Peace Studies and Practice
Journal of the Society of Peace Studies and Practice
2017 Edition
Pp 51-65

Civil-Military Relations and Human Rights Violations in the Context of Hybrid Warfare in the North East of Nigeria

Jude, A. Momodu,
Modibo Adama University, Yola

Abstract
The Nigeria military has been involved in hybrid warfare against the Boko Haram Islamist sect in the North East of Nigeria since 2009 to date. The high handedness and repression of the civil populace by the military have often resulted in gross human rights violations in the North East region. This often creates tension and trust deficit to the relations between the Nigerian military and civilians in the region. Consequently, the critical strategic partnership which ought to be in place between the two groups for guaranteeing military effectiveness usually breaks down as the civil populace is unwilling to support and volunteer information that can assist the military to achieve success in its campaigns. This paper, therefore, explores the civil-military relations and the crisis of human rights violations in the context of the Boko Haram hybrid warfare in the north east. Attempt was made to fashion out ways of improving relations between the military and civilians in the context of the insurgency with a view to improving the effectiveness of the military.
Key words: Civil-military Relations, Hybrid Warfare, Human Rights Violations, Crisis, Boko Haram

Introduction

In the last few decades, hybrid warfare has become a term used in explaining the complexity of 21st Century warfare which primarily involves a broad range of subversive instruments or a combination of both conventional and nonconventional tactics of warfare whether by state or non-state armed actors to achieve political objective(s). The preponderance and lethality of hybrid warfare has undoubtedly, accorded it significant attention in the academic, military and security circles. The Nigerian state has been grappling with various forms and dimensions of hybrid security threats within its territory. Such threats are usually carried out by centrifugal and centripetal forces that constantly seek to capture, circumscribe or dismember the sovereignty or territorial integrity of the country. These hybrid security threats have often stretched the military and other security forces almost beyond their capacities. A case in point is the hybrid security threat posed by the Boko Haram Islamist sect in the North East of Nigeria, which the Nigerian military and the other security forces as well as volunteer civilian security groups have been trying to tackle for almost 10 years now.

The over one decade old insurgency (2009 to date) has had and continues to have very debilitating consequences on human, economic, political, social, environment and the security landscapes of the north east region and the country at large. To be precise, the insurgency has led to the death of more than 20,000 civilians, insurgents, personnel of the Nigerian security forces including some volunteer civilian security groups and humanitarian aid workers. It has also resulted in the destruction of massive public and private property worth billions of Naira. So far, the insurgency has resulted in the displacement of more than 2 million Nigerians within the country and outside to Nigeria's near neighbours of Cameroun, Chad and Niger Republics. The volatile and complex environment of the Boko Haram insurgency has continued to

make civil-military relations very difficult between the military and the civil society primarily because the insurgency is asymmetric and hybrid warfare in nature.

The new role thrust on the military in the context of the Boko Haram insurgency has made it very difficult for them to professionally and diligently prosecute the war without having to commit some violations. The inevitability of this submission is what R. Jervis (1978) pointed out in his argument that "many of the means by which a state tries to increase its security decrease the security of others". On January 17, 2018, for instance, the Nigerian air force carried out an air strike on a settlement for displaced people in Ranni, Borno State, killing approximately 234 people, including nine aid workers, and injuring 100 more. The military initially claimed the attack was meant to hit Boko Haram fighters they believed were in the area, blaming faulty intelligence (Amnesty International, 2018:392).

Professor Jubrin Ibrahim in his article published in Premium Times newspaper on June 2, 2017 entitled: *"Civil-Military Relations in a Context of Rising Sectarian Crisis"*, has argued that:

> …the military have not been traditionally trained to engage in this arena and their rules of engagement might not be suitable for this newer role thrust upon them. It is important in this context to publish, debate and revise the rules of engagement (ROE) of the Nigerian military to ensure that they are in conformity with human rights principles (2017:3).

The above quotation is instructive considering the fact that Samuel Huntington had argued that the "inherent quality of a military body can only be evaluated in terms of independent military standards''(Huntington,1957:57), which are clearly defined in its ROE during combat operations as well as those contained in the Armed Forces Act. However, there are numerous evidences where the personnel of the Nigerian military and other security forces on *tour of duty* have clearly abandoned their ROE and code of conduct and have engaged in gross violations of human rights. The veracity of this argument can be proven by Hill's (2012) submission that the army and other security agencies in order to restore order have often killed more people than are killed at the initial stage of a conflict.

Consequently, the hybrid threat posed by the Boko Haram Islamist sect and the Nigerian military's incoherent and excessive counter insurgency strategies have allegedly recorded many incidences of gross human rights violations. On several occasions, the International Crisis Group (ICG), Amnesty International (AI) and Human Rights Watch (HRW) have copiously echoed the fact that the Boko Haram insurgents, the Nigerian military and their collaborators namely, the civilian joint task force, vigilante and hunters, have no respect and regard for human rights. They disregard and violate Nigeria's domestic laws and the international laws that protect human rights in the context of armed conflicts. Therefore, they have brazenly committed and still continue to commit unprecedented levels of human rights abuses in the ongoing insurgency in the north east (see ICG, 2015, 2016, 2018; AI, 2015, 2018 and HRW, 2018). According to a popular publication of Amnesty International (2015), titled: *Stars on their shoulders. Blood on their hands: War crimes committed by the Nigerian military, the book* copiously documented the gross human rights abuses committed by the Nigerian military in the course of countering Boko Haram hybrid threat. These violations mostly occurred in Borno State, which is the epicentre of the insurgency.

