BOKO HARAM AND THE AFRICAN UNION’S ATTITUDE TOWARDS TERRORISM

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This paper attempts to capture the African Union’s attitude towards terrorism in a relatively lesser extent to the activities of Boko Haram. In so doing, a brief background is coined together with this introductory section. This is followed by sub-sections which shall explore the following, Boko Haram’s territorial capture, Boko Haram’s status as a terrorist group and what encompasses terrorism. Subsequently, AU’s evolving attitude towards terrorism will be traced in addition to how it has set its agenda against terrorism. The AU’s counter-terrorism activities in the context of Boko Haram will be assessed with its role in the prevention and combat of terrorism in Africa analyzed. The AU’s challenges as far as terrorism is concerned will also be highlighted with suggestions on possible alternatives as well as concluding thoughts.

Introduction and Brief Background

Boko Haram is based in northeastern Nigeria and is aligned with the Islamic State of Iraq and Syria (ISIS). The group’s areas of operation transcend Nigeria to include Cameroon, Chad, and Niger. The group espouses a Salafist-jihadist brand of Islam and aims to establish a caliphate in Nigeria (Security Council Press Release, SC/11410, 2014).

In pursuance of this objective, Boko Haram has embarked on wide-scale attacks within Nigeria. Their attacks have come in multiple forms, the UN headquarters in Abuja was attacked in 2011, and almost 300 schoolgirls were abducted in April 2014. A day-massacre of Baga town and its environs in January 2015 also killed around 2,000 civilians. The group further attacked a Nigerian military base in Borno State in November 2018 where weapons and other equipment were looted with 100 soldiers left dead. Since Boko Haram’s inception in 2009 it has killed around 30,000 people with over two million displaced (Postings, 2019).

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2 Cameroon and Chad border Nigeria to the east while Niger is to the north. For a comprehensive background on Boko Haram’s areas of operation, history, activities, etc. see Countering Extremism Project’s profile on Boko Haram at https://www.counterextremism.com/threat/boko-haram. Accessed on 04/04/2019.
Haram’s territorial capture, Boko Haram’s status as a terrorist group and what encompasses terrorism. Subsequently, AU’s evolving attitude towards terrorism will be traced in addition to how it has set its agenda against terrorism. The AU’s counter-terrorism activities in the context of Boko Haram will be assessed with its role in the prevention and combat of terrorism in Africa analyzed. The AU’s challenges as far as terrorism is concerned will also be highlighted with suggestions on possible alternatives as well as concluding thoughts.

Boko Haram’s Territorial Capture

The group’s successes during the 2013–2015 era meant that it became territory wielding as it seized land from Nigeria’s then ailing military in the northeast. According to the Defense Post 2019, at Boko Haram’s apex they controlled territory approximately the size of Belgium with its then leader Abubakar Shekau declaring a caliphate. The group’s caliphate was destroyed in combat through 2014 and 2015. Nigeria was aided both on intelligence level and militarily through a Multinational Joint Task Force (MNJTF) made up of Nigeria, Cameroon, Chad, Niger – all areas of the Boko Haram’s operations – and Benin with the South African private military contractor, Specialized Tasks, Training and Equipment and Protection (STTEP) giving extra assistance.3

Boko Haram as a Terrorist Group

Boko Haram is classified as terrorist group in the same category as Al-Qaida and Islamic State of Iraq and Syria/ Levante (ISIS/L). In fact, according to the Global Terrorism Index4 Boko Haram was the world’s deadliest terrorist organization in 2015. The group had comparatively killed more people than ISIS/L in 2014 (The Institute for Economics and Peace, 2015). The group was designated as a Foreign Terrorist Organization (FTO)5 by the US Department of State on 14 November 2013.

Before I proceed further, it is essential to capture the operational remit of what terrorism is and what it is not and what acts could be designated as such. Here I shall compare definitions given by

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5 The United States Department of State Bureau of Terrorism defines an FTO as a group categorised by the Secretary of State in consonance with provisions stipulated in Section 219 of the US Immigration and Nationality Act (INA). To verify the full list of designated FTOs, see: https://www.state.gov/j/ct/rls/other/des/123085.htm. Accessed on 09/04/2019.
the United States Department of State and the US Central Intelligence, The United Kingdom’s MI5 including a leading terrorism expert. These definitions will set the background in putting the African Union’s (AU/OAU) definition into context.

