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Civilians in Counter-Insurgency Operations in Nigeria

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Abstract:

Insurgency in recent times has gained unprecedented attention all over the world. Human beings on daily basis witness and or hear about the activities of different insurgent groups in different states fighting for one cause or the other. However, the enormous cost and hazards inflicted on states by these insurgents in terms of human and material cost have always spurred the government to respond, most times, with lethal force to at least provide security to the civilian population and civilian objects which are often the targets of insurgents. In the course of this intervention, the state is seen as competing with the insurgents over the control of the civil population who both the state and the insurgents seek to win their support and in turn control. While employing thematic approach in investigating civilians in counter-insurgency operations in Nigeria, this paper argues that the state is often accused of human rights violation as a result of its neglect of the principles guiding wars with armed groups and insurgents. The paper suggests that the solution to ending insurgency lies in the promotion and provision of good governance by the state and in case there is insurgency, the International Humanitarian Laws as it concerns war with armed groups need to be revisited to avoid human rights violations in Nigeria.

Keywords: *Insurgency, Counter-insurgency, Nigeria, Joint Taskforce, Human Rights, Civilian Joint Taskforce*

1. Introduction

Insurgency and counter-insurgency are two words that go together with one of them leading to the other. Whenever insurgency emerges in a state, the state responds with counter-insurgency with a view to fulfilling its responsibility of providing security to the state. However, the *modus operandi* of the Nigerian state in its counter-insurgency operations has had adverse effects on the civilian population who are often victims of insurgency. This is often because the Nigerian state relies on the use of disproportionate force in her response to insurgencies. This paper is structured into five parts. Part one conceptualizes Insurgency and Counter-insurgency. The part two discusses the Nigerian experience of Insurgency. The part four focuses on an examination of Counter-insurgency operations in the post-military Nigeria. The part four discusses civilians and the Joint Taskforce's operations and the final part is the conclusion.

2. Insurgency and Counter-Insurgency: Towards a Conceptualization

Insurgency as a term has received wide definition from different angles depending from the point from which one is looking at it. The United States Department of Defense (DOD) defined insurgency as "an organised movement aimed at the overthrow of a constituted government through the use of subversion and armed conflict" (US Department of Defence, 2007). This implies that any movement or activity launched by a group of people other than state actors against the state is insurgency. However, the term insurgency has been used interchangeably with guerrilla warfare, unconventional warfare, irregular warfare and revolutionary warfare among others and this has made it difficult for scholars to give a precise definition of the term. Perhaps, the difficulty in differentiating insurgency from other forms of warfare prompted Bernard Fall's statement that "revolutionary warfare (guerrilla warfare plus political action) might be a more accurate term to describe small wars such as insurgency" (Fall, 1965).

Whatever be the case, insurgency is carried out by insurgents who violently oppose the actions of the government by engaging the government in a protracted war aimed at weakening and discrediting the government among the populace. Insurgency as a phenomenon does not grow out of vacuum. It grows as a result of discontent among a section of a population against the state. 'Insurgents capitalize on societal problems often called gaps... when the gaps are wide, they create a sea of discontent, creating the environment in which the insurgents can operate' (Einzenstat, 2005). It follows that these 'gaps' include all the activities of the government which the insurgents view as undermining the well-being of the citizens of the state. This can be political, economic or social actions and inactions of the state. In Nigeria, these 'gaps' are seen as arising from lack of national integration as a result of the division of the country along ethnic and religious lines with attendant economic underdevelopment that is linked to corruption and mismanagement.

To fill these 'gaps', insurgents often resort to violent activities targeted at government properties and institutions and to sustain their 'struggle', they engage in kidnapping, robbery, armed banditry, force, terror and intimidation all in an attempt to weaken the government and discredit it among the population while at the same time gaining the active or tacit support of some sections of the

population. Insurgents do not engage in conventional warfare. Rather, they employ 'hit and run' tactics while making use of safe havens or sanctuaries which range from rural creeks to urban population (Osakwe and Ubong, 2013). Insurgents always avoid direct confrontation with conventional forces and with their cell-like and mutative characteristics, they neutralise the strengths of conventional forces. Perhaps, the employment of this tactics forms the nexus for referring to the activities of insurgents as guerrilla warfare, irregular warfare and unconventional warfare; and the insurgents themselves as guerrillas and irregulars among others. To prevent insurgency and or to protect the civil society from insurgency, states often respond to insurgency by engaging state actors charged with the responsibility of internal security provision in counter-insurgency or counter-guerrilla operations.