However, it should be understood that in every counter insurgency operations, the basic human rights of civilians, insurgents and the fighting troops needs to be observed and protected. This is very important for promoting healthy civil-

military relations in the context of violent conflicts. Whenever the fighting troops do not commit themselves strictly to their ROE, their conducts become unprofessional, and they will find themselves engaging in human rights violations. As Samuel Adams in (Cushing, (ed), 1907:250) argued, a standing army, however necessary it may be, is always dangerous to the liberties of the people. When this happens, the confidence of the locals or the civilians in the fighting troops is eroded and they become unwilling to support the military campaign or freely volunteer information to the military, which can greatly enhance their victory.

Would it be sufficient to say that the civilian population in the north east has lost confidence in the military due to its poor relations with civilians? There is absolutely no doubt that the relations between the military and the civil society in the north east has been undergoing serious tension and mutual mistrust due to the repression of the civilians and the civil space as well as gross violations of human rights abuses committed by the military against the civilians. Indeed, many studies have shown that civil-military relations between the two groups often cause tensions (see, Agbase, 2000; Major Garba in Obioha, 2016 and Donald, 2014). However, it is instructive to argue that the military cannot achieve success in its operations without the support of the locals or civilians. Considering the foregoing arguments, the main thrust of this paper is to investigate the character of civil-military relations and the crisis of human rights violations committed by the military against the civilians in the context of the Boko Haram hybrid warfare in the north east. The paper will also make valuable policy recommendations on how to de-escalate and improve the tensed civil-military relations in the region with a view to building the strategic partnership between the military and the locals, which is needed to achieve success in the counter insurgency operations.

Conceptual and Theoretical Issues
Definition of Hybrid Warfare

In the last two decades, the concept of hybrid warfare has gained popularity in academic, military and security discourses around the globe. What does hybrid warfare really mean? Frank Hoffman, a foremost American scholar on hybrid warfare described hybrid wars in his 2007 paper *"Conflict in the 21st Century: The Rise of Hybrid Wars"* as wars that "incorporate a range of different modes of warfare, including conventional capabilities, irregular tactics and formations, terrorist acts including indiscriminate violence and coercion, and criminal disorder". Hoffman added that "hybrid wars" have the unique characteristic of blurring the lines between different modes of war. In actual sense, hybrid warfare clearly shows the blending of conventional and irregular approaches across the full broad spectrum of violent conflict.

In the text *"Countering Irregular Activity within a Comprehensive Approach"* Rear Admiral Chris Parry (retired) of the Royal Navy describes hybrid warfare as:

> Hybrid warfare is conducted by irregular forces that have access to the more sophisticated weapons and systems normally fielded by regular forces. Hybrid warfare may morph and adapt throughout an individual campaign, as circumstances and resources allow. It is anticipated that irregular groups will continue to acquire sophisticated weapons and technologies and that intervention forces will need to confront a variety of threats that have in the past been associated primarily with the regular Armed Forces of states (2009).

In the 2015 edition of "The Military Balance," the publication defines hybrid war as: the use of military and non-military tools in an integrated campaign designed to

achieve surprise, seize the initiative and gain psychological as well as physical advantages utilizing diplomatic means; sophisticated and rapid information, electronic and cyber operations; covert and occasionally overt military and intelligence action; and economic pressure (2015). The above definitions describe hybrid warfare as the concurrent use of both conventional and irregular forces as well as the use of military and non-military tools in an integrated or the same military campaign.

Military Historian Peter R. Mansoor also defines hybrid warfare as "conflict involving a combination of conventional military forces and irregulars (guerrillas, insurgents, and terrorists), which could include both state and non-state actors, aimed at achieving a common political purpose." In an interview in July 2014, former NATO Secretary General Anders Fogh Ras-mussen described Russian tactics as "hybrid warfare," which he defined as "a combination of military action, covert operations and an aggressive programme of disinformation." Retired Colonel John J. McCuen describes hybrid wars as a combination of symmetric and asymmetric war in which intervening forces conduct traditional military operations against enemy military forces and targets while they must simultaneously—and more decisively—attempt to achieve control of the combat zone's indigenous populations by securing and stabilizing them (stability operations).

Most recently, the US military, in its 2015 National Military Strategy (NMS) stated that "hybrid conflicts" comprises of "overlapping state and non-state violence… where actors blend techniques, capabilities, and resources to achieve their objective" (NMS, 2015). State and non-state actors may work towards shared objectives and employ a wide range of weapons (NMS, 2015). The use of hybrid conflicts by aggressor states "serve to increase ambiguity, complicate decision-making, and slow the coordination of effective responses" (NMS, 2015). Hybrid wars or warfare can broadly be defined as the combination or blending of either the conventional and non-conventional or the combination of symmetric and asymmetric tactics of war in which the state military or security forces engage non-state armed combatants in violent military campaigns or where the state military or a combined security forces collaborate with non-sate armed combatants against non-state armed group(s) waging war against the state with the aim of achieving either a strategic political objectives or a military victory.