What is Terrorism?

The United States Code distinguishes between terrorism, international terrorism and who a terrorist is in its Title 22, Section 265f (d). According to the Section, terrorism is a premeditated, politically influenced assault against noncombatant targets by subnational sects or covert agents. This act becomes international terrorism when it involves the geographical space or citizens of more than one country. The actors involved in the perpetration of international terrorism become a terrorist group. A similar definition is employed by the US Central Intelligence Agency (CIA). The M15 on the other hand does not go into differentiation of layers in arriving at what terrorism is but rather delves straight to the definition of a terrorist group as that which uses violence and threats of violence to spread their ideas as a mode of attaining their objectives. Walter Laquer, a terrorism expert however, indicates over 100 definitions for terrorism but concludes that the only universal characteristic embedded in such definitions is that terrorism involves violence and the threat of violence.

The African Union (AU) on its part offers a rather expansive coverage of what a terrorist act is. It says in the Organization of African Unity (OAU) Convention on the Prevention and Combating of Terrorism, Article 1:3 that a terrorist act encompasses threats to life, physical integrity, freedom or damage to public or private property, natural resources, environmental or cultural heritage with an express intention to force a government or an institution to act in a certain way usually

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6 The African Union is denoted in this paper by the abbreviation AU and the Organization of African Unity is also depicted by the abbreviation OAU. However, they are used interchangeably since they represent the same union. The OAU became the AU on 9 July 2002, however its Counter-Terrorism Convention was adopted during its OAU phase – reason why they are used interchangeably in this paper. For a brief history of the OAU’s transformation, see: From OAU to AU at https://newafricanmagazine.com/news-analysis/politics/from-oau-to-au/. Accessed on 05/04/2019.
deemed favorable to the perpetrators of such acts.\textsuperscript{11}

Based on the aforementioned definitions of terrorism, international terrorism and terrorist act, Boko Haram can be classified as a terrorist group. Its methods are premeditated, geared towards a political goal, transboundary in nature (across borders) and include the use and threats of violence. Having established Boko Haram as terrorist group, the next section explores how the AU perceives terrorism.

**The Evolution of AU’s Attitude Towards Terrorism**

Terrorism on the African continent could be contested. For instance, per the definitions given above, many of the struggles for independence and decolonization activities by various freedom fighters on the continent could be regarded as terrorist acts. However, such activities are distinct from what one may consider terrorism presently. For this reason, the 1999 OAU Convention differentiates between terrorist acts and acts of people fighting in pursuance of self-determination (Ewi, Anning, 2015).

It should however be stated that, African countries – at least members of the then OAU had a long-held desire of banishing terrorism. For instance, counter-terrorism legislations were introduced on the African continent dating back to the 1950s – the era of independence struggles. States from Africa also were vital in the debate on terrorism when the issue was first introduced at the UN General Assembly in 1972.\textsuperscript{12} Concerns and attitudes on terrorism on the African continent however, took proper shape in 1992 when at the 28\textsuperscript{th} Ordinary Session of the Assembly of Heads of States and Governments of the OAU Resolution AHG/Res 213 (XXVIII) was adopted. This Resolution sought to solidify cooperation and interaction among OAU Member States to fight incidents of extremism in its myriad forms such as extremism orchestrated through religion, ethnic inclinations and politics – all constitutive characteristics\textsuperscript{13} of AU’s scope of terrorism.

\textsuperscript{11} The AU’s definitions regarding terrorist acts stem from the OAU Convention on the Prevention and Combating of Terrorism Article 1, Section 3. Full the full Convention, see https://au.int/sites/default/files/treaties/7779-treaty-0020_oau_convention_on_the_prevention_and_combating_of_terrorism_e.pdf. Accessed on 04/05/2019.


