

Terrorism and Insurgency as Triggers of Irregular Migration in the Lake Chad Region: Implications for Nigeria

Ibe Okegbe Ifeakandu¹, Ph.D. & Professor Peter Terkaa Akper², Ph.D., SAN

Abstract

The debilitating impacts of terrorism and insurgency on the livelihoods of people around the Lake Chad region have reached alarming magnitude. The West African sub region, which has become the epicenter of terrorist activities of the Islamic State of West Africa Province (ISWAP) and the dreaded *Jama'atu Ablis Sunna Lidda'awatinal Jihad* popularly known as the Boko Haram Sect, has witnessed large-scale displacements and destruction of lives and property. The Chad Basin which supported the livelihoods of thousands of people has also become a hot bed of terrorism as the terrorist activities of Boko Haram straddle across the Basin to neighbouring communities in Nigeria, Chad, Niger and Cameroon forcing the inhabitants of these areas to engage in regular and irregular migration in search of safety and livelihoods. The contributory nature of terrorism to irregular migration in countries around the Lake Chad basin towards Europe and other parts of the world is the main focus of this paper. The paper therefore examines terrorism as a trigger of irregular migration around the Lake Chad Region and focuses on the devastating impacts of terrorism on the livelihoods of the affected populations in the Chad basin and neighbouring countries. It posits that as long as terrorism and terrorist activities pervade the area, migration (regular or irregular) will continue to occur with alarming proportions with negative consequences on the people. The paper calls for concerted and sustained efforts by countries of the Chad basin to tackle and repress terrorism and enjoins the European Union countries and other multilateral organisations to galvanise the necessary cooperation, provide logistic and technical support required to repress terrorism, curtail irregular migration and ameliorate the impacts of terrorism on the affected populations.

Key word: terrorism, regular and irregular migration, Lake Chad region

1.0 Introduction

The Lake Chad Region (LCR) comprising the countries of Cameroon, Chad, Niger and Nigeria have in the past decade, grappled and continue to grapple with the twin problems of loss of livelihoods and irregular migration foisted on them by the activities of terrorist groups operating in the area. Terrorism and insurgency, which began in Nigeria in 2009 with the activities of *Jama'atu Ablis Sunna Lidda'awatinal Jihad* (people committed to the propagation of the Prophet's Teachings and Jihad)" movement (JAS), commonly referred to as Boko Haram,³ expanded to other countries of LCR in 2014, and continue to gain momentum with increased indoctrination and recruitment of adherents across the region. The net effect of these activities has been increased destruction of lives and property, and displacements leading to humanitarian crisis in the region. As aptly observed by the United Nations High Commissioner for Refugees UNHCR),⁴ terrorism and insurgency affects countries of the Lake Chad Basin in similar context resulting in displacements that occasion the movement of victims within and out of each of the affected countries.⁵

¹ Associate Professor and Deputy Head, PG School, Nigerian Institute of Advanced Legal Studies, Abuja, Nigeria. Email: ibybenji@gmail.com; i.ifeakandu@nials.edu.ng;

² Director of Research, Nigerian Institute of Advanced Legal Studies, Abuja, Nigeria. Email: peterakper@gmail.com; p.akper@nials.edu.ng; <https://www.linkedin.com/in/peter-terkaa-akper-san-ofr-71414017>

³ NIALS, *Dealing with the Past: Justice, Reconciliation and Healing in the North East of Nigeria* (Nigeria: NSRP/NIALS, 2017) 6-12.

⁴ See United Nations High Commissioner for Refugees, Nigerian Refugees in Chad, Cameroon and Niger at, <<http://data2.unhcr.org>> accessed 19 May 2020.

⁵ Ibid

The displacements reportedly exposed many, especially women and children to the activities of people smugglers and human traffickers thereby heightening the rate of internal and external trafficking of persons in the Northeastern states of Nigeria.⁶

Statistics indicate that a good number of displaced persons have become refugees in countries around the region. The UNHCR data reveal that the number of Nigerian refugees in Cameroun, Chad and Niger as at 30 April 2020 was 292,194, with a distribution of 162,961 in Niger, 115, 333 in Cameroun and 13, 900 in Chad.⁷ According to the International Organization on Migration (IOM),⁸ four million, eight hundred and twenty-two, five hundred and seven (4, 822, 507) people have cumulatively been displaced in the Lake Chad region since the insurgency began.⁹ This data includes internal displacements¹⁰ and refugees,¹¹ residing in the various internally displaced persons (IDPs) and refugee camps-registered and unregistered established in the affected countries. Unfortunately, these camps became breeding grounds for increased irregular migration owing to poor conditions to which occupants have been subjected.¹²

Irregular migration is a phenomenon that continues to plague countries around the LCR; and is usually triggered by a number of factors- insurgency, socio- economic, cultural, religious, legal, and security, among others. The Climate Diplomacy (CD),¹³ the ReliefWeb¹⁴ as well as Action Against Hunger (AAH),¹⁵ among others identified insurgency around the LCR as one of the many factors that make people vulnerable, and force them to migrate-regularly and irregularly.¹⁶ To address these concerns, these organisations recommend a reduction in fragility around the region through deliberate adoption of targeted programmes that seek to remedy the causes of the fragility.¹⁷

This paper examines terrorism and insurgency as triggers of irregular migration in the LCR. It critically evaluates the concepts of terrorism, insurgency and irregular migration and their interrelationships in the quest to address the problem of irregular migration in the LCR. The paper posits that although countries of the LCR continue to combat terrorism and insurgency with a view to reducing their incidences in the region, prevailing challenges identified in the paper continue to militate against these efforts. The paper therefore makes suitable recommendations towards addressing the increasing incidences of irregular migration in the LCR.

⁶US Department of State, *Trafficking in Persons Report* (USA, Department of State, 2019), 353-355.

⁷ Ibid

⁸ IOM, DTM: West and Central Africa- Lake Chad Basin Crisis Monthly Dashboard 20, 20 May 2020; available at <<http://displacement.iom.int>> accessed 20 May 2020

⁹ Ibid.

¹⁰ Persons or groups of persons who have been forced or obliged to flee or to leave their homes or places of habitual residence, in particular as a result of or in order to avoid the `effects of armed conflict, situations of generalized violence, violations of human rights or natural or human-made disasters, and who have not crossed an internationally recognized State border. See Guiding Principles on Internal Displacement, UN Doc E/CN.4/1998/53/Add.2.

¹¹ Art 1 (A)(2) of the Convention relating to the Status of Refugees, 1951, as modified by the 1967 Protocol defines refugee as a person who, "owing to a well-founded fear of persecution for reasons of race, religion, nationality, membership of a particular social group or political opinions, is outside the country of his nationality and is unable or, owing to such fear, is unwilling to avail himself of the protection of that country. Also, Art. 1(2), 1969 Organization of African Unity (OAU) Convention defines a refugee as any person compelled to leave his or her country "owing to external aggression, occupation, foreign domination or events seriously disturbing public order in either part or the whole of his country or origin or nationality." Similarly, the 1984 Cartagena Declaration categorised refugees to include persons who flee their country "because their lives, security or freedom have been threatened by generalised violence, foreign aggression, internal conflicts, massive violations of human rights or other circumstances which have seriously disturbed public order." see more information on these documents at <www.unhcr.org> accessed 12 May 2020.

¹²US Department of State, *Trafficking in Persons Report* (USA, Department of State, 2019), 353-355.

¹³ Climate Diplomacy, *Insurgency, Terrorism and Organised Crime in a Warming Climate: Analysing the Links Between Climate Change and Non-State Armed groups* (2016) Berlin, pp. 2-14.

¹⁴ The ReliefWeb is a specialized digital service of the United Nations Office for Coordination of Humanitarian Affairs (OCHA), which serves as the leading humanitarian information source on global crisis and disasters. See more at <<http://reliefweb.int/about>> accessed 2 October 2020. See also, ReliefWeb, *Violence Escalates in Lake Chad Region*, 4 February 2019. <<https://reliefweb.int/report/nigeria/violence-escalates-lake-chad-region>> accessed 11 October 2020.

¹⁵ Action Against Hunger was created with a goal to "create better way to deal with hunger", leading the global movement that aims to end "life-threatening hunger for good". More information can be found at <www.actionagainsthunger.org> accessed 20 May 2020.

¹⁶Climate Diplomacy, *Conflict and Insurgency in Lake Chad-Interview with Mohammed Bila*, at <www.climate-diplomacy.org> accessed 23 May 2020.

¹⁷ Ibid.

2.0 Understanding the Nature and Characteristics of Terrorism, Insurgency, Migration and Irregular Migration

2.1 Terrorism

Although terrorism has been in existence long before the terrorist bombing that took place in USA in 2011,¹⁸ terrorism is regarded as one of the relatively new crimes confronting the international community generally and Nigeria specifically, having gained prominence since 2011. Despite the unequivocal condemnation of terrorism by the international community,¹⁹ finding a universally acceptable definition remains a challenge. This according to scholars may not be unconnected with the fact that terrorism is normally subjectively construed.²⁰ For example, Iran is considered a sponsor of terrorism by the United States of America (USA) because it assisted certain entities whose cause it is sympathetic to, but which the United States considers as terrorists. As a result, emphasis is placed not so much on defining terrorism but on acts, which constitute terrorism; and on tackling its financing.²¹

At the African regional level, the OAU Convention on the Prevention and Combating Terrorism²² define terrorism but enumerates and describe conducts that constitute terrorist acts.²³ They interlude *inter alia*, acts that violate criminal laws of states and constitute danger to life and wellbeing of people, resources and environment and cause injury or death to persons or group of persons. The treaty expresses that conducts listed constitute terrorism if they are “calculated or intended to: intimidate, put in fear, coerce or induce any government, body, institution, the general public or segment thereof...”²⁴ At national level, the Nigerian Terrorism (Prevention) Act (TPA),²⁵ as amended in 2013 by the Terrorism (Prevention) Amendment Act (TPAA), did not define terrorism but simply described acts that qualify as terrorism, following the example of the OAU Convention.