One very important character of hybrid warfare is that it is often underpinned by the Machiavellian philosophy of *the end justifies the means*. Hybrid wars are very amorphous in nature and are mostly prone to human rights abuses. Both the state and non-state combatants employ a whole range of tactics or strategies to defeat each other. These may range from the conventional sophisticated air, land and water military powers, guerilla or terrorist tactics, to subtle tactics such as propaganda, cyber warfare, hacking, kidnapping, blackmail, acts of sabotage etc., which may be readily available to or convenient to guarantee victory for any side. Hybrid threats are those posed by adversaries, with the ability to simultaneously employ conventional and non conventional means adaptively in pursuit of their objectives" (NATO countering the hybrid threat, NATO ACT , 23 September 2011). The following are the defining features of hybrid war:

> Blending of techniques, capabilities, and resources to achieve military or political objective;
>
> Combination of both conventional and unconventional forces at the strategic, operational, and tactical levels;
>
> Use of conventional and asymmetric tactics (including guerilla and terrorist tactics to intimidate and achieve strategic political objective;
>
> Combination of military and non-military tools, such as electronic or cyber operations, information campaigns, and economic pressure;

Use of subversive instruments to achieve strategic military victory;
It is a form of irregular warfare between state and non-state armed actors;
It is either the state military or security forces engage non-state armed combatants in violent military campaigns or the state military collaborate with non-sate armed groups engage other non-state armed group(s) waging war against the state; and
Utilization of all capabilities within a battle space to achieve the objective(s).

The Concept of Civil Military Relations

The phrase civil-military relations is a complex term that has attracted increased attention in academic, military and security discourses around the globe. Burk (2003), for instance, defines civil-military relations as the relationship between the civil authority of a given society and its military authority. In the same vein, (Ebo, 2005) sees civil-military relations as the totality of relations between the military and society which it operates in and of which it is necessarily a part of, it comprises all aspects of the role of military (as a professional, political, social and economic institution) in the entire aspects of national life. It involves the attitude of the military towards the civilian society.

In a very broad sense, the concept of civil-military relations refers to the complex and systematic interactions that exist between the military institution and the civilian authority on one hand, and on the other hand, between the military institution and the civil society, which is intended to forge mutual understanding and trust, and the institutional partnerships needed to facilitate military effectiveness as well as promoting all round stability in a country. Civil-military relations can also be viewed as a two way communication involving the military institution and the civil authority representing the civilian public towards ensuring national stability. There are different levels at which civil military relations may operate. These include: military-civilian authority relations; military-civilian community relations; military-media relations; military-civil society organizations' relations; military-police/para-military relations among others.

In Nigeria, civil-military relations mostly occur at two levels: between the military authority and the civilian authority as Heiberg (2010) observes that civil military relations in Nigeria's democracy is the result of the power struggle between the elected government, which is the highest expression of the people's political will, and the military organization, which forms an extremely potent part of the state administration. Finer (1962:3) distinguishes four types of civil-military relations: In the first category, he said that the officers exercise their legitimate and constitutional influence on the civilian government, like any other pressure group, to attain goals such as an increase of military budget; in the second, when the officers use the threat of some sanction or blackmail to reach similar ends; in the third, when they displace a civilian regime with another one because the former had failed to perform its duties towards them adequately; and in the fourth category, the officers decide to sweep away the civilian regime and take over the government themselves. The fourth category must be discouraged because the military does not have any business in civil governance by the nature of the regimented training that they receive.

Furthermore, Morris Janowitz (1977:2-8) has also made a significant step to differentiate civil-military relations in western states from those in the peripheral ones. He classifies civil-military relations in western states into three categories: aristocratic, democratic and totalitarian. With respect to peripheral states, he classifies civil-military relations into five categories: authoritarian-personal; authoritarian-mass; democratic-competitive; civil-military coalition; and military

oligarchy. The typologies of of civil-military relations by both Finer and Janowitz inadvertently reveals the domineering influence of the military in the civil-military relations architecture. In other words, the power relation is usually skewed in favour of the military as against the civil authorities and the civil populace. Therefore, in order to balance the relationship between the military and the civilian authorities and the civilian populace, Janowitz's advice is instructive. Such measures include: increasing legislative oversight; extending civilian control into lower levels of military organizations; and increasing civilian involvement in officer professional education (Janowitz, 1964:439).

Theoretical Insight

This paper is anchored on the "praetorianism" theory of civil-military relations propounded by Samuel Huntington. According to Huntington (2006), praetorianism is a key component in a weak civil society-strong military relationship interference in their country's political system . "A praetorian society is one in which there are no effective institutions, and in which social groups take direct political action to achieve their goals - a free-for-all in which the army is likely to be most successful because it largely controls the instruments of force" (Clapham,1985). The Nigerian state, in spite of recent elections and the formal return of the military to the barracks, is still largely undemocratic and under the control of a weak, factionalized, corrupt and largely unproductive elite (Ihonvbere, 2000).

