

The Islamic Law of War for Conflict Resolution: The Case of Boko Haram in Nigeria.

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Abstract. This paper attempts to look at the present situation of the boko haram crisis in Nigeria and the manner of resolution of the crisis under the Islamic Law. It starts by explaining the existence of the group, its origin, and then assesses the violent activities of the group which has culminated in panic and insecurity of life and properties around the nation. It appreciates the evidential threat of the group or sect to the unity of Nigeria while assessing the view of some experts on what they conceive to be the possible manner to resolve the crisis. It then goes further to analyze the manner of settling this crisis using the Islamic Law approach.

1. Introduction

The unrest that the crisis of *boko haram* has generated among all the people of Nigeria is such as can be felt from the top of the government to the ordinary people on the street. Everyone looks out for suspicious looking people or unusual activities in their various areas. Life and properties are being threatened. What deepens the suspicion are not only the attacks but the imminent risk of same. Several have been said about the group and some quarters believe that the sect has become franchise that anyone can buy into, rather than necessarily carrying on violence on Islamic grounds as claims. The Sultan of Sokoto, Alhaji Sa'adu

Abubakar, the spiritual leader of Nigerian Muslims has called the sect “anti-Islamic” and “an embarrassment to Islam.” George (2011) The Coalition of Muslim Clerics of Nigeria (CMCN) has also called on the *boko haram* to disarm and embrace peace. If pacifism is of utmost priority in Islam, there should then be a modality for maintaining such identity of the religion regardless of the taints which tends to oust the principle.

It is to this end that the possible resolution of this crisis is assessed from the Islamic point of view for indeed, the *boko haram* sect is purportedly Islamic.

2. The Group *Boko Haram*

Better known by its Hausa name Boko Haram (*Jama'atu Ahlis Sunna Lidda'awatiWal-Jihad*) is a violent organization based in the northeast of Nigeria (David 2011). It is a purported Islamist movement which strongly opposes man-made laws. Founded by Mohammed Yusuf in 2001 or 2002, the organization is a Muslim sect that seeks to abolish the secular system of government and establish Sharia law in the country. The group has adopted its official name to be People Committed to the Propagation of the Prophet's Teachings and Jihad, which is the English translation of *Jama'atuAhlisSunnaLidda'awatiwal-Jihad*.

The movement, whose name in the Hausa language, *boko haram*, translates as “Western education is sacrilege” or “a sin”, is divided into three factions, and in 2011, was responsible for more than 450 killings in Nigeria.

Though the group first became known internationally following sectarian violence in Nigeria in 2009, it does not have a clear structure or evident chain of command. Moreover, it is still a matter of debate whether *boko haram* has links to terror outfits outside Nigeria and its fighters have frequently clashed with Nigeria’s central government.

The group was founded in the city of Maiduguri with the aim of establishing a Shari’a government in Borno State under former Governor Ali Modu Sheriff (Johnson, Toni 2011-08-31). Mohammed Yusuf, the founder of the group, established a religious complex that included a mosque and a school where many poor families from across Nigeria and from neighbouring countries enrolled their children (Farouk 2012). The centre had ulterior political goals and soon it was also working as a recruiting ground for future fighters for its cause, to fight the State. The group includes members who come from neighbouring Chad and Niger and speak only Arabic.

In 2004, the complex was relocated to Yusuf’s home state of Yobe in the village Kanamma near the Niger border.

Human Rights Watch researcher Eric Guttschuss stated that Yusuf successfully attracted followers from unemployed youth by speaking out against police and political corruption. Abdulkarim Mohammed, a researcher on *boko haram*, added that violent uprisings in Nigeria are ultimately due to “the fallout of frustration with corruption and the attendant social malaise of poverty and unemployment.”

3. Emergence of the Violence

In the town of Maiduguri, where the group was formed, the residents dubbed it Boko Haram. The term “*boko haram*” comes from the Hausa word *boko* meaning “western language” and the

Arabic word *haram* figuratively meaning “sin” (literally, “forbidden”). The name, loosely translated from Hausa, means “western education is forbidden”. The group earned this name due to its strong opposition to anything Western, which it sees as corrupting Muslims.

The group conducted its operations more or less peacefully during the first seven years of its existence (Cook, David 2011). That changed in 2009 when the Nigerian government launched an investigation into the group’s activities following reports that its members were arming themselves. Prior to that, the government reportedly repeatedly ignored warnings about the increasingly militant character of the organisation, including that of a military officer.

When the government came into action, several members of the group were arrested in Bauchi, sparking deadly clashes with Nigeria security forces which led to the deaths of an estimated 700 people. During the fighting with the security forces *boko haram* “fighters” reportedly “used fuel laden motorcycles” and “bows with poison arrows” to attack a police station. (Nossiter and Adam (July 27, 2009) The group’s founder and then leader Mohammed Yusuf was also killed during this time while still in police custody. With the death of Muhammad Yusuf, a new leader emerged for the group whose identity was not known at the time.

After the killing of Muhammad Yusuf, the group carried out its first terrorist attack in Borno in January 2010. It resulted in the killing of four people. Since then, the violence has only escalated in terms of both frequency and intensity.