Under the TPA, an act of terrorism is any act, which is done with malice and calculated to unduly compel a government or international organization to do or refrain from doing any act.²⁶ Beyond legal instruments and laws, The *Black’s Law Dictionary*²⁷ defines terrorism as: “the use of threat of violence to intimidate or cause panic, especially as a means of affecting political conduct”.²⁸

Terrorism has both national and international dimensions. While international terrorism refers to the use of or threat of violence that transcends national boundaries with a view to intimidating or harming its targets,²⁹ the national dimension of terrorism is that which occurs within the territory of a country, such as terrorism against one’s own government. Terrorism in the context of this paper reflects international and national perspectives-the international aspect dealing with terrorism around the LCR and national terrorism dealing with the implications of terrorism in the LCR for Nigeria.

Generally, criminal laws at international and national levels require that for an act to constitute a crime, objective and subjective elements must be present; and in some cases *special intent* known as *dolus specialis*³⁰ as in the case of the crime of genocide under international criminal law.³¹

¹⁸The National Counterterrorism Centre, *Report on Terrorism*(Washington DC, Office of the Director of National Intelligence, 2011)<<https://fas.org/irp/threat/nctc2011.pdf>> accessed 10 October 2020.

¹⁹ See for example, UN resolution 49/60 of 9 December 1994 on Measures to Eliminate International Terrorism; available at <<http://www.un.org/documents/ga/res/49/a49r060.htm>> accessed 8 June 2020

²⁰Szurlej, Christina “Protecting human rights while countering terrorism a decade after 9/11” p.2.

²¹ United Nations General Assembly Resolution 54/109.

²² Adopted in Algiers on 1 July 1999; entry into force 6December 2002. The treaty has membership of 55 countries with 50 signatures, 43 ratifications and 43 deposits. The instrument received its last signatures in 2017; available at <<http://au.int/en/treaties/oau-convention->>accessed 11 November 2020.

²³ Ibid. Article 1(3).

²⁴ Ibid. Article 1 (3)(i).

²⁵Section 1 (2) Terrorism (Prevention) Act 2011

²⁶ The Terrorism (Prevention) (Amendment) Act 2013 prohibits all acts of terrorism and financing terrorism. The Act makes supplemental and elaborate provisions criminalizing acts of terrorism.

²⁷ Bryan Garner (Ed.), *Black’s Law Dictionary* (USA: Thomson Reuters, 2009)

²⁸ Ibid, p. 1611

²⁹Szurlej, Christina “Protecting human rights while countering terrorism a decade after 9/11” (2011) *Essex Human Rights Review*. See also, Crenshaw, Martha *Terrorism in Context* (Pennsylvania: Pennsylvania State University, 1995).

³⁰ See Melinda Rankin, “The Future of International Criminal Evidence in New Wars? The Evolution of the Commission for International Justice and Accountability” (2018) *Journal of Genocide Research* 20 (3), 392-411; and also, Antonio Cassese, *note 28*. See also, Raphael Lemkin, *Axis Rule in Occupied Europe: Laws of Occupation, Analysis of Government, Proposals for Redress* (Washington, Carnegie Endowment for International Peace, Division of International Law, 1944), 63, 90-94

There are instances when the subjective element can be dispensed with as with cases of *strict liability*³² offences or offences committed involuntarily³³ etc. In the context of terrorism, the presence of the subjective element is required as expressly provided under section 1 of TPA, as amended. Under sections 4 of the Nigeria's Criminal Code (CC) and 36 (12) of the 1999 Constitution of the Federal Republic of Nigeria (CFRN), a conduct cannot be deemed to constitute an offence unless that conduct is specifically defined as a crime and punishment prescribed for it in a law made by the National Assembly (NASS) or the House of Assembly of a State (HoS). In line with these provisions, the TPA was enacted to give effect to the conducts that constitute terrorism in Nigeria and to prescribe punishment for them. The latitude of terrorist offences under the TPA, as amended, is extremely wide; and each conduct constitutes an offence, upon which a person can be tried and punished on conviction as a terrorist offence if committed pursuant to a terrorist objective(s). This means that a single terrorist act can embody several offences, each of which require the presence of the subjective element as expressly provided under section 1 (1) of TPA. Existence of these elements is also a requirement under international law relating to terrorism.

Terrorism is no doubt criminalised in the countries under review under their anti-terrorism laws.³⁴ As preconditions for recognising an international terrorist act, the objective element of the act must be (a) one that is already criminalised under domestic criminal law such as serious bodily harm, murder kidnapping, etc., (a) transnational in nature, i.e. it must affect more than one state as provided under article 3 of the Convention for the Suppression of the Financing of Terrorism.³⁵ The subjective element of international terrorism relates to *purpose* of the act, which includes, instigating fear, etc. so as to blackmail government. Since terrorist acts around the LCR affects more than one state, and relate to acts already criminalised in the criminal laws of the affected countries, it qualifies as international terrorism. To the extent that these terrorists also operate within the territory of each of the affected states, they also qualify as national terrorists. This means that Boko Haram and ISWAP terrorists are both national and international terrorist groups. As stated below,³⁶ terrorism in Nigeria is relatively new, becoming prevalent in 2009, and gradually crept to countries around the LCR few years later.

2.2 Insurgency

Insurgency connotes an armed rebellion or hostility against government for political and other reasons. The US Government³⁷ defines insurgency as:

*...a protracted political-military struggle directed toward subverting or displacing the legitimacy of a constituted government or occupying power and completely or partially controlling the resources of a territory through the use of irregular military forces and illegal political organizations.*³⁸

Writers such as Moore³⁹ and Metz⁴⁰ also gave their perspectives on insurgency as a concept and highlight its hybrid features by portraying insurgency as prolonged violent conflict wherein one or more groups seek to violently change existing socio-political order and establish one which is amenable to their ideology or goals. Boko Haram ideology, which abhors western education, and their continued struggle to destroy the political structures in the countries around the LCR, perfectly fit into the US Government definition of insurgency, as well as, these writer's perspectives.

³¹ See article 6 of the Statute of International Criminal Court (ICC Statute). The ICC Statute is the treaty, which established the International Criminal Court's jurisdiction, structure and functions. It was adopted on July 17, 1998 and entered into force on July 1, 2002 as the 60th instrument of ratification was deposited with the Secretary General on April 11, 2002 when 10 countries simultaneously deposited their instruments of ratification, available at <<http://www.un.org/law/icc/statute/romefra.htm>> accessed 15 October 2020.

³² Strict liability offences are offences that do not require the presence of intent. Bryne Garner, *Black's Law Dictionary*, 9th Edn (USA: West Thomson Reuters, 2009) 998.

³³ See for example, section 24 of the Criminal Code

³⁴ Nigeria's TPA, 2011 as amended;

³⁵ Adopted by the General Assembly of the United Nations in resolution 54/109 of 9 December 1999. It entered into force 10 April 2002, in accordance with Article 26.

³⁶ See section 1.2 on Insurgency

³⁷ US Government, *Guide to the Analysis of Insurgency* (USA, US Government, 2012), 1-5.

³⁸ *Ibid*, 1.

³⁹ Jeff Moore, "Irregular Warfare Isn't Going Away: Thai Counter Insurgency Lessons Matter" [2013], *Small Wars Journal*, online at <<http://smallwarsjournal.com>> accessed 23 May 2020.

⁴⁰ Steven Metz, *Rethinking Insurgency* (Research Report: USA, Strategic Studies Institute, US Army War College, 2007) 22-35. D. M. Drew [2001] 13

Generally, insurgencies differ and each is unique in some aspects even though several commonalities exist among them.⁴¹ For example, all insurgencies have similar objectives; adopt similar tactics and share similar trajectory of development. In the same vein, insurgencies share the characteristics of posing immeasurable threat to security through “violent political struggle for control of resources and power”;⁴² and undermining the rule of law, human rights principles and good governance.⁴³ More critical is the fact that they all stimulate the vulnerability of people who are already vulnerable like women and children and trigger migration-regular and irregular.⁴⁴ According to a report by the Nigerian Institute of Advanced Legal Studies (NIALS),⁴⁵ “the dynamics of Nigeria’s peace and security landscape changed with the emergence of Boko Haram. This is also true of other countries around the Lake Chad region as witnessed by the spate of attacks on civilian populations, police and military posts in Cameroun, Chad and Niger. The highlighted characteristics of insurgency show that the activity embodies rebellion, social disruption, and sustained violence. More generally, insurgents usually adopt guerrilla style warfare, which makes it extremely difficult for government to overcome.

