach to capture the threat situation or the circumstances that are peculiar to it. In Nigeria context, The NACTEST is not evidently/absolutely clear on the Nigerian government's strategic approach. This is because evidence on the ground and indexes of counter-insurgency operations indicate hard repressive traditional military approach which dominates the counter-terrorism strategy. One can say that Nigeria's counter-terrorism posture is more military driven as opposed to law enforcement. The problem here is the attendant collateral damage and human rights abuses which, has attracted condemnation particularly from civil societies and some members of the international community(Amnesty International 2015). On the other hand, the military approach to counter-terrorism tends produce prompt desired results, though with high collateral damages than the non-kinetic approach to counter-insurgency.

Rine heart (2010) made a distinction between “hard” and “soft” power responses to terrorism, noting that it requires restructuring. He sees the kinetic approach as an enemy-centric focused consisting of high offensive military tactics. While the indirect or soft power approach consists of population-centric methods with features such as capacity building, economic development, counter-extremism, de-radicalization, and community integration that focus on the underlying causes that allow terrorism to thrive. Eji, E. (2016) added that in a religious, ideological, and socio-economic grievance-driven cases of terrorism such as Nigeria, winning the hearts and minds of the citizens as well as those of the terrorists and their sympathizers is significant. Therefore, policy frameworks and military overt operations in counterinsurgency should be defined and made resolute so as to achieve its intended goal rather than reactionary response and which sometimes create avenues for terrorists to regroup. In addition, Lutz & Lutz, (2013) recommended finding the balance or right combination between hard and soft approaches to counter-terrorism. They identified nine possible responses to terrorism, a combination of which could be said to form the counter-terrorism strategies of many governments. They include; increased security, intelligence gathering (detection and prevention), disrupting finances, repression, retaliation or punishment, pre-emptive action, use of special counter-terrorism units, concessions and reforms, and diplomatic approaches. The employment of these techniques in Nigeria would have a positive significant impact in the war against insurgency in Nigeria.

SUMMARY, CONCLUSION, AND RECOMMENDATION

This study underscored to a significant extent the counter-terrorism legislation of Nigeria and its relationship with the counter-insurgency operations against the Boko haram terrorist group in Nigeria. Findings revealed that the initial proposal before the enactment of the Terrorism prevention act in 2011 was marred with jaundiced views of legislatures in tribal and ethnic politics. Consequently, the eventual assent could be a reactionary approach to the already full-blown terrorism in Nigeria at that time. Again, the counter-terrorism policy and programs of government are arguably driven by institution eg the NACTEST, and the security agents. However, the policy framework of the former at some point seems not to be in tandem with some of the counter-insurgency operations as can be witnessed in the overwhelming use of repressive kinetic approach by military discrete operations. These operations in no doubt receive scorecards but are focused on the “secure” pillar of the NACTEST framework other such pillars as “prevent”, early warning, and reconstruction. Therefore, total reliance on discrete military operations without the focus to prevent and reconstruct will not entirely bring to an end the counter-insurgency war.

In view of the aforementioned identified gaps in COTL and COIN in Nigeria, this study recommends, the strengthening of good governance and democracy for socio-economic development especially in ungoverned spaces. The deficit of good governance is said to have contributed as both pull and push factors in the development of terrorism in Nigeria. Further to Military COIN operations in Nigeria is the need to reconstruct and rehabilitate those people affected by these operations that are not terrorists. Finally, it is imperative to understand what gives rise to insurgents and focus on preventive and early warning system signals through deradicalization.

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