Counter-insurgency however, refers to coordinated actions of the state towards 'filling the gaps' on which insurgents capitalize on. It is a war waged within a state by a government using the instruments of state power in a combination of military, political, economic, civil, legal and psychological means (*Ibid*). In counter-insurgency operations, state actors are expected to balance the issues of security, politics and economy by guaranteeing the security of the civilian population, addressing the real or perceived gaps as identified by the insurgents and improving on the economy using politics. By so doing, the insurgents will lose the sympathy of the civil population who are always the targets of both the insurgents and counter-insurgent operations. Scott Moore defined counter-insurgency as

an integrated set of political, economic, social and security measures intended to end and prevent the recurrence of armed violence, create and maintain stable political, economic and social structures, and resolve the underlying causes of an insurgency in order to establish and sustain the conditions necessary for lasting stability (Scott, 2007).

Technically, to prevent the recurrence of armed violence, create and maintain stable political, economic and social structures, states in counter-insurgency operations often engage force in their attempts to overthrow the insurgents. Hence, insurgency and counter-insurgency operations become primarily a political struggle in which both sides use armed force to create space for their political, economic and [social] influence (US Government Counterinsurgency Guide, 2009).

3. Insurgency: the Nigerian Experience

From the foregoing, it is evident that insurgency is a violent opposition by armed groups against the activities of a state. On this note, insurgency has been seen at different times in Nigeria since the colonial periods when the different ethnic groups in Nigeria fought against colonial domination. For instance, the Ekumeku Risings of 1892 -1910, the Satiru Uprising of 1906, the Iseyin-Okeiho Rising of 1916, the Adubi Rising of 1918 and the Aba Women Riots of 1929 among others were all directed against colonial administrations. These rebellions were not only as a result of opposition to taxation in these societies as so many historians believe, but rather the rebellions were directed towards the activities of the British which were not in consonant with the existing political and social systems in these societies. In fact, European administrators saw the Ekumeku movement in Asasba as an 'Anti-European Club' seeking to seize power in Asaba hinterland (Tekena, 1978).

However, Nigeria has passed through different stages in her development and has faced the activities of different insurgent and armed groups. The end of military rule in 1998 and the promise of the return of Nigeria to democratic government ushered in a period of unprecedented proliferation and rise in the activities of armed groups who's 'bottled up ethnic agitations and grievances suddenly found routes of expression never allowed under military juntas (The Nation, 2013). The six geo-political zones of Nigeria have witnessed in varying degrees the activities of different ethnic militia and/or insurgent groups through the application of violent and non-violent tactics which undermining the operation of law enforcement agencies, mostly the police (Nnaemeka, 2014). These groups have engaged in resource-based insurgency as evident in the Niger-Delta region and sectarian insurgency as evident in mostly the North Eastern part of Nigeria.

The Niger-Delta region since the 1990s has witnessed several insurgent activities beginning with the protests by environmental activists and resource control agitators over what they tagged 'marginalisation'. The activities of these groups led to the 'Kaiama Declaration' in which the people affirmed their right over natural resource control and land ownership (Afenso, 2014). In the pursuit of this cause, the groups have had several confrontations with the Federal Government of Nigeria whose repressive actions towards them have made them to spiral beyond control. In the ensuing confrontations, numerous youth activist movements emerged and later transformed into ethnic militia organisations (Forest, 2012) in the region. Some of the ethnic militia groups include the Niger Delta People's Volunteer Force (NDPVF) and the Movement for the Emancipation of the Niger Delta among others. The emergence of these umbrella militia organisations resulted in an armed resistance which later degenerated into hostage taking, bombing of oil facilities and kidnapping for ransoms (Chiluwa, 2011), while at the same time making use of the Niger Delta creeks as their sanctuaries and camps. At least, about 21 major and minor militant camps (Funsho, 2009) were identified to be in existence in the Niger Delta with different leaders in 2009.