\textsuperscript{13} The Constitutive Act of the AU presents a background for preventing and combating terrorism. Article 4(o) calls for “respect for the sanctity of human life, condemnation and rejection of impunity and political assassination, acts of terrorism and subversive activities”, which is manifested in the preamble as the necessity to promote peace, security and stability as a requirement for the implementation of Africa’s development agenda. See, for example, Articles 3 and 4 of the Constitutive Act of the AU at https://au.int/sites/default/files/pages/34873-file-constitutiveact_en.pdf. Accessed on 04/04/2019.
The OAU subsequently adopted a Declaration on a Code of Conduct for Inter-African Relations at its 30th Ordinary Session in 1994. The Declaration re-emphasized the renunciation of terrorism and extremism that relied on ethnicity, religion or political sectarianism. OAU/AU Member States thus, demonstrated an outright rejection of terrorism and extremism. A posture which they supported with a central provision, “we condemn in no uncertain terms as detrimental and criminal all terrorist acts, methods and practices and resolve to cooperate so as to obliterate the dent on our security, stability and development of our states”.¹⁴

The OAU buttressed these developments with a commitment to respect their obligations under international law to abstain from facilitating and financing or participating in acts that could be regarded as terrorism. It additionally stated that Member States were to pursue requisite operational measures to ensure that their territories do not serve as breeding grounds or safe havens for terrorists.

**Setting of Standards by AU Against the Fight of Terrorism**

The Declaration on the Code of Conduct coupled with the OAU’s commitment became cornerstones in how terrorism was perceived on the African continent. Standards were thus, set with a continental agenda outlined for prevention, combat and criminalization of terrorism. Essentially, it became a crime to facilitate, finance and permit terrorist acts. Consequently, at the OAU’s 35th Ordinary Session in 1999, the Algiers Convention also known as the OAU Convention on the Prevention and Combating of Terrorism was adopted. It became the maiden continental legislative apparatus on the prevention and combat of terrorism in Africa, which outlined the operational remits of what, encompasses terrorism as expatiated above.

The adoption of this Convention became a political victory for the AU and also a legal instrument both for purposes of judicial and mutual cooperation as it identified not only a number of terrorist offences but added areas of cooperation including guidelines for extradition of terrorists (Boukrif, 1999). The Convention became a binding document which empowered African states to take hold of their security challenges and combat incidents of terrorism and also gather behind a common position for negotiation of an international convention on terrorism at a time when the international community was divided on the issue of terrorism.

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AU’s Counter-Terrorism Activities in the Context of Boko Haram

The AU was vibrant in dealing with issues of mercenary combat and issues of subversion on the continent, but terrorism was set as a key agenda in the 1990s as elaborated above. The bombings of American embassies in Kenya and Tanzania in August 1998 further entrenched conversations on terrorism by the AU.

From the foregoing, it is essential to reiterate that, the AU’s counter-terrorism agenda had already been set before the emergence of Boko Haram. In fact, the global focus post 9/11 had also contributed in shaping AU’s attitude. 9/11 brought about a Manichean view of international politics demarcated between “the Coalition of the Willing” and the Axis of Evil” – precisely, countries were either for or against terrorists (Ewi, Anning, 2015). For instance, at the international stage, there was the adoption of the UN Security Council Resolution 1373 that emanated from Chapter VII of the UN Charter and the establishment of the Counter-Terrorism Committee (CTC). The CTC subsequently met with international, continental and regional organizations in March 2003 to outline what roles such bodies could play as well as strengthen internal cooperation against the global campaign against terrorism.

The AU in line with this, organized its first High Level-Intergovernmental Meeting on the Prevention and Combating of Terrorism in Africa in September 2002 in Algeria as their own follow-up. The AU further recruited an anti-terrorism officer in December 2002 to be the organization’s point of contact on counter-terrorism issues. This served as the bedrock for the AU to establish an anti-terrorism unit that would assist in a technical capacity in combating terrorism on the continent.

Irrespective of these developments regarding countering terrorism by the AU, there were still concerns especially pertaining to the Algiers Convention. A Second High-Level Intergovernmental Meeting was organized which concluded that the AU Commission deliver an extra protocol to deal with implementation lapses in the main Algiers Convention – for instance, shortcomings in terms of terrorist financing and risks of terrorist acquiring weapons of mass destruction. The acknowledgement of these lapses prompted the AU to adopt an additional protocol in its 3rd Ordinary Session in 2004 to supplement the Algiers Convention.

It could therefore be argued that, when the Boko Haram uprising began in 2009 the AU had a firm stance towards the issue of terrorism. It had developed both the political will and a legal framework in terms of the adoption of the Algiers Convention and its Additional Protocol on matters relating to countering terrorism. Thus, it was easier to capture the activities of Boko Haram as terrorism and wholly condemn it. The AU also instituted a Plan of Action in combating
terrorism by establishing the African Centre for the Study and Research on Terrorism in 2004. A center deemed as the triumph of the collective efforts of Member States in banishing the scourge of terrorism on the continent.