The current Nigeria's Fourth Republic is not only a creation of the military but the Federal Constitution – the *grundnorm*, which governs the Nigerian state was also cleverly fashioned out to guarantee the vested interests of military elites. Although, Nigeria is currently under a democracy, the military still maintains its strong dominance on the country's polity. The military have usurped and continues to play the civic constitutional role of the police in internal security management. Its personnel are currently on internal security duty in 32 out of the 36 states that makes up the Nigerian federation. The military are also countering the Boko Haram hybrid threat in the north east. The organization of the military has allowed for the powerful army sector to create an influential position for itself. The military's dominance of the security landscape of the Nigeria state is largely due to the weakness of the political and justice system. This line of argument can be substantiated by Samuel Huntington's thesis that:

> …the military's presence is due to the absence of effective political institutions that are capable of mediating, refining, and moderating group political action…this absence means that power is fragmented: it comes in many forms and in small quantities. Authority over the system is transitory, and the weakness of political institutions means that authority and office are easily acquired and easily lost (Huntington, 2006).

Huntington's praetoriansm theory of civil-military relations is relevant to the central argument of this paper because it explains the reason why the military dominance of the political and security landscape of Nigeria is responsible for the crisis of confidence in the civil-military relations between the Nigerian military and the civil populace in the context of the Boko Haram insurgency in the north east.

Nigerian Military and Human Rights Violations in the Context of Boko Haram Hybrid Warfare

The Nigerian military, just as any other military that emerged from colonialism is, by nature, an institution of coercion and occupation which rely primarily on brute force and as Machiavelli would argue that a "military man cannot be a good man", Voltaire also describes the military as the

"manifestation of brute force in rationalized form" (McAlister, 1965:86). Samuel Adams had also claimed that a standing army, however necessary it may be, is always dangerous to the liberties of the people (Cushing, (ed), 1907:250). However, regardless of the negative ways the military might be perceived, the military institution remains the single most effective pressure group capable of playing a positive role in a country's attempt to reaching a higher level in the ladder of social and political progress (Johnson, 1964: 339). The Nigerian military has also been playing a very important role the management of internal security from 1999 to date (the Fourth Republi). Its personnel are also currently engaged in countering the hybrid threat posed by the traditional Boko Haram Islamist group and the Islamic State in West African Province (ISWAP).

So far, about four major counter-insurgency operations have been launched against the Boko Haram insurgents by the Nigerian military, with the army spearheading these operations. The military came in with a hybrid security arrangement, with officers drawn from various security organizations, to form what was called the Joint Task Force (JTF). Robert (1994) observes that the redeployment of the military to dealing with the security situation was welcomed following the experience of the earlier action of the military against Boko Haram. However, by the time the JTF came to arrest the situation, the character of the security threat had changed. The four counter-insurgency operations are identified as follows by Amnesty International report:

> Since 2011, there have been four major operations in the north-east to counter Boko Haram. Operation Restore Order I (ORO I), from June 2011 till May 2013, was the first. Some 4,000 troops served in Borno state and, together with the police and members of other security forces, formed the Joint Task Force (JTF). In Yobe state, ORO III was established and ORO I was replaced by Operation BOYONA, which covered Borno, Yobe and Adamawa states (the acronym derives from the names of the three states). Operation BOYONA was launched when the state of emergency was announced in May 2013 and had some 10,000 troops. Both ORO I and its successor Operation BOYONA reported to the Chief of Defence Staff. On 19 August 2013, operational command of Operation BOYONA was taken over by the Chief of Army Staff (COAS) when the newly established Army Division 7 took over from the JTF and military forces took over fully from the police in actions against Boko Haram. Operation Zaman Lafiya, with 10,000 troops, was launched as the successor to Operation BOYONA. Including "Operation Lafiya Dole" which is currently ongoing in the north east against the Boko Haram terrorism (Amnesty International, 2015).

Both local and international organisations have alleged that these operations have been involved in human rights violations. In fact, the July 2009 armed insurrection of Boko Haram sect against the Nigerian state led to the death of about 1,000 members of the Islamist group. As from 2011, the military were fully mobilised to the north east to counter the Boko Haram violence, nevertheless, the savagery of the Islamist group increased exponentially as several communities were attacked, with many people killed, houses burnt down and many people displaced from their communities. As a result, President Goodluck Ebelle Jonathan, in 2013 declared a state of emergency and the emergency was renewed after the first 3 months. In his declaration broadcast,

President Goodluck Ebele Jonathan, said that "The troops have orders to carry out all necessary actions within the ambit of their rules of engagement to put an end to the impunity of insurgents and terrorists." As earlier stated, the declaration of state of emergency in the north east became necessary because of the escalation of the violence of Boko Haram which made it exigent for life and property to be protected and as the report of Amnesty International noted:

> In 2013, as attacks by Boko Haram intensified, former President Goodluck Jonathan declared a state of emergency, which was subsequently extended repeatedly, in Borno, Yobe, and Adamawa states. The state of emergency gave overly broad emergency powers to the security forces. Former President Goodluck Jonathan set up a Joint Task Force to lead the operations against Boko Haram, which included personnel from the Nigerian Army, Police Force and other security forces. The army took full control of operations against Boko Haram in August 2013 (Amnesty International, 2015).