2.3 Migration/Irregular Migration

Migration simply means movement from one place to another; and constitutes an essential aspect of human life. Aided by advancement in information and communication technology as well as the forces of globalization,⁴⁶ migration across the world generally and specifically within the LCR, has been enhanced; and its benefits in terms of significant contribution to the development of societies is universally acknowledged.⁴⁷

Migration may be regular or irregular. While regular migration is lawful, irregular migration is unlawful and may be embarked upon voluntarily or involuntarily. Irregular migration according to the IOM is the “movement of persons that takes place outside the laws, regulations, or international agreements governing the entry into or exit from the state of origin, transit, or destination.”⁴⁸ As a concept, irregular migration is often associated with the problem of lack of clarity of meaning⁴⁹ as there is no universally accepted meaning; and the term is often used interchangeably with “illegal migration”.⁵⁰ This is despite the fact that “illegal migration” is increasingly used in relation to the crimes of human trafficking and people smuggling.⁵¹ Be that as it may, the European Commission (EC)⁵² and the IOM⁵³ respectively define irregular migration as: *movement of persons to a new place of residence outside the regulatory norms of the sending, transit and receiving countries*; and as *movement of people that takes place outside regulatory norm of the sending, transit and receiving countries* respectively. Kuschminde⁵⁴ highlights three main routes of irregular migration to be:

⁴¹ US Government, *Guide to the Analysis of Insurgency* (USA, US Government, 2012), 1-5.

⁴² Ibid.

⁴³ Emmanuel Ayooluwa, “Interplay of Humanitarian and Human Rights Law in the Boko Haram Insurgency” [2015] *Akunba Law Journal*, 3, 213.

⁴⁴ US Department of State, *Trafficking in Persons Report* (USA, Department of State, 2019), 353-355

⁴⁵ NIALS, *Dealing with the Past: Justice, Reconciliation and Healing in the North East of Nigeria* (Nigeria: NSRP/NIALS, 2017) 6-12.

⁴⁶ See generally, M. Naim, “The Five Wars on Globalization” (2003) *Foreign Policy*, January/February 2003, pp. 29-37.

⁴⁷ IOM, “Irregular Migration”, *Essentials of Migration Management*, Volume 3, pp. 3-10, <<http://www.iom.org>> accessed 12 November 2020

⁴⁸ Ibid

⁴⁹ K. Kuschminde, J. de Bresser, & M. Siegel, *Irregular Migration Routes to Europe and Factors Influencing Migrants’ Destination Choices* (2015) Wetenschappelijk Onderzoek- en Documentatiecentrum (WODC) <http://www.emnbelgium.be/sites/default/files/publications/irregular_migration_routes_maastricht_graduate_school_of_governance_june_2015.pdf> accessed 13 December 2020.

⁵⁰ Lucia E. Lopez, (2015). *Early warning models for irregular migration* (2015) (GSDRC Helpdesk Research Report 1241). Birmingham, UK: GSDRC, University of Birmingham, <<http://www.gsdrc.org/docs/open/HDQ1241.pdf>> accessed 13 December 2020.

⁵¹ K. Kuschminde, J. de Bresser, & M. Siegel, *Irregular Migration Routes to Europe and Factors Influencing Migrants’ Destination Choices* (2015) Wetenschappelijk Onderzoek- en Documentatiecentrum (WODC) <http://www.emnbelgium.be/sites/default/files/publications/irregular_migration_routes_maastricht_graduate_school_of_governance_june_2015.pdf> accessed 13 December 2020.

⁵² European Commission Migration and Home Affairs, *Irregular Migration*, available at, <https://ec.europa.eu/home-affairs/content/irregular-migration-0_en> accessed 9 August 2020.

⁵³ See IOM, *Key Migration Terms*, <<http://www.iom.int/key-migration-terms>> accessed 12 June 2020

⁵⁴ United Nations Convention against Transnational Organized Crime, adopted by resolution A/RES/55/25 of November 15, 2000 at the fifty-fifth session of the General Assembly of the United Nations (entered into force 29 September 2003). The Convention is supplemented by four Protocols two of which are the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children; and the Protocol against the Smuggling of Migrants by Land, Sea and Air. All these instruments regulate human trafficking and migrant smuggling and categorise these conducts as transnational organized crimes. See <<http://untreaty.un.org/english/notpubl/18-12-a.E.doc>> accessed 14 May 2020.

Entering a country without proper authority, either through clandestine entry or with forged documents; entering with authorization but overstaying that authorization; or deliberately abusing asylum system.

According to IOM, the meaning of the concept is country specific depending on whether it is a source/sending or destination/receiving country.⁵⁵ For example, destination countries would normally view irregular migration as “entry, stay or work in a country without the necessary authorization or documents required under immigration regulations”.⁵⁶ For the sending country, irregular migration relates purely to the “irregularity” associated with people crossing “international boundary without passport or travel document or do not fulfill the administrative requirements for leaving the country”.⁵⁷

Generally, Border States of the EU are more affected by the influx of irregular migrants. For example, research shows that in recent years countries such as Greece and Italy, received the largest numbers of irregular migrants.⁵⁸ The situation forced Italy to prioritise burden-sharing’ and migration in general on the EU agenda because of the lopsided number of irregular migrants the country receives and the lack of resources to address tackle the problem.⁵⁹ Also, the inability of Greece to cope with influx of irregular migrants as a result of the economic meltdown, the European Court of Human Rights in December 2011⁶⁰ruled that migrants could not be returned to Greece under the Dublin II regulation due to the over burdening of the asylum system and poor conditions for asylum seekers in Greece.⁶¹ Until now, Greece has not done much to improve living conditions in the camps giving rise to “children attempting suicide” in one of the camps according to a BBC report.⁶²

However, since 2015, the number of migrants seeking to enter into Europe from Africa has reduced significantly from 221, 454 in 2015 to 10,495 as at May 2018.⁶³ This is largely attributable to responses from receiving countries to irregular migration such as reforming immigration laws, promoting the return of migrants in irregular situation to their home countries, implementing regularization programmes, bilateral agreements, among others. For example, EU countries entered into deportation agreements with Sudan; and made a deal with Niger,⁶⁴ which led to a crackdown on smuggling in the Western Sahara.⁶⁵ Despite this decline in irregular migration, the consequences remain huge: First, EU countries continue to bicker over who should take responsibility for new migrants- whether the border states like Greece and Italy or the wealthier states like Germany,⁶⁶Secondly, EU countries continue to struggle to absorb an estimated 1.8 million people that arrived by sea since 2014,⁶⁷Thirdly, a rise in public anxiety arising from fear of terrorism;⁶⁸ and Fourthly, the challenge around process in terms of how to accommodate asylum seekers awaiting the outcome of their cases, how to integrate them into the economy/society or how to deport them.

These issues necessitated a meeting on migration of EU leaders for purposes of *inter alia*, unbundling a clear migration policy for the region.⁶⁹

⁵⁵ IOM, Key Migration Terms, <<http://www.iom.int/key-migration-terms>> accessed 12 November 2020.

⁵⁶ Ibid.

⁵⁷ Ibid.

⁵⁸ See Evie Browne, “Drivers of Irregular Migration” (2015), *Help Desk Research Report*, Governance, Social Development, Humanitarian. Conflict, pp. 3-4.

⁵⁹ Ibid.

⁶⁰ See American Society of International Law, European Court of Human Rights Judgement on Expulsion of Asylum Seekers: MSS v Belgium & Greece, Volume 15, Issue 5, 24 February 2011.

⁶¹ Ibid.

⁶² See Catrin Nye, Children ‘attempting suicide’ at Greek refugee camp, BBC News, 28 August 2018, at <<http://www.bbc.com>> accessed 13 November 2019

⁶³ See United Nations High Commissioner for Refugees

⁶⁴ See Irin News, “Inside the EU’s flawed \$200 million migration deal with Sudan”, *Irin News Special Report*, 30 January 2018, at <<http://www.irinnews.org>> accessed 13 November 2020.

⁶⁵ Ibid.

⁶⁶ See ReliefWeb, “Irregular Migration from West and North Africa to Europe: Dangerous Routes, Decreasing Numbers” *Special Report*, 15 February 2018 <<http://www.reliefweb.int>> accessed 13 April 2020.

⁶⁷ Ibid

⁶⁸ In Germany for example a high-profile assaults involving migrants, including the killing of a 19-year-old German student and the terrorist attack on a Christmas market that killed 12 people increased public anxiety. See Riham Alkousaa, “Violent crimes rises in Germany and is attributed to refugees”, *Reuters World News*, 3 January 2018 at <<http://www.reuters.com>> accessed 13 April 2020.

⁶⁹ See The Guardian, “EU Migration Crisis: what are the key issues?” at <<http://www.guardian.com>> accessed 13 April 2020.

