

At a Glance

AN EDUCATIONAL TOOL BY THE INTERNATIONAL COALITION FOR THE RESPONSIBILITY TO PROTECT

Q&A: THE RESPONSIBILITY TO PROTECT (RtoP) AND NIGERIA

Note: For more details on the crisis, as well as sources and links for all the information provided below, please visit our [website](#).

Q: What is going on in Nigeria?

A: Nigeria is split between Muslims and Christians, with an area called the middle belt, dividing the predominantly Muslim north and Christian south, and many ethno-linguistic groups also divided along these religious lines. The religious as well as economic divergences between the two areas, in addition to continuous battles against insurgent groups and high levels of corruption, have contributed to a security crisis in Nigeria. Over 25,000 people have died since 1999, with levels of violence having escalated in 2014. The Islamist militant group called Boko Haram – “Western education is sin” – is responsible for much of the violence. Established in 2002, Boko Haram aims to establish a fully Islamic state in Nigeria. In 2009 the group adopted a more violent approach, including targeted assassinations, suicide bombings, and hostage taking, which poses a significant threat to the government and to the safety of the population. In early 2014, the frequency and scale of Boko Haram attacks increased significantly and continued throughout the whole year. According to the Council on Foreign Relations, the number of deaths in 2014 topped 17,000. In early January 2015, Boko Haram conducted its deadliest single massacre, destroying the entire town of Baga in northeast Nigeria and killing up to 2,000 people. Moreover, around 500 women and children were abducted by Boko Haram during this attack. Alarmingly, young girls are increasingly being used to conduct suicide bombings while other reports highlight that child soldiers make up to 40 percent of Boko Haram’s 60,000-strong force. Boko Haram’s acts of terror have progressively transgressed borders and are no longer a domestic issue but rather a regional threat, as recent terrorist attacks in Chad, Niger and Cameroon demonstrate.

Q: Why does the international community have a Responsibility to Protect in Nigeria and how is the crisis in Nigeria a case for Responsibility to Protect’s second pillar?

A: In 2005 (see box at right), UN Member States agreed that they have a collective responsibility to protect (RtoP) populations from genocide, war crimes, crimes against humanity, and ethnic cleansing. The prosecutor of the International Criminal Court (ICC), Fatou Bensouda, as well as the UN Security Council and civil society organizations have determined that Boko Haram killings may constitute crimes against humanity and war crimes. Nigeria has requested external help in order to better protect its people, an act which is consistent with pillar II of RtoP and calls on the international community to provide assistance and capacity-building to states that are under stress and unable to protect their civilian population from mass atrocity crimes. The 2009 Secretary-General’s Report “Implementing the Responsibility to Protect” suggests that pillar II assistance can take any of the following forms: (a) encouraging States to meet their responsibilities under pillar one; (b) helping them to exercise this responsibility; (c) helping them to build their capacity to protect; and (d) assisting states “under stress before crises and conflicts break out.”

Q: How has the international community upheld its RtoP in Nigeria?

A: In response to the surge of activity by Boko Haram in 2014, a Multinational Joint Task Force (MNJTF) established a coalition to bolster security in the region. However, the force proved unable to calm the conflict, as extensive violence continued to take place, highlighted by Boko Haram’s invasion of a MNJTF base in early January 2015 shortly before conducting its massacre in Baga. In response, a renewed regional force of 8,750 soldiers was authorized by the AU and strongly endorsed by the UN Security Council in early February 2015, consisting of troops from Cameroon, Chad, Niger, Nigeria and Benin.

The Prosecutor of the ICC concluded that Boko Haram attacks, along with its incitement for genocide, amounts to crimes against humanity under the Rome Statute. She reiterated that intentional targeting of civilians, affecting thousands of women, children and men, couldn’t be tolerated and that no one should doubt the resolve of the ICC to prosecute those most responsible for war crimes and crimes against humanity.

THREE PILLAR FRAMEWORK OF THE RESPONSIBILITY TO PROTECT

United Nations (UN) Secretary-General Ban Ki-moon established the three-pillar framework of the Responsibility to Protect (RtoP, R2P), in his 2009 Report *Implementing the Responsibility to Protect*.

- **Pillar One:** The state bears the primary responsibility to protect their population from genocide, war crimes, crimes against humanity and ethnic cleansing.
- **Pillar Two:** The international community, i.e. the UN, regional organizations, governments and civil society, must assist states in fulfilling their protection obligations.
- **Pillar Three:** When a state manifestly fails to protect its population or is in fact the perpetrator of these crimes, the international community has a responsibility to take collective action in a timely and decisive manner to prevent or halt the commission of mass atrocities. Such action must be on a case-by-case basis using a broad range of political, economic, and humanitarian measures, and should peaceful means prove inadequate, coercive measures, including the use of force as authorized by the Security Council and in accordance with the UN Charter.