In January 2012, Abubakar Shekau, a former deputy to Yusuf, appeared in a video posted on YouTube. According to Reuters, Shekau took control of the group after Yusuf’s death in 2009 (Brock, Joe 2012). Authorities had previously believed that Shekau died during the violence in 2009.

By early 2012, the group was responsible for over 900 deaths (Nossiter and Adam (2012)

The group was responsible for several violent attacks in Nigeria mostly in the northern part of the country. The following are a toll of the group's attacks:

- 7 September 2010: Bauchi Prison break
- 31 December 2010: December 2010 Abuja attack
- 22 April 2011: Boko Haram frees 14 prisoners during a jailbreak in Yola, Adamawa State.
- 29 May 2011: May 2011 northern Nigeria bombings.
- 16 June 2011: The group claims responsibility for the 2011 Abuja police headquarters bombing.
- 26 June 2011: Bombing attack on a beer garden in Maiduguri.
- 10 July 2011: Bombing at the All Christian Fellowship Church in Suleja, Niger State.
- 11 July 2011: The University of Maiduguri temporary closes down its campus citing security concerns.
- 12 August 2011: Prominent Muslim Cleric LimanBana is shot dead by Boko Haram.
- 26 August 2011: 2011 Abuja bombing.
- 4 November 2011: 2011 Damaturu attacks.
- 25 December 2011: December 2011 Nigeria bombings
- 5 – 6 January 2012: January 2012 Nigeria attacks.
- 20 January 2012: January 2012 Kano bombings.
- 28 January 2012: Nigerian army says it killed 11 Boko Haram insurgents.
- 8 February 2012: Boko Haram claims responsibility for a suicide bombing at the army headquarters in Kaduna.
- 26 February 2012: Church of Christ in Nigeria (COCIN) bomb blast in Jos.
- 8 March 2012: During a British hostage rescue attempt to free Italian engineer Franco Lamolinara and Briton Christopher McManus, abducted in 2011 by a splinter group Boko Haram, both hostages were killed.

4. The *Boko Haram* Threat:

Due of its several indiscriminate attacks, many people have seen the presence of the sect and its activities as a potential threat to the continuous existence of Nigeria as a nation. Attacks have been targeted at government security officials

and non-Muslims basically, and also “liberal Muslims” who do not believe in the cause of the sect. the will of the sect is to purge the northern Nigeria of non-Muslims. The resultant death of Muslims, women and children are not assessed as collateral damage but as a necessary sacrifice to the cause of the sect.

Although there have been many sectarian and ethnic conflicts, with several thousand associated deaths, these conflicts were never of an existential nature. The perpetrators were faceless, their grievances unknown or nebulous. This anonymity made it difficult to channel anger, or to sustain coordinated action against the perpetrators. The intentions of the perpetrators were assumed, but since they never voiced or articulated such intentions publicly, it was difficult to mobilize life changing actions and engagements based on such amorphous assumptions (Malcolm and Fabiyi). The Sharia crises of the early 2000s were also extremely serious but non existential threats. Grieved as Nigerians were by the politicization of religion, the Nigerian constitution offered recourse to citizens who wished to live outside of Sharia law even if they continued to live in Sharia states.

The threat of *boko haram* is a different story. It is a threat like none other than Nigeria has ever experienced. It is both a sectarian and ethnic conflict. Unlike ethnic and sectarian conflicts in the past, the anonymity of the perpetrators has been shed. Their agenda has been articulated. Prosecuting the security war against *boko haram* will require a paradigm shift in the way security is conceived in Nigeria. It will require a reassessment of the political environment and what is permissible in that sphere. It is to this end that some analysis have put forth seeming means or “steps that will be required for finding an effective solution to the Boko Haram crisis”. These are:

Rethinking Security: Solving the Boko Haram menace is not a Law Enforcement issue, it is an intelligence issue. In the past, fundamentalists and zealots could be tagged. They belonged to sects that could be called by a name. They had leaders that could be tracked and incapacitated or imprisoned. They established enclaves and centralized structures that could be broken down

by heavy handed military actions. *Boko haram* is a movement, a tendency. Its sympathizers range from political thugs to fanatical zealots, its ranks include UK based graduate students and jobless street kids, successful businessmen and sitting Senators in the Nigerian National Assembly. *Boko haram* has no headquarters, no known place of doing business. It has no central leader or authority, working instead like some decentralized franchise operation. It was once funded by politicians, but *Boko haram* has since turned to raiding banks to raise funds and has since found friends in foreign lands willing to fund its war against Nigeria. Law enforcement actions such as sweeping raids, and emergency laws, presume the law breaker has a desire to survive, escape detection and is desperate to stay alive. None of those assumptions hold with *Boko haram*. The actions of this group has introduced the word “suicide bomber” into the Nigeria lexicon. How do you implement “law enforcement” against a group that seeks death? More disturbingly, groups like Al Qaeda have become involved in the crisis, and the methods with which *boko haram* will coordinate their campaign of terror will rely on tactics honed against the most powerful intelligence and military services in the World in theaters like Afghanistan, Somalia and Iraq. A new security strategy, built on intelligence and not demonstration of brute force is required.