As the IOM rightly observed, there is no “one size fits all” policy to tackle irregular migration.⁷⁰ Countries are at liberty to adopt measures that they consider efficacious taking their peculiarities into consideration.. However, such measures must not only be comprehensive, but also embody the “rights-based approaches that address the root causes of irregular migration, especially those related to labour market demands”.⁷¹

3.0 Incidences of Terrorism, Insurgency and Irregular Migration in the Lake Chad Region

The prevalence of terrorism/insurgency as a trigger for migration around the Lake Chad Region is well documented by writers and other sources, including governments and international organisations. As already noted above, terrorist activities of Boko Haram sect began in northeastern Nigeria before expanding to other parts of the LCR. Mohammed Yusuf, a Muslim cleric, founded the Boko Haram sect in 2002. The group started as a religious group with very strong ideological standpoint,⁷² which is moored on (a) resistance to everything western- education, political philosophy, which they abhor for being blasphemous, oppressive and inherently wicked. According to them, western education and political principles/structures only engender and entrench poverty, unemployment, social injustice and corruption, among others;⁷³ and orchestrate extreme drive not only to supplant the existing government, but also to establish and implement Sharia law as an applicable justice system in the entire country.⁷⁴ The death of Yusuf while in custody of Nigerian security authorities in 2009 stirred up unprecedented violence in Maiduguri, a state in the northeast and effectively established a violent resistance that the government has battled to contain more than ten years after. Abubakar Shekau, who succeeded the late Yusuf, reinforced the sect’s operational capabilities, taking insurgency to a new level with increased attacks against law enforcement operatives and civilians.⁷⁵

At the beginning, the group’s operations were limited to northeastern Nigeria. However, they began to interact with international terrorist cells such as the Somali militant group known as Al-Shabaab,⁷⁶ Al Qaeda in the Islamic Maghreb (AQIM),⁷⁷ and Movement for Unity and Jihad in West Africa (MUJIWA)⁷⁸ so as to receive support-financially and in capacity building. These interactions and express declaration of support for other terrorist cells led to the spread of Boko Haram activities beyond Nigeria to countries around the LCR in 2014. This move enabled the sect to capture large territories resulting in the declaration of a caliphate in August 2014. The year 2015 is significant in the insurgency narratives for the following reasons: (a) according to reports,⁷⁹ an estimated territory spanning 51,800 square kilometers was under the control of Boko Haram; (b) Boko Haram declared its loyalty to the Islamic State and became the Islamic State West Africa Province (ISWAP); and (c) the activation of the Multinational Joint Task Force (MNJTF),⁸⁰ a coalition of forces from Cameroon, Chad, Niger and Nigeria to engage the insurgents in the LCR.

Nonetheless, the sect continued to launch attacks around the LCR. For instance, between May and August 2016, Boko Haram reportedly launched several deadly attacks against communities in and around the LCR such as Adamawa, Borno and Yobe in Nigeria, Diffa in Niger, and Lac Province in Chad.⁸¹ Other raids were launched into Niger around the same period with several girls kidnapped around the border communities.

⁷⁰ Laura Thompson, “A One-Size Fits-All Approach to International Migration is Doomed to Fail”(2009: IOM, Geneva) at <<http://www.iom.net>> accessed 13 April 2020.

⁷¹ Ibid.

⁷² Okene and Olawale, “National Security and Insurgency in Nigeria 1999-2012: A Preliminary Assessment of Federal Government Strategy of Containment”; in Mbachu and Bature (eds), *Internal Security Management in Nigeria: A Study in Terrorism and Counter Terrorism* (Kaduna, Medusa Academic Publishers, 2013) 335.

⁷³ Imasuen, “Insurgency and Humanitarian Crisis in Northern Nigeria: The Case of Boko Harm [2015] *African Journal of Political Science and International Relations* 9, 7. *African Journal of Political Science*

⁷⁴ Ibid

⁷⁵ See Jacob Zenn, “Leadership Analysis of Boko Haram and Ansaru in Nigeria” [] *Africa Special Issue* 7(2) <<http://ctc.usma.edu>> accessed 26 May 2020.

⁷⁶ See Council on Foreign Relations, Al-Shabab (2015) <www.cfr.org> accessed 25 May 2020.

⁷⁷ Council on Foreign Relations, Al-Qaeda in the Islamic Maghreb (2015) <www.cfr.org> accessed 25 May 2020. See also Raphael Lefevre, “Commentary: The Resurgence of Al-Qaeda in the Islamic Maghrib” [2018] *The Journal of North African Studies*, 23(1-2), 278-281.

⁷⁸ Center for International Security and Cooperation (CISAC), Mapping Militant Organizations: “Movement for Unity and Jihad in West Africa” Stanford University (2018) <<http://internal.fsi.stanford.edu/content/mmp-mujao>> accessed 25 May 2020.

⁷⁹ The War Report: Armed Conflict in 2014

⁸⁰ See Multinational Joint Task Force (MNJTF) against Boko Haram <www.africa-eu-partnership.org> accessed 25 May 2020.

⁸¹ UNHCR Cameroon, 4 November 2016; CNARR & UNHCR Chad, 29 September 2016. 4. “Boko Haram Crisis Map,” UNOCC, 18 August 2016.

These attacks occasioned multiple displacements as inhabitants of the affected communities fled their homes and remained constantly moved from place to place in search of safety and livelihoods.

The situation exacerbated as minors were forced to move around unaccompanied by adult family members because their parents had either been killed or abducted by terrorist thereby rendering them susceptible to smuggling and trafficking of young children and girls internally or externally.⁸² The deplorable conditions under which displaced people live in the IDPs and refugee camps only make them more vulnerable to people smuggling and trafficking.⁸³

The LCR witnessed a further rise in terrorist activities and insurgency operations from early November 2018, with rebels belonging to ISWAP and Boko Haram launching offensives and raids to weaken military strength and seize territories in a renewed attempt to establish an Islamic state in the LCR.⁸⁴ The attacks, particularly those by ISWAP recorded considerable success which resulted in the displacement of hundreds of thousands of civilians. Other raids were also launched into Niger around the same period where girls around the border communities were kidnapped. ISWAP also attacked Baga, marauding the military base and destroying the MNJTF headquarters and naval base set on fire.⁸⁵ While the Nigerian military fought to retake Baga, the Niger Armed Forces launched an offensive, which recorded more success, while targeting the Islands on Lake Chad and the areas along Yobe River at the Niger-Nigeria border in December 2018.⁸⁶ The Niger army and Air Force launched offensives via land and air. The Cameroonian armed forces also mobilised their troops in the north to counter the Islamic rebels. In the specific context of Chad, there was increased confrontation between insurgents and the Chadian army, with the confrontations escalating from 7 in 2018 to 21 in 2019, with ISWAP over-running dozens of army bases, killing several soldiers in 2019.⁸⁷

Over a decade since the emergence of insurgency in Nigeria, and later the LCR, the MNJTF and the Nigerian military are yet to contain it. This is despite responses-legal, military, international cooperation etc. For example, on 23 March 2020, the insurgents reportedly launched a convoluted attack on Chadian troops stationed at a base in Bohoma in which 98 Chadian soldiers were killed, several others wounded and army vehicles destroyed by the insurgents.⁸⁸ This was reminiscent of improvements to Boko Haram's combat intelligence capabilities considering that the Chadian army is reputed to be a superior regional force.⁸⁹ The attacks followed years of insurgency waged by Boko Haram and its offshoot, ISWAP in the LCR. After the March 2020 attack, the Chadian President (now late), Idriss Derby joined frontline operations of the Chadian army to launch an offensive against Boko Haram and ISWAP on 23 March 2020.⁹⁰ This was in a bid to clear the insurgents from the Chadian territory. Additionally, the Nigerian army continues to launch offensives against the Boko Haram and ISWAP, leading to the neutralisation of some of their bases. However, the terrorists/insurgents are yet to be completely eradicated.

Indeed, the formation of the MNJTF was one of the most crucial collaborative efforts against insurgency in the LCR. With support from governments of the affected countries and the European Union, the MNJTF is able to maintain sustained offensive against the insurgents. Support from governments is all encompassing-financial, military, logistics, etc. while that of the EU is financial. For example, the EU gave a 50 million EUR funding to the MNJTF⁹¹ to cover the period 1 July 2016- 31 December 2019.

⁸² IOM, *World Migration Report* (International Office for Migration, Geneva, 2020) <<http://publications.iom.int>> accessed 26 May 2020. See also, Lanre Olusegun Ikuteyijo, Why Young Nigerians Risk Illegal Migration to Find their 'Eldorado' [2020], *Reliefweb*, 21 January 2020 <<https://reliefweb.int>> accessed 26 May 2020.

⁸³ See UNHCR Sahel Operation Information Sharing Portal, 4 November 2016 at, <[www](http://www.unhcr.org)> accessed 22 May 2020.

⁸⁴ Crisis Group, "Fighting Boko Haram in Chad: Beyond Military Measures"

⁸⁵ *Ibid*

⁸⁶ *Ibid*.

⁸⁷ *Ibid*.

⁸⁸ BBC, "Boko Haram Kills Troops in 'Deadliest' Chad Raid", *BBC News*, 25 March 2020, <www.bbcnews.com>

⁸⁹ *Ibid*.

⁹⁰ Aljazeera News, "Chadian Troops' Kill 1,000 Boko Haram Fighters' in Lake Chad", 9 April 2020, <www.aljazeera.com/news> accessed 25 May 2020. See also, Daniel Eizenga, Chad's Escalating Fight against Boko Haram, *Africa Center for Strategic Studies*, 20 April 2020, <www.africacenter.org> accessed 25 May 2020.

⁹¹ See Multinational Joint Task Force (MNJTF) against Boko Haram <www.africa-eu-partnership.org> accessed 25 May 2020.