Additionally, owing to the wide scope of terrorism all organs of the AU such as the Executive Council, the Assembly and the Pan-African Parliament are beckoned upon to contribute to the efforts of the Union as a whole. However, the Peace and Security Council (PSC), the AU Commission and the Regional Economic Communities (RECs) are the main bodies tasked with dealing with issues of terrorism as stipulated in the legal framework of the AU. With all these structures in place, how was Boko Haram addressed by the AU in its counter-terrorism framework.

Analysis of AU’s Role in Prevention and Combat of Terrorism in Africa

In the post 9/11 era before the Boko Haram uprising the AU played a limited role in combating and preventing terrorism on the continent. At best, it served only as a platform of expressing collective will against terrorism. While the AU was quick in adopting a Convention and Protocol – common operational and legal framework in combating terrorism – it failed in the implementation of its directives, hence, the ease for Boko Haram to begin its operations.

While the AU helped define political direction on the continent in terms of the fight against terrorism, it lacked a central command system in terms of coordination of Member States activities on countering terrorism. It should also be emphasized that, in the post 9/11 era, the AU has only become a norm setter on the continent in terms of its overall role in the Global War on Terrorism (GWOT). It now serves as a liaison between the continent and the global community in addition to its tasks of interstate cooperation with regards to countering terrorism. The AU Chairperson moreover, employs his reports to elucidate to organs of the Union on the condition of terrorism both globally and on the continent and to solicit policy directions for the Union’s counter-terrorism actions.

From the preceding, countering terrorism can be conceptualized on three planes. First is the national or state level, regional and international community level. Of intrinsic relevance is the fact that irrespective of regional organizations or blocs’ role, the primacy of the state remains paramount. Pursuant to this, AU’s role on countering and preventing terrorism is what has been relegated to it by Member States. Hence, AU cannot unilaterally direct a Member State’s policy actions on countering and preventing terrorism. To this end, in dealing with Boko Haram, the role of respective countries – Nigeria, Cameroon, Niger and Chad – experiencing the activities of the group is key in defeating the group. It is herein that the challenges bedeviling the AU and Member States lie.
Challenges of AU in Dealing with Terrorism

Given that terrorism in general and not only the activities of Boko Haram poses a direct threat to peace and security on the continent, the AU is expected to do more. For instance, between 1970 and 2017 over 20,000 acts of terror have been committed on the continent. The AU Commission has however in the last ten years devoted only five sessions of its Peace and Security meetings to terrorism. That being said, the AU’s challenge against countering and preventing terrorism on the continent should not be perceived in a vacuum, the geo-political and economic context of the continent must be taken into consideration. For instance, terrorism poses similar threats to poverty and hunger, health crisis such as Ebola, tuberculosis, HIV/AIDS and internal conflicts, etc. as they kill Africans en masse too (Ewi, Anning 2015). The challenge here therefore is which of these needs the AU’s attention more.

Again, as it is true for any regional or international organization the level of integration as well as the amount of sovereign power delegated to it by member states play a large role in determining how such institutions intervene in domestic affairs of member states. For instance, even though Boko Haram has become a transboundary terrorist group, it began within the territorial boundaries of Nigeria until it crossed over to neighboring countries of Cameroon, Chad and Niger. The respective states are therefore tasked to lead in the efforts of combating the activities of such a group that leads to a central issue facing all Member States of the AU. That of intelligence gathering and information sharing.

Boko Haram is able to change locations across countries relatively in an easier manner because most African borders are porous. Nigeria’s border with Chad is only an 87km stretch; it is 1,497km and 1,690km to Niger and Cameroon respectively. Boko Haram is able to operate across borders of these countries successfully due to lack of adequate border security among these states. The same could be said of the Sahel. Mali has a 1,376 km border with Algeria, 1,000km with Burkina Faso, 2,237 km with Mauritania and 821 km with Niger. Hence, even with French support, drones from the United States and cooperation among the respective neighboring states they could not police the whole area. Intelligence sharing among Member States of the AU is also almost non-existent – an issue which the introduction of a Single African Union Passport15 for citizens of all Member States is earmarked to address. However, given the porosity of borders on the continent it would rather serve to facilitate insecurity relating to terrorist activities, as it would be easier for

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groups like Boko Haram to now access borders of other countries “easily”.