More so, in 1999 and 2001, activities perceived as insurgency against the Nigerian state in Odi and Zaki Biam communities of Bayelsa and Benue states respectively, attracted the 'wrath of the state' with a brutal show of force. However, insurgency continued to rise unprecedentedly in the Niger-Delta until October 2009, when it subsided following the Federal Government declaration of the Amnesty Programme for insurgents (militants) who were ready and willing to surrender.

While insurgency relatively subsided in the Niger-Delta, the theatre of insurgency shifted to parts of northern Nigeria mostly in the North East where there have been a lot of violent confrontations between security forces and sectarian insurgents referred to as Boko Haram Insurgents. This group has held sway in the North Eastern Nigerian states of Borno, Adamawa, Yobe, Bauchi, Kano, Kaduna and has extended her activities to the Federal Capital Territory, Abuja. Founded by Mohammed Yusuf in 2002, (France 24, 2011) the Boko Haram insurgents seek to establish a "pure" Islamic state ruled by Sharia Law (Walker, 2012) and putting a stop to what it deems "westernisation" (Olugbode, 2011). To achieve this, the group has launched series of attacks against Christians and government

targets, bombing churches, attacking schools and police stations (Mark, 2012), kidnapping western tourists, but has also assassinated members of the Islamic establishment (Campbell, 2013). Since the group began its operations, several lives and properties have been lost by the government and the civil population. For instance, between January 2002 and 2013, it was estimated that the activities of Boko Haram had claimed 10,000 lives (John, 2013) with uncountable number of people among who are villagers, security agents, travellers and school children either abducted or injured. However, the activities of the Boko Haram Insurgents have attracted the lethal force of the state in an attempt to counter their operations and thereby provide security to the civil population.

4. Examining Counter-Insurgency Operations in the Post-Military Nigeria

The Nigerian state in a bid to provide security to its citizens in the face of insurgent activities and to win the support of the citizens has adopted several approaches in her counter-insurgent operations. The approach mainly comprises the efforts of the Police, Army, Navy, Air Force and other paramilitary agencies in the form of a Joint Task Force (JTF). The deployment of JTFs in counter-insurgency operations stems from the fact that the Police which are the primary institution responsible for internal security in Nigeria have been overwhelmed by the rising wave of insurgency largely because they lack requisite training and expertise in counter-insurgency operations (Francis et al., 2011). As a result, there have been different JTFs deployed to different states/regions of Nigeria for counter-insurgency purposes.

The first JTF established in post-military Nigeria was code named 'Operation Hakuri II'. This JTF was initiated with the mandate of protecting lives and property – particularly oil platforms, flow stations, operating rig terminals and pipelines, refineries and power installations in the Niger Delta (Tom, 2000). 'Operation Hakuri II' was deployed to the Niger Delta region to counter the operations of Niger Delta militants in Odi community following the killing of some military personnel in the area in 1999. It was the activities of this 'Operation' that led to the massive destruction of lives and property after two days of continuous bombardment of Odi community in the Niger Delta (Human Rights Watch, 1999). Following 'Operation Hakuri II' was the 'Operation Pulo Shield' established in 2004 and saddled with the responsibility of countering insurgency, illegal oil bunkering, piracy, kidnapping and hostage taking in the creeks and coastal areas of the Niger Delta and other adjoining states (Azualam, 2012). This 'Operation' was to cover the nine states of the Niger Delta region – Abia, Akwa Ibom, Bayelsa, Cross River, Delta, Edo, Imo, Ondo and Rivers states. In addition to Operation Hakuri, Operation Andoni and Operation Restore Hope have been created and used in different parts of the Niger Delta states.