The funds were given to the African Union Commission to support the MNJTF towards its effort to tackle *increasing regionalization of Boko Haram threat*.⁹² On their part, the governments of the affected countries reaffirmed their commitment to the Abuja Action Statement on civilian protection in the Lake Chad Basin region of January 2019.⁹³

The agreement comprises a series of actions to enhance protection and respond to the most urgent needs of refugees, internally displaced persons and other affected populations.⁹⁴ This is as the region continues to experience humanitarian crisis arising from internal displacements due to terrorism and insurgency.⁹⁵ Humanitarian crisis around the region has also acted as push for people to migrate irregularly from one country in the region to another, example, from Nigeria to Cameroon and vice versa, and then to other countries outside the region, particularly Europe and Americas through dangerous routes. Report from the EU Emergency Trust Fund for Africa⁹⁶ on *Projects in Nigeria* states that Nigeria “is the first country of origin of irregular migration towards Europe;⁹⁷ and that this is occasioned by crisis which has led to the displacement of about 2.2 million people, in addition to the country’s fragile socio-economic and food context.⁹⁸ This situation is also true of several countries in the Sahel and Lake Chad region,⁹⁹ including countries under focus where irregular migration, migrant smuggling and human trafficking, corruption and transnational organized crime is prevalent due to inadequate government presence because of security challenges. In the August edition of its monthly migration data dashboard, the IOM observed that, the Lake Chad Basin continue to face complex crisis caused by a number of factors including conflict with insurgents and terrorists.¹⁰⁰ It states further that the number of displacements in Cameroon, Chad, Niger and Nigeria was estimated at 4, 994,349 as of 21 August 2020. The severe conditions under which displaced persons live only make them more determined to embark on dangerous migration routes such as the Sahara Desert, Mediterranean sea to Europe and other parts of the world; and across officially closed borders to get into Nigeria.

4.0 Implications for Nigeria

4.1 Combating Terrorism and insurgency

As already noted, since 2009 when insurgency began in Nigeria, the country has adopted different counter-insurgency options as responses. Such responses include military, legal and counter-insurgency initiatives/programmes.¹⁰¹ Following a military response, Nigeria responded to insurgency by enacting the Terrorism Prevention Act (TPA) 2011 as amended in 2013; developed a National Counter Terrorism Strategy (NACTEST) in 2014 as revised in 2016,¹⁰² and established a Counter-Terrorism Centre to coordinate national counter terrorism efforts. To enhance counter-insurgency efforts, government also committed to sustaining a “Whole-of-Government approach”,¹⁰³ which they seek to achieve through strong “inter-agency platforms and mechanisms at strategic and operational levels”.¹⁰⁴

⁹² Ibid.

⁹³ UNHCR, Abuja Action Statement: Second Regional Protection Dialogue on the Lake Chad Basin, 28-29 January 2019 <www.unhcr.org> accessed 25 May 2020.

⁹⁴ The Abuja Statement contain a range of actions relating to civil-military coordination and the civilian character of refugees and IDP hosting areas, persons with specific protection needs, comprehensive solutions approaches, as well as nationality and documentation. Ibid

⁹⁵ Peter Akper, “Nigeria and her Neighbours: The Contributions of the Lake Chad Basin Commission to Sub-Regional Security and Stability”; in Taiwo Kupolati (ed), *Nigerian Justice Economy: Confident or Convulsive* (Lagos: Renaissance Law Publishers Limited, 2017) 600-618.

⁹⁶ See EU Emergency Trust Fund for Africa, Nigeria; available at < https://ec.europa.eu/trustfundforafrica/region/sahel-lake-chad/nigeria_en > accessed 18 October 2020.

⁹⁷ Ibid

⁹⁸ Ibid

⁹⁹ See EU Emergency Trust Fund for Africa, Sahel and Lake Chad , available at <https://ec.europa.eu/trustfundforafrica/region/sahel-lake-chad_en> accessed 18 October 2020.

¹⁰⁰ IOM, West and Central Africa — Lake Chad Basin Crisis Monthly Dashboard 23 (21 August 2020); available at < <https://dtm.iom.int/reports/west-and-central-africa—lake-chad-basin-crisis-monthly-dashboard-23-21-august-2020> > accessed 18 October 2020

¹⁰¹ Federal Republic of Nigeria, *National Security Strategy* (Nigeria: FG Press, December 2019) 23-24, 59. See also, Office of the National Security Adviser, *The National Counter-Terrorism Strategy* (NACTEST) (Nigeria: FG Press, 2014) 16-17.

¹⁰² See also, Office of the National Security Adviser, *The National Counter-Terrorism Strategy* (NACTEST) (Nigeria: FG Press, 2014) 16-17.

¹⁰³ See Federal Republic of Nigeria, *National Security Strategy* (Nigeria: FG Press, December 2019), 23-24.

¹⁰⁴ Ibid.

This according to government is not only to fulfill its counter-insurgency mandate, but also to continue to promote “international cooperation and collaboration”.¹⁰⁵ In that regard, the focal point is to be in partnership with national and international information technology companies in a bid to “counter violent extremism narratives online”.¹⁰⁶ The Nigerian State was stronger in 2019 because the country was able to significantly incapacitate the insurgents. This according to government was achieved through “valiant efforts of the armed forces, security agencies and other Nigerians”¹⁰⁷ in partnership with international allies such as the MJTF partnership comprising Cameroon, Chad, Niger and Nigeria.

Indeed, the threat of Boko Haram was not given the desired response by government from the outset, as it was perceived as a hype that would fizzle out with time. Apart from that, the Boko Haram sect was seen as a religious group; therefore, the military lacked cooperation from the civilian population, especially human rights groups that kept emphasising the constitutional right of persons to freedom of thought, conscience and religion as guaranteed under section 38 of the 1999 CFRN, as amended. Other challenges-socio-economic, military capability and technology, geographical, and corruption, which have militated against the counter-insurgency fight, are highlighted below:

- a) *Geographical challenges:* Geographical location of the Sambisa forest, which became the domain of the Boko Haram, is not only vast and poorly managed by the government at all levels,¹⁰⁸ but was also abandoned for several years,¹⁰⁹ hence the Boko Haram insurgents, decided to leverage it for use as safe haven. Having occupied the forest for several years, they enjoy the distinct advantage of knowledge of and familiarity with the forest over the military personnel fighting the insurgents there. According to reports, the topography of the forest makes it difficult for soldiers to access, as it is thickly shrubbed and mountainous.¹¹⁰ One of the reasons for creating the Civilian Joint Task Force (CJTF)¹¹¹ was to assist the military in navigating the Sambisa forest since members are drawn from the locals who are also familiar with the forest.¹¹²
- b) *Corruption:* The fight against insurgency has stretched for over ten years with no end in sight. The long drawn war is largely attributable to the endemic problem of corruption.¹¹³ Over the years, funds allotted to anti-insurgency fight-procurement of arms, operatives welfare, and logistics, etc., have allegedly been looted resulting in the incarceration of the former National Security Adviser (NSA), Dasuki,¹¹⁴ and the posthumous conviction of the former Chief of Defence Staff, late Air Marshall Alex Bade, who allegedly embezzled \$20M meant for counter-insurgency and other military logistics,¹¹⁵ among others. Because of this, the military lack the necessary weapons and suffer poor welfare resulting in low morale amongst the troops. This is against the backdrop of allegations that the insurgents are better equipped with more sophisticated weapons.

Furthermore, notwithstanding the important role of border communities in preserving human and national security, they have, without exception, been generally neglected for decades; and this constitutes a serious threat.

¹⁰⁵Ibid, p. 24.

¹⁰⁶ Ibid.

¹⁰⁷Ibid, p. 59.

¹⁰⁸Aju P. C & Aju J. A, “Occupation of Sambisa Forest and Boko Haram Insurgency in Northeastern Nigeria as Security Threat and Challenges to Sustainable Forest Management” [2018] *Global Journal Frontier Research* 18(5), 1-10

¹⁰⁹ Ibid

¹¹⁰Azeez Olaniyan, “Once Upon a Game Reserve: Sambisa and the Tragedy of a Forested Landscape” [2018] *Arvadia* no.2 at <www.environmentand society.org> accessed 20 May 2020.

¹¹¹ See UNDP, Nigeria: UNDP trains vigilantes and Civilian Joint Task Force members inhuman rights and leadership (2019), available at <www.ng.undp.org> accessed 21 May 2020.

¹¹²Oluwaseun Bamidele, “Civilian Joint Task Force (CJTF)- A Community Security Option: A Comprehensive and Proactive Approach of Reducing Terrorism” [2016] *Journal for Deradicalization*, 7.

¹¹³ See generally, J. Tochukwu Omenma, Ifeanyichukwu M. Abada, Z. Onyinyechi, “Boko Haram Insurgency: A Decade of Dynamic Evolution and Struggle for a Caliohate” (2020) *Security Journal*, online at, <http://link.springer.com> accessed 21 May 2020; and also John S. Ojo, Kazeem O. Lamidi, Ayotunde D. Olawale, Bolanle Shiyabade& Godwin IHEMEJE, “Enemy within the State: The Pathology of Boko Haram Insurgency, Military Corruption, and Fallacy of Arms Procurement in Nigeria” [2019] *International Journal of Public Administration*, online at <www.tandfonline.com> accessed 21 May 2020.