Another central issue on the continent is the state of governance. Countries that have good governance generally are well placed to deal with the threat of terrorism. For instance, while terrorism remains a threat in Western Europe it has been largely dealt with in a more effective manner due to a platitude of interlocking measures and cooperation among countries. Various terrorist threats have been foiled in their early stages, which present a two-fold benefit; it prevents deadly attacks and also serves as deterrence. Intelligence is of intrinsic importance here, ingredients, which are almost non-existent in most AU Member States. For instance, governance is weak in all the operational areas of Boko Haram. Cameroon has its Anglophone problem\(^\text{17}\), Niger and Chad perform abysmally annually on the Mo Ibrahim Governance Index\(^\text{18}\) with Nigeria having extensive governance challenges. These complexities therefor help Boko Haram thrive in establishing safe havens across borders.

Alternatives Going Forward

Clearly the AU has succeeded in both the political and diplomatic level in its attitude towards terrorism. It has adopted a Plan of Action, the Protocol to the 1999 OAU Convention (Algiers Convention) as well as a number of counter-terrorism actions, which currently involves an initiative to produce a Comprehensive African Anti-terrorism Model Law. Where it has suffered a setback is its lack of implementation and follow-up. A key game changer therefore would be a Central Intelligence Command Center at the Secretariat earmarked specifically for information gathering, sharing and following-up expressly on countering terrorism initiatives on the continent.

This can however, not succeed in a vacuum. It would require individual Member States to first and foremost shore-up their respective security apparatus in terms of intelligence gathering and information sharing. An initiative which would require heavy investment in terms of technology in the proper control of the territorial borders of AU Member States. Presently, most AU Member States lack the sophistication needed to even identify fake identity documents making cooperation among member states relatively difficult. Technological advancement in countering and combatting terrorism on the continent is even more urgent. The magnanimity and sophistication of recent attacks by Boko Haram demand a more robust and collective technological approach. For a group that is widely believed to despise westernization or modernization, their appreciation of western technology has been immense. The group has

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\(^{18}\) See the Mo Ibrahim Governance Index for the performances of Nigeria, Chad, Niger and Cameroon at https://mo.ibrahim.foundation/liag/. Accessed on 06/04/2019.
employed mobile phones, online propaganda videos, automatic weapons and cars in their terror acts (Neuman, 2015).

Boko Haram earmarks unemployed, young and “hopeless” youth for their recruitment activities, however, with the introduction of technology the AU could lead in setting up an online countering terrorism platform to consistently sensitize the youth on the continent. An initiative which could also fall under the aegis of a central counter-terrorism command system at the Secretariat. This should not be a stand-alone initiative but rather compliment countering terrorism on online platforms of respective AU Member States.

Furthermore, even though the AU had led in the adoption of legal frameworks governing how terrorism is defined, countered and prevented on the continent, many Member States for instance Niger, Chad and Cameroon – all areas of Boko Haram’s operation do not have clearly defined counter-terrorism laws domestically especially in terms of illicit financing, arms trading etc. which makes collaboration difficult. The AU should therefore ensure that its Member States create such laws.

**Conclusion**

AU’s stance on terrorism is obvious, it shuns terrorism in all its forms. It has demonstrated this by adopting the Algiers Convention including its Additional Protocol as well as a Plan of Action to buttress it. Boko Haram Haram’s menace did not serve as a starting point for the AU to take a serious view on terrorism; it had done so already prior to the group’s existence. What Boko Haram revealed is however, implementation deficits in the AU’s approach in countering and preventing terrorism. A situation which is made complex as the AU can only operate to the extent of its delegated capacity by Member States. It still plays its role of an interface between Member States and the global community in GWOT. Despite its shortcomings in terms of a lack of central command center for coordinating its countering terrorism activities it still leads as a norm bearer in terms of providing a political and diplomatic platform on issues of terrorism. Finally, for the AU to discharge its duties effectively with regards to countering terrorism, it should first look within and overcome some of its internal deficits and build on its financial and human resource capabilities.
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