Away from the Niger Delta to northern Nigeria where several insurgent activities, ethnic and sectarian violence have been witnessed at different times, the Nigerian state established similar JTFs as existed in the Niger Delta to restore order and counter the activities of the insurgents. In Plateau state, which has been a theatre for ethnic and sectarian violence of different degrees since the end of military rule in 1999, a Security Task Force code named 'Operation Safe Haven' was established in 2010. The 'Operation Safe Haven' was charged with the responsibility to curtail the spate of killings by ethnic militiamen on the Jos Plateau and its environs (Afen, 2014). However, the apparent insecurity in Borno state and some states of the North Eastern part of Nigeria occasioned by the activities of Boko Haram insurgents led to the establishment of a Joint Task Force code named 'JTF Operation Restore Order I' in June 2011 (Sagir, 2012). This JTF was to serve as a counter weight to the Boko Haram whose activities had paralysed the socio-economic life of the inhabitants of these areas. As a result, the JTF which comprised members of the Nigerian Armed Forces, Nigerian Police Force, Department of State Security, Nigerian Customs Service, Nigerian Immigration Service and Defence Intelligence Agency, was mandated to restore law and order to the north eastern part of Nigeria and Borno state in particular (*Ibid.*). The 'Operation Restore Order' was subsequently code named *Operation BOYONA* drawing from the North-eastern states of Borno, Yobe and Adamawa. Later, this operation was code named *Operation Zaman Lafiya* which literally means *Operation Live in Peace* and when it seemed the Boko Haram Insurgents were not embracing the peace as expected in the operation, the operation was further code named *Operation Lafiya Dole* which means *Operation Peace by Force* (This Day Live, 2015) which aimed at re-energising the soldiers in the war against the Boko Haram Insurgents in the North east.

5. Civilians and JTF's Operations

Joint Task Forces are established in Nigeria with the sole mandate to restore order in societies ravaged by insurgent activities by a section(s) of the population who seek to challenge the activities of the government. In an attempt to fulfil this mandate, the JTF often engage in a conventional warfare with unconventional army (insurgents) who dwell among a civilian population. The nature of the insurgency and counter-insurgency activities has at different times made the civilian population to support the state in its counter-insurgency operations while at the same time sympathize with the insurgents. Perhaps, in order to win the support of the civilian population and weaken the 'base' of the insurgents, the state then employs force. Hence, counter insurgency operations in Nigeria are synonymous with force. The state often respond to insurgent activities with show of force thereby making security pundits to wonder if the state's responsibility to offer protection to lives and property of the citizens translates to attack on the population. This quotation captures the attitude of the Nigerian government towards insurgency:

Every time there is a new terrorist attack, the government reacts by increasing the numbers of soldiers on the streets, set-up new road – blocks and cordons, purchase more siren cars and trucks, harass innocent civilians, increase the intensity of its fruitless stop and search exercise with the consequences of tail-back of gruelling traffic, impose more curfew and senseless road diversions, impose a blanket ban on major means of transportation if necessary (Teslim, 2013).

The above scenario has played out in several JTFs operations in Nigeria and, has brought untold hardships and wanton loss of lives to the civilian population whom they claim to offer security to and at sometimes, the insurgents escape the operations. Hence, the civilians have always been in danger of both insurgency and counter-insurgency operations in Nigeria. In the Niger Delta, the JTF's operations are not different from the picture painted above. Beginning with the *Operation Hakuri II* activities in Odi community,

among other counter-insurgency operations in the area, Nigerian counter insurgency has been widely condemned as a result of the strategy employed. In order to revenge the execution of 7 policemen by a group of armed youths in Odi, the state responded with what analysts have described as a 'revenge' on innocent, helpless and hapless citizens. The Policemen had gone to Odi to investigate rumours that some Ijaw Youths were mobilizing to storm the city of Lagos in reprisal for attacks carried out a month earlier on Ijaw residence in Lagos (an ethnic Yoruba metropolis) by the refractory ethnic Yoruba organisation, Odua People's Congress (Ibeanu, 2002).

The investigation turned sour as the Policemen were killed by the angry youths. The state responded by giving ultimatum to the then Governor of the state to fish out the culprits. The inability of the Governor to fish out the culprits led to the deployment of men of the *Operation Hakuri II* to Odi community, even when the time for the ultimatum had not expired. The rule of engagement of the over 2000 troops that invaded Odi was to shoot inhabitants on sight and at the end of the swift two days operation, some 2,483 civilians were reported killed (Vanguard, 2002). The scourged earth policy of the federal might directed against Odi community had a devastating effect that at the end, the troops demolished every single building, barring the bank, the Anglican Church and the health centre, and may have killed hundreds of unarmed civilians (Human Rights Watch, 1999). The federal government's explanation was that the lawless Odi gang among other things, posed a major threat to oil (Kenneth, 2006) and as a result, Odi community needed to be taught how to be subordinate to the Nigerian state in a hard way. With this development, the security of Odi community which should have been of a paramount interest to the government was compromised and the civilians subjected to perpetual suffering, hardship and poverty.