¹¹⁴ BBC, “Nigeria’s Sambo Dasuki Charged over \$68m Fraud “[2015] *BBC News*, 14 December 2015at <www.bbc.com> accessed 22 May 2020.

¹¹⁵ BBC, “Nigerian ex-Defence Chief Alex Badeh ‘Stole’ \$20m [2016] *BBC News*, 14 December 2015at <www.bbc.com> accessed 22 May 2020.

Credence is lent to this assertion by studies on Nigeria border communities¹¹⁶ to the effect that they are generally characterised by poverty, unemployment and trans-border criminality, poor or non-existent social and physical infrastructure such as schools, hospitals, electricity, roads, etc.¹¹⁷ The result is divided loyalty to the country in favour of the neighbouring countries, which exposes Nigerian borders to insecurity, including Boko Haram; hence many locals in the border communities around the northeast supported them in exchange for some favours.¹¹⁸

A major consequence of porous borders is the proliferation of small arms and light weapons (SALWs),¹¹⁹ which often find their way into wrong hands, and aid insurgency and other violent crimes and criminals.

- c) *Socio-economic challenges*: over the years, local communities around the Sambisa forest have reportedly helped Boko Haram for one reason or the other. These locals supply Boko Haram with agricultural produce, fuel, etc. and act as informants in return to being allowed to remain in their communities to farm and trade.¹²⁰ They would normally withhold information about Boko Haram hideout from the military due to distrust of government. This situation is made possible by poverty, hunger, illiteracy, and lack of opportunities, which remain unaddressed by government over the years.¹²¹ It does not help that displaced persons-in IDPs and communities are not well catered for.¹²² Because of this, several IDPs have reportedly returned to their communities preferring to die in their homes than in the camps.¹²³

4.2 Addressing Irregular Migration

Curbing irregular migration into and out of Nigeria remains one of the major challenges facing the government. Statistics on migration in Africa shows that a large population of African migrants to Europe, America and other parts of world are Nigerians,¹²⁴ many of who migrate illegally or irregularly. Irregular migration, people smuggling and human trafficking are known to be on the rise despite government's regulatory, administrative and policy efforts to stem this tide.¹²⁵ Although, there are pockets of legal provisions that address migrant smuggling; and a National Policy with focus on migration-legal, illegal and irregular, these instruments are limited in application, hence their inability to effectively address the problem; and (b) poor governance and policy failures in addressing the root causes of people smuggling engenders illicit smuggling of migrants into and out of Nigeria. Regulatory and policy outcomes in the area of combating irregular migration in Nigeria reveal a failure due to severe challenges: ineffective law enforcement, bad governance occasioning corruption and other vices, lack of accurate data, lack of political will, among others, some of which are highlighted below:

- a) *Ineffective law enforcement*: The conclusions that law enforcement is a major challenge arises from the fact that several initiatives-legal, institutional,¹²⁶ policy, economic, and administrative, to address incidences of irregular migration exists.¹²⁷ Yet, the problem continues, hence experts¹²⁸ have concluded that ineffective law enforcement is one of

¹¹⁶ Border Communities Development Agency, "Situation of Border Communities", available at www.bcda.gov.ng accessed 20 May 2020. See also, Adebayo Akinwale, "Senate Committee Laments Poor Infrastructure in 22 Border States", *This Day Newspaper*, 8 November 2018, 12:45 pm.

¹¹⁷ Babatunde Olomu, Alao, David Oladimeji, Eytayo Adewumi, "Border Security and Challenges of the Nigerian Customs Service" [2018] *international journal of latest research in humanities and social sciences*, 2(3), 10-19

¹¹⁸ Chijioke Egwu Ekumaoko & Kingsley Emeka Ezemenaka, "Responsibility to Protect: External Intervention on Boko Haram in Nigeria" (2020) *Security Journal*, online at, <<http://link.springer.com>> accessed 21 May 2020.

¹¹⁹ ECOWAS, ECOWAS Reviews Guidelines to Reduce Proliferation of Small Arms and Light Weapons in the Region, 4 March 2020, available at <www.ecowas.int> accessed 22 May 2020. See also, United Nations, Update: UNREC and UNDP Assist Sahel Countries in Addressing the Illicit Proliferation of Small Arms and Light Weapons, 25 September 2017, available at <www.un.org> accessed 22 May 2020

¹²⁰ The Crisis Group, "Boko Haram's Evolution: How it got this far, and how to stop it" (2015), available at, <www.crisisgroup.org> accessed 19 May 2020.

¹²¹ According to the National Bureau of Statistics, over forty percent of Nigerians live below the poverty line, as of May 2020. See National Bureau of Statistics, at <www.nigerianstatistics.gov.ng> accessed 22 May 2020.

¹²² Faith Osasumwen Olarenwaju, Adekunle Olarenwaju, Femi Omotoso, "Insurgency and the Invisible Displaced Population in Nigeria: A Situational Analysis" [2019] *Sage Open*, April-June 2019, 1-12.

¹²³ Ibid

¹²⁴ Lanre Olusegun Ikuteyijo, "Irregular Migration as Survival Strategy: Narratives from Youth in Urban Nigeria" (2019); in Mora L. McLean, *West Africa Youth Challenges and Opportunity Pathways* (Palgrave Macmillan, Cham: 2019) 53-77

¹²⁵ Ibid.

¹²⁶ Ibid

¹²⁷ Bello, M. A; Has Poverty Reduced in Nigeria 20 Years After? (2010), *European Journal of Social Sciences*, Vol. 15, No. 1, pp. 7-17. See also, Arar, A & Timothy, A; *Poverty and Inequality Nexus: Illustrations with Nigerian Data* (2008), Centre

the major challenges. This is because ending impunity for perpetrators is normally a glaring outcome of many factors, one of which is effective enforcement, which would serve as deterrence to others.¹²⁹

- b) *Inadequate knowledge about the Enormity of Irregular Migration*: currently, the situation of irregular migration is such that authorities adopt and implement measures on the basis of conjecture due to lack or inadequacy of accurate data.¹³⁰ For any initiative to be successful, it must be measured against the real or actual threat.
- c) *Bad governance occasioning corruption*: it is not a secret that Nigeria has been bedeviled with bad governance for decades. Lack of transparency and accountability mechanisms in governance and the fact that looters are never held accountable for their actions has fueled corruption. To fight corruption, Nigeria signed up to international and regional anti-corruption frameworks-United Nations Convention against Corruption (UNCC),¹³¹ African Union Convention on Preventing and Combating Corruption¹³² (AUCCC) and adopted domestic anti-corruption measures-legal institutional and policy to try to stem the tide. However, although there seems to be a measure of success in the current government's effort, it is not yet uhuru as corruption, especially petty corruption remains pervasive.
- d) *Poverty and illiteracy*: the phenomena of illiteracy and poverty in the country are palpable. Statistics depicts the deplorable state of Nigerians in terms of poverty and illiteracy.¹³³ As a result, stories of greener pasture outside Nigeria are believable. Beyond belief, Nigerians are literally caught between the devil and deep blue sea. They therefore opt to die trying to leave the country through irregular migration, than to stay in the country and die of poverty, starvation and diseases.
- e) *Socio-Cultural Practices*: some socio-cultural practices have the potential to aid irregular migration. For example, in some communities, parents actually consent to sending their teenage daughters abroad through illegal means with the expectation that such children will eventually earn money to support them and other members of the family. As such they do all they can to circumvent government policies and regulations that seek to prevent irregular migration. There is also the problem of child marriage and the practice of traditional child placement, which encourages 'house girl/boy' syndrome. Beyond this, the vulnerability of displaced persons enhances irregular migration, due to government's lack of political will to effectively address the problem by adequately catering to displaced persons and or refugees.
- f) *Lack of economic opportunities*: according to National Bureau of Statistics, over 13 million youths are unemployed as at the 2nd Quarter of 2020. The result is the quest by the youths to migrate whether regularly or irregularly.
- g) *Inadequate Funding*: The problem of inadequate funding for anti-irregular migration programmes is as prevalent as it is endemic. There is virtually no law enforcement or policy formulation/implementation agency that is not faced with inadequate funding,¹³⁴ making it difficult for them to adopt measures or engage in proactive operations.

5.0 Recommendations

The research brought to the fore a number of challenges which have militated against successful elimination of the insurgents operating around the LCR. In addition to intergovernmental cooperation vide MNJTF against the insurgents the following recommendations are proffered.

- i. It is obvious that the socio-economic conditions that give rise to insurgency also combine with insurgency to entrench irregular migration and also impede effective curbing of irregular migration. Therefore, there is need for government to address these socio-economic conditions. Government can start by mainstreaming relevant Sustainable Development Goals (SDGs)¹³⁵ particularly Goals 1 and 2,¹³⁶ into policy, to achieve a sustainable future free from hunger and poverty.

Interuniversitaire sur le risqué, les politiques économiques et l'emploi (CIRPEE), Working Paper 06-38, Quebec QC, Canada, pp. 10-17.

¹²⁸Okogbule, N. S; An Appraisal of the Legal and Institutional Framework of for Combating Corruption in Nigeria (2006), Journal of Financial Crime, vol.13, No. 1, pp. 92-106@ p. 92

¹²⁹US Department of State; Trafficking in Persons Report (US Department of State 2019), 355-356, <<http://www.state.gov/g/tip/rls/tiprpt/2019/>> accessed 10 May 2020.

