

Nigeria, “Super Camps”

***INTRODUCTORY TEXT:** After more than a decade of fighting against Boko Haram, the Nigerian military decided to resort to a so-called “super camp” strategy, which involved uniting their resources in fewer locations so as to be able to defend themselves and attack the rebels more effectively. However, this also meant dissolving some posts in villages that were then left undefended. This case deals with the IHL questions raised by this strategy.*

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N.B. As per the disclaimer, neither the ICRC nor the authors can be identified with the opinions expressed in the Cases and Documents. Some cases even come to solutions that clearly violate IHL. They are nevertheless worthy of discussion, if only to raise a challenge to display more humanity in armed conflicts. **Similarly, in some of the texts used in the case studies, the facts may not always be proven;** nevertheless, they have been selected because they highlight interesting IHL issues and are thus published for didactic purposes.

A. Military decision to set up super camps responsible for recent Boko Haram attacks

[Source: Motunrayo Ogundipe, ‘Military decision to set up super camps responsible for recent Boko Haram attacks’, Nigerian Eye, 25 August 2019, available at: <http://www.nigerianeye.com/2019/08/military-decision-to-set-up-super-camps.html>]

[1] Babagana Zulum, governor of Borno state, says the decision of the military to establish “super camps” is responsible for last week attacks in Gubio and Magumeri local government areas of the state.

[2] Boko Haram insurgents had sacked residents of the town, setting their houses and government secretariat on fire.

[3] When he visited President Muhammadu Buhari at Aso Rock during the weekend, the governor said the

idea of “super camps” had made it easy for the militants to operate without resistance.

[4] He was responding to questions from state house correspondents.

[5] “Well, the most important thing is that there is ongoing military strategy, according to the military authorities, what they called ‘Establishment of super camps’. That entails that all other smaller units in various villages and towns, shall be collapsed to form part of the super camps in some critical major local government areas,” he said.

[6] “In our thinking as laymen not as military personnel, we thought this decision is not wise. We must ensure there is military presence in all the locations. We are very much aware of their numerical strength but nonetheless, their absence can create serious vacuum and that has informed the recent attacks.

[...]

[7] The Borno State Emergency Agency had said over 70 houses and 20 shops were burnt in the attack.

B. The Humanitarian Dilemma Around the Military’s “Super Camp” Strategy in Nigeria

[Source: John Campbell, ‘The Humanitarian Dilemma Around the Military’s “Super Camp” Strategy in Nigeria’, Council on Foreign Relations, 5 September 2019, available at:

<https://www.cfr.org/blog/humanitarian-dilemma-around-militarys-super-camp-strategy-nigeria>]

[1] In August, the Islamic State-affiliated faction of Boko Haram known as Islamic State in West Africa (ISWA) entered Gubio and Magumeri, which are two strategic towns near Borno State’s capital, Maiduguri, in northeastern Nigeria. ISWA looted fuel and supplies, destroyed houses and government buildings, and prayed before retreating into Borno’s hinterlands. The short occupation of these two towns followed Borno’s governor, Babagana Zulum, encouraging civilians in those towns to remain in their homes and assuring civilians the military would protect them. However, the military had left those towns in accord with its new “super camp” strategy. Absent an immediate military presence, thousands of civilians had fled.

[2] The “super camp” strategy is apparently driven chiefly by the military’s inability to defend itself against constant ISWA raids on poorly constructed military barracks in rural areas. Under the new strategy, military personnel will be based in a few, well-constructed “super camps,” which ISWA presumably cannot overrun. While the military may have reduced the potential for casualties and theft of military materiel, it has also reduced its ability to combat ISWA in rural areas. [...]

[3] In the countryside, ISWA will likely be able to operate more freely. It will face less resistance as it engages

with the population and builds a base of political support. For its part, the military hopes that, from “super camps,” it will be able to conduct mobile raids on ISWA camps and fighters. In the past, however, ISWA has been able to ambush such patrols, obstructing military movements.

[4] Coinciding with last month’s “super camps” announcement and ISWA’s Gubio and Magumeri incursions, casualties related to the insurgency have significantly decreased, according to the Nigeria Security Tracker. From a humanitarian perspective, leaving Borno hinterlands open for ISWA may, counterintuitively, preserve lives. With ISWA “free to roam,” there would likely be less combat between ISWA and the military, and therefore fewer deaths of soldiers, ISWA members, and civilians. But from a political perspective, Nigeria appears to have unofficially ceded control over parts of Borno to ISWA, at least temporarily. As the group promises to support commerce, promote an “Islamic” system, and otherwise leave civilians where it operates alone, state authority is undermined.

[5] Given that ISWA shows little openness to peace negotiations, instead focusing primarily on hostage exchanges for ransom, the decrease in deaths resulting from the “super camp” strategy are a welcome respite from the devastation of ten years of war. But it should not imply, or be conflated with, greater likelihood of more permanent peace. It is unlikely that ISWA would be content with only roaming Borno’s hinterlands. Further, in those areas it controls, would ISWA allow Christians to worship, women to seek education, and other communities disfavored by ISWA to live undisturbed? With space to operate, it could amass new recruits, train them, and generate more tax revenue, at which point it may be capable of attacking “super camps” and threatening major urban areas. Military and civilian death tolls would then rise again.