The situation was not different in Zaki-Biam, a community in Benue state where a militia of Tiv ethnic group [were] believed to have been responsible for the abduction and murder of 19 soldiers, whose mutilated bodies were found in the village on October 12, 2001 (Human Rights Watch, 2001). The soldiers had been deployed to the area to restore law and order following clashes between the Tiv and Jukun ethnic groups. However, in the attempt to fulfil this mandate, the soldiers engaged in a military operation that began on Monday, October 22, when soldiers from the 23rd Armoured Brigade of the 3rd Armoured Division of the Nigerian army rounded up residents in Gbeji village for a "meeting," made them sit on the ground, separated the men from the others, and then opened fire upon the men indiscriminately. Witnesses reported that some of the victims' bodies were then set ablaze. Further killings took place as soldiers invaded the villages of Vasae, Anyiin Iorja, Ugba, Sankera and Zaki-Biam, all located in the two local government areas of Logo and Zaki-Biam. In the following two days, there was widespread destruction of property and buildings in these villages, after terrified residents had abandoned their homes (*Ibid.*).

In the North East where Nigerian troops have been in war with Boko Haram Insurgents, the civilian population have had a fair share in what the Amnesty International has described as gross human rights violation in the military operation to wipe out the notorious Boko Haram terrorists from the northeast (Chika, 2015). It has been reported that the JTF has perpetrated a lot of extra judicial killing, torture, illegal detention and other forms of human rights abuse in the war against the insurgents. As a result, counter-insurgency operation in the North east took a different dimension as the civilian population established a militia group that was code named the *Civilian Joint Task Force (CJTF)* as a self-help youth group that volunteered to protect their society from the scourge of the Boko Haram Insurgents on one hand and the military on the other hand who engaged in arbitrary arrests and torture among other things.

When the need for something becomes essential, you are forced to find ways of getting or achieving it. That's our situation when it comes to the emergence of the now popular volunteer group in the North-East, the Civilian Joint Task Force, or Civilian JTF for short (Imam, 2015).

The quotation above gives an explanation of the situation when sometimes in 2013, Lawal Jafar, a youth in Hausari ward of Maiduguri, the Borno state capital, accosted an armed man (Timothy, 2015). The brevity and the courage displayed by Lawal attracted and emboldened other youths in the area who decided to work together with the JTF in the fight against Boko Haram Insurgency. With their knowledge of the Maiduguri environment and possibly the crime map of the area, the CJTF worked with the JTF in identifying real and suspected Boko Haram members and their sympathizers. Though the CJTF were accused of some human rights violations, their roles in the fight against insurgency in the Northeast have been commended.

From the foregoing, it appears that counter-insurgency operations in Nigeria have been more militaristic than strategic and at the same time, it has also been more defensive than engaging. This is because the counter-insurgency operations discussed in this paper have adopted the principle of selective protection (protecting government officials) rather than the principles of *targeting intelligence, precaution and distinction* in areas where insurgents congregate with helpless and hapless civilian population. As a result, in an attempt to counter and respond to insurgency, the state has been involved in alarming human rights violations which has affected the civilian population negatively in all ramifications.

Human rights refer to the inalienable rights of every human being, whatever his or her place of residence, sex, national or ethnic origin, colour, religion, language or any other status. There are universally recognised values and freedoms which protects individuals and groups in the face of actions and inactions of the State and state actors. In line with the 1948 Universal Declaration for Human Rights, the protection of human rights forms part of a long standing tradition in international law as well as in Nigeria (Nigerian Constitution, 1963). However, it has also been stated that:

...human rights and fundamental freedoms are the birthright of all human beings, are inalienable and are guaranteed by law. Their protection and promotion is the first responsibility of government. Respect for them is an essential safeguard against an over-mighty state. Their observation and full exercise are the foundation of freedom, justice and peace (Quinn, 1997).