¹³⁰ IOM, *World Migration Report* (Switzerland: International Office for Migration, 2020) available at, <<http://publications.iom.int>> accessed 22 May 2020.

¹³¹ United Nations Convention against Corruption (UNCAC); UN Doc A/58/422; adopted by the General Assembly of the United Nations on 31 October 2003 at United Nations Headquarters in New York. It entered into force on December 14, 2005, in accordance with article 68 (1).

¹³² The AU Convention on Preventing and Combating Corruption was adopted by the heads of state at the African Union Summit held in Maputo on July 11 2003. It entered into force into force on August 5, 2006. See African Human Security Initiatives; Anti Corruption Cluster, <www.africanreview.org/project1corrupt.php> accessed 10 January 2020.

¹³³ National Bureau of Statistics, n.119

¹³⁴ See USDOS, *Trafficking in Persons Report* (United States, US Department of State, 2019), 353-356; and also, UNODC, *Global Report on Trafficking in Persons* (New York: United Nations, 2018), 81-83.

- ii. As insurgency and persistent armed attacks around the LCR is preventing millions of displaced persons from returning to their communities and homes, there is need (a) to find lasting solutions, which can effectively deliver basic services and livelihoods; and (b) promote an early shift towards self-sufficiency.
- iii. The programmes that strengthen protection of civilians, especially women and girls, should be embarked upon. The programmes should focus on preventing sexual and gender-based violence and enhance support to survivors. This is important as women and girls face high risks of sexual and gender-based violence, sexual exploitation and abuse by armed groups, people smugglers/human traffickers as well as law enforcement operatives.
- iv. Transparency and accountability measures should be initiated as part of anti-corruption fight in the counter-insurgency camp. This is to ensure that funds meant for counter-insurgency operations are utilised for that purpose, while mismanagement is met with appropriate punishment.
- v. Given the enormity of irregular migration flows from the LCR to Europe and other parts of the world, the European Union in partnership with the IOM is already doing a lot in the Sahel and LCR, working closely with these countries to support them in their efforts to achieve security, peace and stability. These organisations also identified that “demographic pressure, institutional weaknesses and governance, weak social and economic infrastructures, environmental stress and insufficient resilience to food and nutrition crises” also trigger displacement and occasion irregular migration. Therefore, it is recommended that countries under focus should make concerted effort to address these challenges.

6.0 Conclusion

Terrorism and insurgency in the LCR and its impact on the lives and livelihood of the civilian population in the region has led to IDPs and refugee status of many arising from the displacement of millions around the LCR. A case in point is Chad, which has come under persistent attacks from the insurgents since 2015 leading to the displacement of over 170,000 in Lac Province of Chad alone.¹³⁷ According to UNHCR unrelenting violence and its impact on the lives of millions of people across the LCR mean that many families and communities continue to move from place to place, making them, especially the women and children more vulnerable to people smuggling and human trafficking.¹³⁸ Generally, factors that trigger irregular migration are interrelated. For example, it is undeniable that factors such as bad governance, weak institutional structure, poverty, lack of economic opportunities and corruption, among others account for emergence of insurgency in the first place. In the same vein, these factors combine with insurgency to force displacements that make people to flee conflict, or seek new economic opportunities to build a better life. All of these have serious implications for Nigeria; and calls for the country to urgently adopt measures geared towards addressing terrorism, insurgency and the enumerated factors that give rise to irregular migration.

References

- Adebayo Akinwale, “Senate Committee Laments Poor Infrastructure in 22 Border States”, *This Day Newspaper*, 8 November 2018.
- Aljazeera News, “Chadian ‘Troops’ Kill 1,000 Boko Haram Fighters’ in Lake Chad”, 9 April 2020, <www.aljazeera.com/news> accessed 25 May 2020.
- Aju P. C & Aju J. A, “Occupation of Sambisa Forest and Boko Haram Insurgency in Northeastern Nigeria as Security Threat and Challenges to Sustainable Forest Management” [2018] *Global Journal Frontier Research* 18(5), 1-10
- Arar, A & Timothy, A; *Poverty and Inequality Nexus: Illustrations with Nigerian Data* (2008), Centre Interuniversitairesur le risqué, les politiques économiques et l’emploi (CIRPEE), Working Paper 06-38, Quebec QC, Canada, pp. 10-17.
- Azeez Olaniyan, “Once Upon a Game Reserve: Sambisa and the Tragedy of a Forested Landscape” [2018] *Arcadia* no.2 at <www.environmentand society.org> accessed 20 May 2020.
- Evie Browne, “Drivers of Irregular Migration” (2015), *Help Desk Research Report*, Governance, Social Development, Humanitarian. Conflict, pp. 3-4.
- American Society of International Law, *European Court of Human Rights Judgement on Expulsion of Asylum Seekers: MSS v Belgium & Greece*, Volume 15, Issue 5, 24 February 2011.

¹³⁵ See UNDP, Sustainable Development Goals, <www.undp.org> accessed 20 September 2020

¹³⁶ Ibid.

¹³⁷ See United Nations High Commissioner for Refugees, *Nigerian Refugees in Chad, Cameroun and Niger* at <<http://data2.unhcr.org>> accessed 19 May 2020; and also, <https://reliefweb.int/report/nigeria/lake-chad-basin-crisis-update-june-2019> accessed 26 May 2020.

¹³⁸ Ibid

- Babatunde Olomu, Alao, David Oladimeji, Eytayo Adewumi, "Border Security and Challenges of the Nigerian Customs Service"[2018] *international journal of latest research in humanities and social sciences*, 2(3), 10-
- BBC, "Nigeria's Sambo Dasuki Charged over \$68m Fraud "[2015] *BBC News*, 14 December 2015at <www.bbc.com> accessed 22 May 2020.
- BBC, "Nigerian ex-Defence Chief Alex Badeh 'Stole' \$20m [2016] *BBC News*, 14 December 2015at <www.bbc.com> accessed 22 May 2020.
- BBC, "Boko Haram Kills Troops in 'Deadliest' Chad Raid", *BBC News*, 25 March 2020, www.bbcnews.com
- Bello, M. A; Has Poverty Reduced in Nigeria 20 Years After? (2010), *European Journal of Social Sciences*, Vol. 15, No. 1, pp. 7-17.
- Border Communities Development Agency, "Situation of Border Communities", available at www.bcda.gov.ng accessed 20 May 2020.
- Bryan Garner (Ed.), *Black's Law Dictionary* (USA: Thomson Reuters, 2009)
- Catrin Nye, Children 'attempting suicide' at Greek refugee camp, *BBC News*, 28 August 2018, at <<http://www.bbc.com>> accessed 13 November 2019
- Center for International Security and Cooperation (CISAC), Mapping Militant Organizations: "Movement for Unity and Jihad in West Africa" Stanford University (2018)
<<http://internal.fsi.stanford.edu/content/mmp-mujao>> accessed 25 May 2020.
- Chijioke Egwu Ekumaoko& Kingsley Emeka Ezemenaka, "Responsibility to Protect: External Intervention on Boko Haram in Nigeria" (2020) *Security Journal*, online at, <<http://link.springer.com>> accessed 21 May 2020.
- Climate Diplomacy, Insurgency, Terrorism and Organised Crime in a Warming Climate: Analysing the Links Between Climate Change and Non-State Armed groups (2016) Berlin, pp. 2-14.
- Council on Foreign Relations, Al-Shabab (2015) <www.cfr.org> accessed 25 May 2020.
- Council on Foreign Relations, Al-Quaeda in the Islamic Maghreb (2015) <www.cfr.org> accessed 25 May 2020.
- Crisis Group, "Boko Haram's Evolution: How it got this far, and how to stop it" (2015), available at, <www.crisisgroup.org> accessed 19 May 2020.
- Daniel Eizenga, Chad's Escalating Fight against Boko Haram, *Africa Center for Strategic Studies*, 20 April 2020, <www.africacenter.org> accessed 25 May 2020.
- ECOWAS, ECOWAS Reviews Guidelines to Reduce Proliferation of Small Arms and Light Weapons in the Region, 4 March 2020, available at <www.ecowas.int> accessed 22 May 2020.
- Emmanuel Ayooluwa, "Interplay of Humanitarian and Human Rights Law in the Boko Haram Insurgency" [2015] *Akungha Law Journal*, 3, 213.
- EU Emergency Trust Fund for Africa, Nigeria; available at <https://ec.europa.eu/trustfundforafrica/region/sahel-lake-chad/nigeria_en> accessed 18 October 2020.
- Evie Browne, "Drivers of Irregular Migration" (2015), *Help Desk Research Report*, Governance, Social Development, Humanitarian. Conflict, pp. 3-4.
- Faith Osasumwen Olarenwaju, Adekunle Olarenwaju, Femi Omotoso, "Insurgency and the Invisible Displaced Population in Nigeria: A Situational Analysis" [2019] *Sage Open*, April-June 2019, 1-12.
- Federal Republic of Nigeria, *National Security Strategy* (Nigeria: FG Press, December 2019) 23-24, 59.
- Federal Republic of Nigeria, *National Security Strategy* (Nigeria: FG Press, December 2019), 23-24.
- Guiding Principles on Internal Displacement, UN Doc E/CN.4/1998/53/Add.2.
- IOM, West and Central Africa — Lake Chad Basin Crisis Monthly Dashboard 23 (21 August 2020); available at <<https://dtm.iom.int/reports/west-and-central-africa—lake-chad-basin-crisis-monthly-dashboard-23-21-august-2020>> accessed 18 October 2020
- IOM, DTM: West and Central Africa- Lake Chad Basin Crisis Monthly Dashboard 20, 20 May 2020; available at <<http://displacement.iom.int>> accessed 20 May 2020
- IOM, "Irregular Migration", *Essentials of Migration Management*, Volume 3, pp. 3-10, <<http://www.iom.org>> accessed 12 November 2020
- IOM, *World Migration Report* (Switzerland: International Office for Migration, 2020) available at, <<http://publications.iom.int>> accessed 22 May 2020.
- Imasuen, "Insurgency and Humanitarian Crisis in Northern Nigeria: The Case of Boko Harm [2015] *African Journal of Political Science and International Relations* 9, 7. *African Journal of Political Science*
- Irin News, "Inside the EU's flawed \$200 million migration deal with Sudan", *Irin News Special Report*, 30 January 2018, at <<http://www.irinnews.org>> accessed 13 November 2020.
- Jacob Zenn, "Leadership Analysis of Boko Haram and Ansaru in Nigeria" [] *Africa Special Issue* 7(2) <<http://ctc.usma.edu>> accessed 26 May 2020.