The type of assistance that has been forthcoming from individual states such as the UK, US, France and China is mostly in line with the military option. Notably, in response to continued conflict in early 2015, France sent military advisers to Nigeria in order to help coordinate regional military action, and has also provided assistance from their Air Force to fill intelligence gaps of the regional forces and provide critical assistance to armies of the coalition that are already overstretched. Meanwhile, the United States designated Boko Haram as a Foreign Terrorist Organization (FTO) in late 2013, and has furnished counterterrorism support to Nigerian law enforcement agencies, assisting in their effort to prevent, detect and investigate terrorism threats as well as manage responses to terrorist plots. However, the relationship has been strained by US refusal to provide lethal arms and other forms of military aid, citing concerns over human rights abuses perpetrated by the Nigerian army. Nevertheless, on 17 February 2015, the US Army agreed to provide communications equipment and intelligence to help the regional offensive against Boko Haram.

Many civil society organizations have monitored and documented the abuses perpetrated by Boko Haram, especially in areas to which it is difficult to gain access. Moreover, organizations such as Human Rights Watch and Amnesty International have claimed that Boko Haram abuses appear to qualify as crimes against humanity. Human Rights Watch, in coordination with other organizations, also investigated the role of the Nigerian Security Forces and brought to light alleged abuses that showed disregard for international human rights law, and thereby could also possibly constitute crimes against humanity.

Q: What challenges have there been in upholding RtoP in Nigeria?

A: While Boko Haram's abduction of more than 250 girls in April 2014 received very delayed yet large-scale eventual attention worldwide, many have since accused the international community of showing inadequate concern as the conflict in Nigeria has been overshadowed by developments in Iraq, Gaza and the Ukraine. Weak political leadership by President Jonathan has also contributed to the escalation of the conflict. The president, often poorly informed, has downplayed the crisis and failed to provide political guidance in order to navigate an effective counterinsurgency. Moreover, the Nigerian military is increasingly overwhelmed, as it is plagued by corruption and poor discipline, while being strongly undermanned to fight an insurgency that spans 150,000 square kilometers. While the UN Security Council has repeatedly condemned the violence and imposed sanctions, it has refrained from getting further involved, instead urging regional actors to initiate military operations.

Q: What are the limitations of military based assistance as the main method of dealing with the crisis in Nigeria?

A: Technical military assistance does not address the structural weaknesses of the Nigerian state, or the dubious human rights record of their security forces. In the case of Nigeria, commentators have noted that provision of technical military assistance without sufficient attention to the egregious conduct of the state security forces, or underlying societal issues that create the breeding ground for radicalism, risks becoming a mere "band-aid" solution. Worse, it may intensify conditions leading to mass human rights violations. What may be required is what the 2009 Secretary-General's report refers to as "conflict-sensitive" development analysis to alleviate, and not exacerbate, conditions that may lead to mass atrocity crimes. Approaching the crisis through this lens reveals a need for what the Secretary-General describes as "*...assistance programmes that are **carefully targeted to build specific capacities** within societies that would make them less likely to travel the path to crimes relating to the responsibility to protect.*"

Q: What is likely to happen in the future?

A: While it is premature to predict how effective the new Multinational Joint Task Force will be, recent offensives by the Chadian Army against Boko Haram strongholds prove that this Force is willing to intervene militarily. Nevertheless, the future safety of the country relies primarily on the Nigerian Army and its ability to eradicate the militant insurgency. Of particular significance is the upcoming national election that is primarily seen as a contest between incumbent President Goodluck Jonathan and opponent Muhammadu Buhari. Buhari vows to defeat the Boko Haram insurgents by providing government forces with better equipment, more training and more accurate intelligence, something he claims President Jonathan failed to do. A repetition of violence, as was observed after the 2011 elections, could cause even greater instability and provide an opportunity for Boko Haram to gain more influence.

ICRtoP

INTERNATIONAL COALITION FOR THE RESPONSIBILITY TO PROTECT

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The ICRtoP convenes and collaborates with civil society, Member States, and regional and sub-regional organizations to: strengthen normative consensus for RtoP; further understanding of the norm; push for strengthened capacities to prevent and halt RtoP crimes; and mobilize NGOs to push for action to save lives in RtoP country-specific situations.

Contact Us:

708 Third Avenue, 24th Floor

New York, NY 10017

tel: 646.465.8523

fax: 212.599.1332

info@responsibilitytoprotect.org