Ironically, the state of emergency that was intended to effectively combat the violence of the Boko Haram Islamist group intensified and escalated the insurgency with civilians becoming more vulnerable to the attacks of both the military that ought to be protecting them and the vicious Boko Haram Islamist group. Many civilians were caught up in the cross fire between the fighting troops and the insurgents. The state of emergency which the civilians were very enthusiastic about and had hoped would flush out the insurgents in their communities, soon became their nightmare. Their expectations were cut short as the insurgency continued to prolong till date. The regime of terror became entrenched and human rights violations became rampant. Many people were extra-judicially killed, there were cases of forced disappearances, rape, torture, harassment and brutality of the locals by the military and the insurgents. The Centre for Civilians in Conflict (2015) observed that "Nigeria's security forces have fallen short in three major ways. They have: (1) failed to protect vulnerable communities from violence; (2) failed to prevent collateral damages during counter-Boko Haram operations; and (3) directly targeted civilians with unlawful detention, harassment, destruction of property, sexual violence, indiscriminate targeting of certain groups (e.g. young men), torture, and excessive use of force causing injury and death." Amnesty international also made very damming allegations against the military in their 2015 reports captured below:

> In the course of security operations against Boko Haram in north-east Nigeria, Nigerian military forces have extra-judicially executed more than 1,000 people; they have arbitrarily arrested at least 20,000 people, mostly young men and boys; and have committed countless acts of torture. Hundreds, if not thousands, of Nigerians have become victims of enforced disappearance; and at least 7,000 people have died in military detention as a result of starvation, extreme overcrowding and denial of medical assistance… Data collected suggests that since March 2011, more than 7,000 men and boys have died in detention, their deaths often unrecorded and almost never investigated. Amnesty International gathered the data and the details of individual cases through visits to mortuaries, internal military reports, statistics recorded by local human rights activists and

> interviews with witnesses, victims, former detainees, hospital staff, mortuary personnel and military sources. The highest death rates were recorded in Giwa barracks in May, June and July 2013, where up to 180 deaths were recorded on some days. In June alone, more than 1,400 corpses were delivered from the barracks to one of the mortuaries in Maiduguri (Amnesty International, 2015).

The entrance of civilian volunteers into the counter insurgency operations has also escalated incidences of human rights violations perpetuated by the military, civilian joint task force (CJTF), vigilante and hunters including the Boko Haram insurgents. The ICG, 2017 report, for instance, observed that "for the region's overstretched and under pressure militaries, they have somewhat filled the security gap and provided local knowledge. They have made the military response more targeted and more efficient, but their mobilisation also provoked retribution by Boko Haram against their communities and contributed to the massive levels of civilian casualties in 2014 and 2015." (ICG, 2017).

The poor human rights records of the military have often accorded the institution very negative publicity both within and outside Nigeria to the extent that military authorities are now making frantic efforts to cleanse her men and women from violations by sanctioning its personnel that commit human rights abuses. They have also instituted human rights standards in their training schools as well as set up human rights desks at the theaters of ISOs. Of recent, the Army spokesman Col Sani Usman, in a statement reminding the officers of the Nigerian army ROE for internal security operations (Operation Mesa), he warned the personnel of the Nigerian army on ISOs about engaging in unprofessional conducts. He warned:

> For the avoidance of doubt, the ROE and Code of Conduct set out the circumstances and limitations under which armed forces personnel may be applied to achieve military objectives in furtherance of government policy within Operation MESA and other IS Operations. Any officer or soldier found aiding or abetting any act of arson, vandalism or unprofessional conduct, would be severely dealt with according to the extant laws…Once deployed on any internal security (IS) operation, it is the duty of an officer or soldier to ensure the enforcement of law and order in conjunction with other security agencies. Troops on duty must intervene in any situation to avoid a breakdown in peace, stability or law and order of any area where they are deployed. It is inexcusable for troops to stand aside and watch the security situation deteriorate leading to loss of lives or damage to property without intervening. Such intervention should, however, be based strictly on sound judgement and within the ambit of the code of conduct for IS Operations while exhibiting good professional ethics. Troops have to use necessary force to quell crisis resulting in deaths, injury and damages to properties", citing section 217 (2) (c) of the 1999 Constitution (as amended)… (*This Day Newspaper,* September 11, 2016).

In a similar manner, Dlakwa (2010) also tried to justify the excessive actions of the security forces as he argued that:

> It is necessary to point out some attitudinal inclinations that gave the military no option than to

> resort to the use of force in the form of physical assault and disciplinary actions. Some civilians with an incredible sense of personal curiosity, despite threats to their life, choose to defy the military and constitute some sort of destruction during military operations. In many areas where the military had to cordon off areas, as a way of cornering Boko Haram elements, you find civilians going close to the military to witness how they will deal with the insurgents. The military personnel get very concerned that stray bullets could harm the civilians. They demand of civilians to leave and take cover for their safety. But the strong headed civilians driven by a sense of fatal curiosity would not listen. I was a witness to this around customs area along Bama Road where the JTF had to resort to the use of force to drive away the civilians. One of the concerns any reasonable person would have is that such civilians were not only putting themselves in danger, but were also diverting the attention of soldiers from their target and also putting officers in danger too. The civilians with a sense of fatal curiosity are a problem in military-civilian relations.