- Jeff Moore, "Irregular Warfare Isn't Going Away: Thai Counter Insurgency Lessons Matter" [2013], *Small Wars Journal*, online at <<http://smallwarsjournal.com>> accessed 23 May 2020.
- J. Tochukwu Omenma, Ifeanyichukwu M. Abada, Z. Onyinyechi, "Boko Haram Insurgency: A Decade of Dynamic Evolution and Struggle for a Caliphate" (2020) *Security Journal*, online at, <<http://link.springer.com>> accessed 21 May 2020.
- John S. Ojo, Kazeem O. Lamidi, Ayotunde D. Olawale, Bolanle Shiyanbade & Godwin IHEMEJE, "Enemy within the State: The Pathology of Boko Haram Insurgency, Military Corruption, and Fallacy of Arms Procurement in Nigeria" [2019] *International Journal of Public Administration*, online at <www.tandfonline.com> accessed 21 May 2020.
- K. Kuschminde, J. de Bresser, & M. Siegel, Irregular Migration Routes to Europe and Factors Influencing Migrants' Destination Choices (2015) Wetenschappelijk Onderzoek- en Documentatiecentrum (WODC) <http://www.emnbelgium.be/sites/default/files/publications/irregular_migration_routes_maastricht_graduate_school_of_governance_june_2015.pdf> accessed 13 December 2020.
- Lanre Olusegun Ikuteyijo, "Irregular Migration as Survival Strategy: Narratives from Youth in Urban Nigeria" (2019); in Mora L. McLean, *West Africa Youth Challenges and Opportunity Pathways* (Palgrave Macmillan, Cham: 2019) 53-77
- Laura Thompson, "A One-Size Fits-All Approach to International Migration is Doomed to Fail"(2009: IOM, Geneva) at <<http://www.iom.net>> accessed 13 April 2020.
- Lucia E. Lopez, (2015). Early warning models for irregular migration (2015) (GSDRC Helpdesk Research Report 1241). Birmingham, UK: GSDRC, University of Birmingham, <<http://www.gsdrc.org/docs/open/HDQ1241.pdf>> accessed 13 December 2020.
- M. Naim, "The Five Wars on Globalization" (2003) *Foreign Policy*, January/February 2003, pp. 29-37.
- Melinda Rankin, "The Future of International Criminal Evidence in New Wars? The Evolution of the Commission for International Justice and Accountability" (2018) *Journal of Genocide Research* 20 (3), 392-411
- National Counterterrorism Centre, *Report on Terrorism* (Washington DC, Office of the Director of National Intelligence, 2011)<<https://fas.org/irp/threat/nctc2011.pdf>> accessed 10 October 2020.
- Multinational Joint Task Force (MNJTF) against Boko Haram<www.africa-eu-partnership.org> accessed 25 May 2020.
- National Bureau of Statistics, at <www.nigerianstatistics.gov.ng> accessed 22 May 2020.
- NIALS, *Dealing with the Past: Justice, Reconciliation and Healing in the North East of Nigeria* (Nigeria: NSRP/NIALS, 2017) 6-12.
- Office of the National Security Adviser, *The National Counter-Terrorism Strategy* (NACTEST) (Nigeria: FG Press, 2014) 16-17.
- Okene and Olawale, "National Security and Insurgency in Nigeria 1999-2012: A Preliminary Assessment of Federal Government Strategy of Containment"; in Mbachu and Bature (eds), *Internal Security Management in Nigeria: A Study in Terrorism and Counter Terrorism* (Kaduna, Medusa Academic Publishers, 2013) 335.
- Okogbule, N. S; An Appraisal of the Legal and Institutional Framework of for Combating Corruption in Nigeria (2006), *Journal of Financial Crime*, vol.13, No. 1, pp. 92-106@ p. 92
- Oluwaseun Bamidele, "Civilian Joint Task Force (CJTF)- A Community Security Option: A Comprehensive and Proactive Approach of Reducing Terrorism" [2016] *Journal for Deradicalization*, 7.
- Peter Akper, "Nigeria and her Neighbours: The Contributions of the Lake Chad Basin Commission to Sub-Regional Security and Stability"; in Taiwo Kupolati (ed), *Nigerian Justice Economy: Confident or Convulsive* (Lagos: Renaissance Law Publishers Limited, 2017) 600-618.
- Raphael Lemkin, *Axis Rule in Occupied Europe: Laws of Occupation, Analysis of Government, Proposals for Redress* (Washington, Carnegie Endowment for International Peace, Division of International Law, 1944), 63, 90-94
- Raphael Lefevre, "Commentary: The Resurgence of Al-Qaeda in the Islamic Maghrib" [2018] *The Journal of North African Studies*, 23(1-2), 278-281.
- ReliefWeb, "Irregular Migration from West and North Africa to Europe: Dangerous Routes, Decreasing Numbers" *Special Report*, 15 February 2018 <<http://www.reliefweb.int>> accessed 13 April 2020.
- ReliefWeb, Violence Escalates in Lake Chad Region, 4 February 2019. <<https://reliefweb.int/report/nigeria/violence-escalates-lake-chad-region>> accessed 11 October 2020.
- Riham Alkousaa, "Violent crimes rises in Germany and is attributed to refugees", *Reuters World News*, 3 January 2018 at <<http://www.reuters.com>> accessed 13 April 2020.
- Steven Metz, *Rethinking Insurgency* (Research Report: USA, Strategic Studies Institute, US Army War College, 2007) 22-35. D. M. Drew [2001] 13

- Szurlej, Christina “Protecting human rights while countering terrorism a decade after 9/11” p.2.
- Terrorism (Prevention) (Amendment) Act 2013 prohibits all acts of terrorism and financing terrorism. The Act makes supplemental and elaborate provisions criminalizing acts of terrorism.
- The Guardian, “EU Migration Crisis: what are the key issues?” at <<http://www.guardian.com>> accessed 13 April 2020.
- The War Report: Armed Conflict in 2014
- UN resolution 49/60 of 9 December 1994 on Measures to Eliminate International Terrorism; available at <<http://www.un.org/documents/ga/res/49/a49r060.htm>> accessed 8 June 2020
- UNDP, Nigeria: UNDP trains vigilantes and Civilian Joint Task Force members inhuman rights and leadership (2019), available at <www.ng.undp.org> accessed 21 May 2020.
- UNDP, Sustainable Development Goals, <www.undp.org> accessed 20 September 2020
- UNHCR Cameroon, 4 November 2016; CNARR & UNHCR Chad, 29 September 2016. 4. “Boko Haram Crisis Map,” UNOCC, 18 August 2016.
- UNHCR Sahel Operation Information Sharing Portal, 4 November 2016 at, <[www](http://www.unhcr.org)> accessed 22 May 2020.
- UNHCR, Abuja Action Statement: Second Regional Protection Dialogue on the Lake Chad Basin, 28-29 January 2019 <www.unhcr.org> accessed 25 May 2020.
- United Nations Convention against Transnational Organized Crime, A/RES/55/25
<<http://untreaty.un.org/english/notpubl/18-12-a.E.doc>> accessed 14 May 2020.
- United Nations, Update: UNREC and UNDP Assist Sahel Countries in Addressing the Illicit Proliferation of Small Arms and Light Weapons, 25 September 2017, available at <www.un.org> accessed 22 May 2020
- United Nations High Commissioner for Refugees, Nigerian Refugees in Chad, Cameroun and Niger at, <<http://data2.unhcr.org>> accessed 19 May 2020.
- USDOS, *Trafficking in Persons Report* (United States, US Department of State, 2019), 353-356; and also, UNODC, *Global Report on Trafficking in Persons* (New York: United Nations, 2018), 81-83
- US Department of State, *Trafficking in Persons Report* (USA, Department of State, 2019), 353-355.
- US Government, *Guide to the Analysis of Insurgency* (USA, US Government, 2012), 1-5.