C. The super camp strategy

[NA, ‘Stalemate: Boko Haram’s New Strategy Requires it to Commit Fewer Attacks’, SBMorgen, 8 October 2019, available at: https://www.sbmintel.com/wp-content/uploads/2019/10/201910_Boko-Haram.pdf, footnotes omitted]

[...]

[1] The constant losses suffered by the Nigerian Army against Boko Haram, the vulnerability of forward operating bases, limitations as a result of inadequate manpower and equipment, influenced the army’s decision to adopt a new strategy of merging smaller forward operating bases into what they term as ‘super-camps’ which they hope will provide them strength in numbers, make it harder for the terrorists to overrun them, and reduce losses of men and equipment.

[2] However, this strategy has drawbacks: it has made the army less nimble, which means it is slower to respond to threats. The new strategy has also affected the military’s ability to dominate the area of operation

and keep troops in remote areas in order to deny the insurgents freedom of movement. The super camps also depend heavily on patrols by troops who are exposed to threats from improvised explosive device and ambush. These threats are amplified by lack of adequate mine resistance and ambush vehicles and deteriorating morale of the fighting force.

[3] It is important that we do not just focus on the numbers of attacks and casualties, but in what trend those attacks and casualties are going. A recent motion moved by two members of the House of Representatives from Borno State claims that Boko Haram controls as many as eight local government areas in the state. While this is probably an exaggeration, there have been reports by humanitarian organisations and residents, of Boko Haram moving unchallenged in the rural areas and setting up checkpoints.

[4] This is evident in recent attacks on two local government headquarters where the terrorists ransacked shops and torched government buildings.

[...]

D. Boko Haram proves it's still a threat

[Source: Obi Anyadike, 'In the news: Boko Haram proves it's still a threat', The New Humanitarian, 26 March 2020, available at: <https://www.thenewhumanitarian.org/news/2020/03/26/boko-haram-attacks-chad-nigeria>]

[1] Two deadly attacks by jihadist groups in Chad and Nigeria this week killed more than 140 soldiers, underlining the militants' continued threat in the Lake Chad region, despite reports of factional fighting and leadership changes.

[...]

[2] In northeast Nigeria, so-called Islamic State in West Africa Province (ISWAP) – a Boko Haram splinter – reportedly killed 50 soldiers in an ambush on a convoy on Monday transporting explosives and ammunition. It was a blow for the military, which since moving to a “super camp” strategy – the pulling of troops out of the countryside and into better defended garrison towns – has been able to reduce its losses to both Boko Haram and ISWAP.

[3] Close to eight million people are in need of aid in northeastern Nigeria. The controversial super camp strategy leaves large swathes of the region under the control of the jihadists, and beyond the reach of humanitarian agencies and government services.

[...]

Discussion

I. Classification and applicable law

1. How would you classify the situation in Nigeria? Is there an armed conflict between the government and Boko Haram? If so, what law applies to this conflict? In your opinion, is the threshold for the application of Additional Protocol II met? (GC I-IV, Art. 3; P II, Art. 1)

2. Para. 4 of Document B states that the Nigerian government ceded unofficially control of certain parts of Borno to ISWAP and para. 3 of Document D refers to jihadist control of the region. Does this amount to occupation? Can there be occupation in a non-international armed conflict? Does this term have the same meaning as in an international armed conflict? (HR, Art. 42)

II. Protection of civilians

3. If the military retreats to the so-called 'super camps' leaving the civilian population in some areas to protect itself, does it violate any IHL obligation? Must it protect the civilian population under IHL? Even against the adverse party? Is the state obliged to take precautions against a possible attack (or the effects thereof) on civilians by a non-state armed group? Does this include an obligation to use force against the adverse party attacking such population? Under IHL? Under IHRL? Does it not rather respect its obligation to withdraw legitimate targets of attacks from civilian population concentrations? (CIHL, Rules 1, 15, 22; P II, Art. 13; P I, Arts 57, 58)

4. If both belligerent parties are obliged to protect and respect civilians, can the state retreat in a non-international armed conflict, assuming that the non-state armed group will not attack civilians and concentrate its power in a specific region? Or does the State have a higher responsibility to protect the civilian population on its territory? Especially if it knows that the non-state armed group probably will attack civilians or civilian infrastructure? What about the so-called 'responsibility to protect'? (CIHL, Rule 149)

a. Where could such an increased responsibility of the state be derived from? From IHL? From international human rights law (IHRL)? What would be the consequences on non-respect of these obligations? Are states obliged by international law to neutralize armed groups on their territory? (See ECtHR, *Ilaşcu and Others v. Moldova and Russia*, paras 336-352)

b. If it is derived from IHRL, does the non-state armed group also have obligations under these rules? Would it in the reverse situation have to protect the civilian population against government attacks? What would be the consequences if the non-state armed group did not respect these rules?

c. Would your answer change if the Nigerian military had declared the villages and towns they no longer defended as 'non-defended localities'? (CIHL, Rule 37; HR, Art. 25; P I, Art. 59)

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