It is important to stress at this juncture, that there is no type of justification that can be adduced either to excuse or permit the military from unleashing the reign of terror and repression on the civilians that they are to protect. ICG report puts the blame of violating human rights of civilians squarely on the military for its lack of professionalism. In 2016, it noted in its report that: "In conflict situations, some violations arise from lack of intelligence to distinguish insurgents from civilians and poor human rights training (or poor assimilation of human rights principles) that leads to scant regard for the army's own rules of engagement (ICG, 2016). Others can, in part, be attributed to "a build-up of trauma in the military with men serving on the front lines not properly equipped or relieved" (Chidi Odinkalu, 2015). The military should understand that when the rights of citizens are violated, such actions do not only affect the confidence of the citizens in the military, it also affects its operational efficiency. The military should be strictly bound by their ROE in the discharge of the constitutional role of fighting insurrections like the Boko Haram hybrid threat.

By and large, the gross human rights abuses committed by the military in the context of the Boko Haram hybrid warfare has had and continue to have very negative impact on civil-military relations in the north east. This has created division and also putting a wedge between these two groups with severe consequences on the efforts to achieving a military victory. The animosity between the military and the civil society is age long in the Nigerian context and dates back to the 34 years (1966-1979, 1983-1993, 1993-1999) period of military interregnum, which still exist to date. This is the reason why Gavin Cawthra and Robin Luckham (2003) suggested in their work, *Governing Insecurity: Democratic Control of Military Security Establishments in Transitional Democracies*, that "the absence of coups in new democracies does not imply that the balance of power between the military and civilian leadership has shifted in favor of civilians."

In fact, Janowitz (1960) has posited that "separate military and civilian worlds existed. The military world is conservative and would resist change and not adapt rapidly as the more open and unstructured civilian society to changes in the world". Also, the military world is regimented and closed and the civil society is democratic and open. The division between these two separate worlds create enemy image of each other and mutual suspicion. The military

always want to dominate the civil world by taking the centre stage in every engagement with the civil world and the latter tries to resist the dominance. This is also the case in the north east region where the Boko Haram insurgency has been ongoing for 10 years now. The Nigerian military has repeatedly been alleged to have committed war crimes against civilians in the ongoing insurgency in the north east. On 24 May, 2018 Amnesty International released a report titled: "They Betrayed Us," which documented the prevalence of sexual violence against starving women and girls detained in satellite camps under the control of Nigerian soldiers and militia. The Nigerian military responded by organizing smear campaigns and issuing threats to "take action against Amnesty International."

On two occasions, the Nigerian Army authority have threatened to suspend Amnesty International from Nigeria on the grounds that the AI is demeaning and disparaging the image of the institution as well as distracting the fighting troops. The military authorities have always denied allegations of human rights violations against civilians in north east. A vivid example is what the Human Rights Watch report (2018) capture below:

> In June, a military board of inquiry made up of seven army officers and two lawyers from the National Human Rights Commission concluded that there was no basis to investigate allegations of war crimes committed by senior army officials in the northeast conflict and elsewhere. The allegations they investigated included extrajudicial killings, torture, and arbitrary arrests of thousands (HRW, 2018).

In August 2018, acting President Osinbajo established a presidential judicial panel to investigate the military's compliance with human rights obligations and rules of engagement. The seven-person panel, which began hearing complaints in September, was set up in response to allegations of war crimes committed by the military across the country, including the December 2015 Shia IMN incident in Zaria; the killing of pro-Biafra protesters in the southeast; and the killing, torture, and forced disappearance of Boko Haram suspects in the northeast. The outcome of this panel is still sketchy and not much has changed in terms of the military's records of human rights abuses. Evidently, the immediate response of the military authorities and the Nigerian government accusations or allegations of human rights violations by the fighting troops has often been denial and refusal to investigate the allegations.

The large-scale human rights abuses committed by the Nigerian military against innocent civilians and members of Boko Haram have often strained the relations of the Nigerian government with international partners. The United States of America, under President Barrack Obama, for instance, refused to sell weapons to the Nigeria government under President Goodluck Jonathan. This action was based on the Senator Leahy Law which prohibits the sale of weapons to countries with records of human rights abuses. Nigerian military's poor human rights records in prosecuting the counter insurgency operations against the Boko Haram Islamist sect led to the arms purchase prohibition as well as its human rights violations against the Indigenous People of Biafra (IPOB).

Transforming Civil-Military Relations from Chaotic to Harmonious Relations in the Context of Hybrid Warfare in the North East of Nigeria

It is instructive to start by acknowledging the classic work of Morris Janowitz titled: *The Professional Soldier* (1960), which emphasizes military effectiveness and civilian control. In the work, Janowitz argued that the professional manner in which the military conducts civil-military relations can impact positively

on military effectiveness. Janowitz also pointed out that both civilian control and the military's ability to fulfill its responsibilities in meeting the security needs of the state (Janowitz, 1964: viii), and that the military's ''meaningful integration with civilian values'' (Janowitz, 1964:420). The primary responsibility of civilian control over the military include the regular exchange of views with the military leadership in order to understand the workings and operations of the institution, their expertise, providing oversight on the Armed Forces through control over the budget, procurements, rules of engagement, doctrine, and providing adequate resources for the operations and welfare of the military. However, caution must be made that civilian control of the military must be limited so as not to become intrusive control and interference into the regimentation of the institution as this could cause friction between the military authority and civilian authority. This may also affect the effectiveness of military operations.