The 1999 Nigerian Constitution guarantees to some extent the fundamental rights and freedoms of persons (Nigerian Constitution, 1999). Chapter Four of the Constitution contains the Fundamental Human Rights which include: the right to life, right to dignity of the human person, right to personal liberty, right to fair hearing, right to private and family life, right to freedom of thought, conscience

and religion, right to freedom of expression and the press, right to peaceful assembly and association, right to freedom of movement, right to freedom from discrimination and right to acquire and own immovable property anywhere in Nigeria. The Constitution however, provided the limits or conditions under which these fundamental human rights can be restricted or a re-course to the law is undertaken (Gazetted Amended Constitution of Nigeria, 2011).

Counter-insurgency operations of the Nigerian state have violated the fundamental human rights of the citizens. The civilian population have faced the might of the state that killed them, maimed them, dispossessed them of their properties and most importantly denied them the *right to life*. The laid down principles as contained in the International Humanitarian Law (IHL) regarding armed groups and insurgency have hardly been applied in counter-insurgency operations in Nigeria. For instance, first among the basic IHL rules is the principle of distinction which states that parties to an armed conflict must all times distinguish between civilians and civilian objects on the one hand, and combatants and military objectives on the other hand and direct their attacks only against the latter (Henckaerts and Doswald-Beck, 2005). IHL also prohibits inter alia indiscriminate and disproportionate attacks and obliges the parties to [a] conflict to observe a series of precautionary rules in attack aimed at avoiding or minimizing incidental harm to civilians and civilian objects (ICRC, 2013). These principles imply that attack directed on civilians and civilian object in counter-insurgency operation is unlawful. Technically, it could be said that the IHL principles of *distinction, proportionality and precaution* have always been neglected in counter-insurgency efforts in Nigeria as state actors have often engaged in total destruction of the society where perhaps insurgents and armed groups cohabit with the civilians. This was the situation when Peter Takirambudde, Executive Director of the Africa Division of Human Rights Watch stated in his reaction to the Zaki-Biam incidence that ‘the murder of the 19 soldiers should certainly be condemned, but their deaths do not justify the slaughter of civilians by the Nigerian army’ (Human Rights Watch, 2001).

Moreover, in the war against insurgency in the North-east, series of human rights abuse, especially in cases of extra judicial killing, torture, illegal detention and other forms of rights denials perpetrated by governments or their security agencies (Chika, 2015) have been reported. In fact, to present a picture of the scores of human rights abuse in the war against the Boko Haram Insurgents, Amnesty International in a report titled *Stars on their Shoulders. Blood on their Hands: War Crimes Committed by the Nigerian Military* allegorically referred to the soldiers as being interested in gaining promotions by committing human rights abuses not minding if their victims are insurgents or civilian population. The report stated summarily that:

In the course of security operations against Boko Haram in north-east Nigeria, Nigerian military forces have extrajudicially executed more than 1,200 people; they have arbitrarily arrested at least 20,000 people, mostly young men and boys; and have committed countless acts of torture. Hundreds, if not thousands, of Nigerians have become victims of enforced disappearance; and at least 7,000 people have died in the military detention as a result of starvation, extreme overcrowding and denial of medical assistance (Amnesty International, 2015).

6. Conclusion

Although the Nigerian state engage in counter-insurgency operations to protect the civilian population from the activities of insurgents and armed groups on one hand; and to ensure the corporate existence of the Nigerian state, she is often accused of human rights abuses. This endangers the popularity of the government among the civilians who are often left at some points to cater for their security while being subjected to various degrees of human rights abuses. However, the state should engage the principles laid down by the United Nations Organisations regarding armed groups and insurgency. At the same time, the Nigerian state has the responsibility to tackle the roots of insurgency rather than waiting for insurgency to manifest and to respond with brutal force. To compliment her counter-insurgency operations, the Nigerian state must engage in the promotion/provision of good governance, probity, employment and democracy. This will ensure a reduction in radicalisation and recruitment of insurgents.

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