The relationship between the military and civilians in the north east of Nigeria is characterised more by tension, acrimony and mutual suspicion than cooperation and harmony. However, it is important that the military should understand the importance of recognizing and treating the locals or the civilian population in the 3 states of Adamawa, Borno and Yobe as strategic partners in the counter insurgency operations. A smart military must therefore take advantage of the strategic benefits of engaging the local population as McCuen argued that placing a greater focus on winning over control of the people within the battle space. The battle is not just physical, but is "a wider struggle for control and support of the combat zone's indigenous population, the support of the home fronts of the intervening nations, and the support of the international community." Clearly, the locals need constant assurance from the military that they are safe and are strategic partners in the counter insurgency operations. The military needs to also realize that the locals are valuable resource in the conflict environment as their robust knowledge and understanding of the terrain gives them valuable information on the activities of the enemy that is the Boko Haram insurgents. Robert (2003), for instance, argues that:

> Civilians can cooperate constructively with the armed forces as an equal partner while keeping them in check (the normative ideal-type scenario); civilians can exert excessive control over the armed forces (a situation described as 'constabulary control'); civilians and the military can coexist but the military has more power than the civilian sector (known as the 'garrison state'); and lastly, the military can interfere in politics ('the praetorian state'). Where neither civilians nor the military form a cohesive bloc, no relationship is possible (Robert, 2003).

The military needs to fully understand its role in Nigeria's democratic regime as the guardian and protector of democracy and the civil society. The military needs to really subject its interactions with the civil society to constant reviews and make adjustments where necessary so as to build the required harmonious and stronger civil-military relations for effectiveness. This will also help in deconstructing the mistrust and division between the two groups and the "us" and "them" perception. It is also important to stress that emergence of a new threat might push the military in a direction that is opposed by forces originating in the civilian society. The degree to which these two imperatives will conflict depends upon the intensity of the nation's identified security needs and the strength of the civilian society's value pattern (Huntington, 1957:89). The military or the fighting troops must understand that the locals or civilian population in the context of armed conflict are the gate keepers of information in that

context and they are very vital to intelligence gathering needed to successful military operations. This paper proposes the following strategies in transforming the relationship between the fighting troops and the civilian population or the locals in the context of the Boko Haram hybrid warfare in North East of Nigeria:

1. There is the urgent need for the military authorities to design confidence building measures programmes that can help to build trust and improve relations between its fighting troops and the civilians in the north east. Such measures could range from its medical personnel organizing medical outreach for the locals. Its personnel that have some special entrepreneurships skills such as catering, carpentry, tailoring, nursing etc can organize capacity building programmes for the women and youths of the area.
2. The military authorities should set up human rights desks in each of the insurgency affected local government areas in Adamawa, Borno and Yobe states including the state capital to entertain and receive complaints on human rights violations by its personnel in the north east.
3. Efforts should also be made by military authorities to develop and implement measures to control or restrain its personnel and other security forces engaged in the counter insurgency from committing human rights violations by the security forces, including extrajudicial killings, torture, arbitrary arrests and detention, in fulfillment of the UN recommendations supported by Nigeria at the 17th session of the UPR.
4. The Nigerian government in conjunction with the military authorities, Nigeria Human Rights Commission, the National Assembly etc, should thoroughly investigate allegations of crimes under international law, including crimes against humanity and war crimes committed by security forces prosecuting the Boko Haram insurgency in the north east.
5. The military authorities should appoint respected community, religious, women and youth leaders as military relations ambassadors. Their main responsibility will be to serve as liaison officers as well as promote healthy relations between the security forces and locals.
6. The military should also regularly train and engage civilians with credible character in intelligence gathering since this is the aspect of the counter insurgency operations that is needed to ensure the effectiveness of the military campaign against the insurgents.

Concluding Remarks

The Nigerian military have been engaged in hybrid warfare with the Boko Haram Islamist group for over 10 years now (1999-2020). The counter insurgency operations have become protracted with the possibility of a military victory becoming more and more uncertain. Local support for the military campaigns remains poor especially in the rural communities, where the battle is fierce. The poor relations between the military and civilians in the context of the hybrid warfare remain the consequence of the military highhandedness and suppression of civilians. This often results in the military perpetuating gross human rights violations leaving many civilians dead, tortured, including forced disappearances of civilians, rape of girls and women and many more abuses. As a result, the relationship between the duo has been characterised more by tension, mutual suspicion and mistrust than mutual confidence, trust and cordiality. This has and continues to hamper civilian support for the military campaigns against the

insurgents that should have ensured constant flow of vital intelligence to the military for effectiveness.

Both the military and civilians need to rejuvenate their relationship because they need each other more than they both imagine. They must see each other as strategic partners in the counter insurgency operations if the war against the insurgents must be won. The military must therefore regularly engage with civilians so as to bridge the gaps and pull down whatever walls of suspicion and tension that exists between them and the civilian.

References

Agbese, P. O. (2000). The Politics of State Civil Military Relations. www.india-seminar

Amnesty International (2015). *Stars on their shoulders. Blood on their hands. War crimes committed by the Nigerian military.* United Kingdom.

Amnesty International (2018). World Report. *Nigeria: Threats from the military won't deter us from defending human rights.* United Kingdom.

Centre for Civilians in Conflict (2015). "When We Cannot See the Enemy, Civilians become the Enemy". Living through Nigeria's Six-Year of Insurgency. Kyle Dietrich. USA, www.civiliansinconflict.org.

Clapham, C. (1985). *Third World Politics: An Introduction.* Madison: University of Wisconsin Press.

The Military Balance (2015). "Complex Crises Call for Adaptable and Durable Capabilities," 115:1 .

Cushing, H. A. (ed), (1907). *The writings of Samuel Adams* [New York: Putnam] p: 250.

Dlakwa H. (2010) *Peace Security, Human Rights and Development* Vol. 1 Published by Pyla- Mak Services Ltd Kaduna Nigeria. P. 63

Ebo, A. (2005). Towards a Code of Conduct for Armed and Security Forces in Africa: Opportunities and challenges, DCAF Policy Paper. Geneva

Finer, S. (1962). *The Man on Horseback* [London: Pall Mall] p3

Frank Hoffman, "Conflict of the 21st Century: The Rise of Hybrid Wars," *Potomac Institute for Research Studies*, (Arlington, VA, 2007), 14.

Hill, J.C.N. (2012). *Nigeria since Independence: Forever Fragile?* Palgrave Macmillan.

Human Rights Watch (2018). Nigerian Events of 2017.

Huntington, S. (2006). *Political Order in Changing Societies.* New Haven: Yale University Press.

Huntington, S. (1996). Reforming Civil-Military Relations. In L. D. Plattner, *Civil-Military Relations and Democracy.* Baltimore: The Johns Hopkins University Press.

Huntington, S. (1957). *The Soldier and the State.* Cmabridge: The Belknap Press of Harvard University Press

Ihonvbere, J. O. (1998). The Military and Nigerian Society: The Abacha Coup and the crisis of Democratization in Nigeria in Huchfil and Bathily. A. (eds). Dakar, COSESRA.

International Crisis group (ICG). (2014). *Curbing Violence in Nigeria (II): The Boko Haram Insurgency.* Africa Report No 216. April 2014. Retrieved on 21/09/ 2017 from http://www.crisisgroup.org/~/media/Files/africa/west-africa/nigeria/216-curbing violence-in- nigeria-ii-the-boko-haram-insurgency.pdf.

International Crisis Group (2015). *Nigeria: The Challenge of Military Reform.* Africa Report N°237 | 6 June 2016.

International Crisis Group (2016). *Boko Haram on the Back Foot?*, Africa Briefing N°120, 4 May 2016. Press], p339

International Crisis Group (2016) Nigeria: The Challenge of Military Reform. Report No. 237. Published 6 June 2016. Available: https://www.crisisgroup.org/africa/west- africa/nigeria/nigeria-challenge-military-reform

International Crisis Group (2017) Crisis Watch. Nigeria, March 2017. Available: https://www.crisisgroup.org/crisiswatch/march-2017#nigeria

Ibrahim M. (2009) *An Assessment of the Performance of Police- Public Complains Bureau in Maiduguri Town Borno State Nigeria.* Unpublished Ph. D Thesis University of Maiduguri, Nigeria.

Ibrahim, J. (2017). "Civil-Military Relations in a Context of Rising Sectarian Crisis", Premium Times newspaper published on June.

Luckham, A. R. (1971). 'A Comparative Typology of Civil-Military Relations', *Government and Opposition*, vol. 6, no. 1, January 1971, pp.26-34; Amos Perlmutter, 'The Praetorian State and the Praetorian Army: Toward a Taxonomy of Civil-Military Relations in Developing Polities', *Comparative Politics*, vol. 1, no. 3, April 1969, p.384.

Lyle McAlister, L. (1965). 'Changing Concepts of the Role of the Military in Latin America', *Annals of the American Academy of Political Science*, Vol.160, p86

Janowitz, M. (1964). The Professional Soldier. New York: The Free Press. Original edition, London: Collier-Macmillan Limited, 1960.

Janowitz, M. (1977). Military Institutions and Coercion in Developing Nations [Chicago: University of Chicago Press]

Jervis, R. (1978). Cooperation under the security dilemma. *World Politics, Vol. 30, No. 2. (Jan.,* , pp. 167-214.

Johnson, J. (1964). *The Military and Society in Latin America* [Stanford: Stanford University

Joint Chiefs of Staff, *The National Military Strategy of the United States of America 2015,* Department of Defense (June 2015): 4, http://www.jcs.mil/Portals/36/Documents/Publications/2015_National_Military_Strategy. pdf.

Mu'azu A. & Ibrahim M. (2016) Media and The Challenges of Peace Building in Period of Insurgency. International Jourrnal of Humanity and Social Science Invention Punjab, India. P.2-4

Odinkalu, C. (2015).former chairman of the NHRC governing board, quoted in "Nigerians demand end to military impunity", IRIN, 3 June 2015.

Peter R. Mansoor, "Hybrid War in History," in *Hybrid Warfare: Fighting Complex Opponents from the Ancient World to the Present,* ed. Williamson Murray and Peter R. Mansoor (Cambridge: Cambridge University Press, 2012), 2.

Robert Mandel (1994) *The Changing Face of National Security*: *of Conceptual Analysis*. London Greenwood Press.

Robert W. (2003) *Situating Crime Prevention: Models, Methods and Political Perspectives. Crime Prevention Studies* Vol. 15 P. 23

Wilkie, Robert (2009). Hybrid Warfare; Something Old, Not Something New, *Air & Space Power Journal*, Winter 2009, volume XXIII, No. 4 ARFP 10-1,