The Thrust of Political Engagement: The first issue that needs resolution is whether or not *Boko haram* is the northern equivalent of Movement for the Emancipation of Niger Delta (MEND). To believe that *Boko haram* can be resolved with MEND style tactics – negotiation with the leadership of the militant group, rapprochement with the political elites that enable the militants and articulate their cause, and amnesty for the combatants; one must believe there is an equivalence in their world views. MEND wanted fairness in resource administration. Boko Haram seeks an end to “Western Education” and the vacation of the North by Southerners and Non-Muslims. MEND made clear that it had no issues with the Nigeria people, only its government; *Boko haram* has stated that it has a grouse both with the Nigerian government and its Southern & Christian people. Unless the government is ready to compromise

on the rights of its people to live freely in the nation and to practice their faith without hindrance, a political rapprochement seems unlikely. The government perhaps believes that *Boko haram* is still under control of politicians who are masterminding the crisis to thrust themselves into relevance. That viewpoint implies that the governments would believe that the real pacification that is necessary is to come to terms with the political elite in the usual manner – provide them access to the national treasury via contracts and appointments. While it is true that politicians were involved in the birth of *Boko haram* in Borno State, it appears that at some point in the last couple of years a transformation has occurred that has unhinged the ties between the two.

Openness in Government: The beginning of the end for Nigeria will come if:

Believing that the government is incapable of offering protection to them Christians and Southerners in the North, (and perhaps Northerners in the South) begin to form vigilante groups; and

Such groups begin to systematically enforce retributive justice in their spheres of influence if a perceived injustice is done to their kith and kin in other parts of the country, or engage frontally with other groups they perceive as threatening their collective security in areas of crisis.

The government must be transparent with the Nigerian people and admit that it is well over its head, and will require some help. It is a rare government that squares with its people; however, if Nigeria is to survive this crisis, the Nigerian government must become more open about its shortcomings. If the government claims things are under control and deaths and casualties continue to mount, then the people will be forced to conclude that the government is able to, but simply does not wish to protect them, thereby justifying any eventual recourse to self-help through vigilante and militia action. This is how the conflicts in Liberia, Somalia, Sierra Leone and Rwanda began.

Engaging the Nigerian People: So far, most of the major arrests in connection to *Boko haram* have been aided by freely given, unsolicited tips from Nigerians. The Nigerian people love their nation, but their government must fess up to its ineptitude and request their help. The

government must actively recruit the Nigerian people as part of its intelligence gathering effort. Mass enlightenment programs to educate people on what to look out for in identifying possible terrorist activity should be provided to the people. Whether or not Nigerians will be receptive to this clarion call is a different issue. A people must trust that the government that they will freely offer services to, services which by the way could lead to their identification as traitors and possible death – would probably be inclined to do so only if that government had shown itself deserving of their support. A government that raises fuel prices in the midst of a global recession, stifles its people's rights to freely express themselves and ignores the corruption that cripples the nation hardly deserves any support. If Nigerians respond to this call, it will be despite, not because of their government.

5. The Islamic Law Approach to Crisis Resolution

Islamic thought and action is derived from two primary sources: (a) the Quran and (b) the examples and sayings of the Prophet Muhammad that are referred to as the Sunnah. In addition, legal elaborations can be derived from the first two sources. The above four edge3d stand as a modality to ensconce the demystification of the present *boko haram* crisis in Nigeria is etched in a rather particularized western approach of conflict resolution, based on ordinary analysis vis-à-vis palpable evidence. However, any source of information can be used to elaborate on strategies to resolve conflict. The Bible, Torah, and any secular knowledge can be accepted as long as the information derived is not in contradiction with the Quran or Sunnah. Islam sources establish that is important to follow both the Quran and Sunnah and evidence of this is found in numerous Quranic verses.

Qur'an 3:32:

“Say: “Obey Allah and the Messenger”. But if they turn away, then Allah does not like the unbelievers.”

Qur'an 3:132:

“And obey Allah and the Messenger that you may obtain mercy.”

Qur'an 4:59:

“O you who believe! Obey Allah and obey the Messenger, and those of you who are in authority. (If) you differ amongst yourself, refer it to Allah and His messenger, if you believe in Allah and in the Last Day. That is better and more suitable for final determination.”

Western traditions of peace studies and peace research have yielded important insights, such as the distinction between conceptions of peace that are premised on no more than the absence of war and organized violence, and conceptions of peace that signify an additional presence of human dignity, economic wellbeing, and ecological balance. Scholars and activists alike have testified to the dangers and costs of pursuing peace through preparation for war and maintenance of hegemony. They have only just begun, however, to identify cultural pluralism as an essential resource for world order, and to develop a truly cross-cultural research agenda.

Where the Western approach celebrates human self-determination, Islam underscores divine purpose and human exertion. Where the Western approach affirms political pluralism and individual rights conjoined with consumerism as the substance of peace, Islamic perspectives frame communal solidarity, social justice, faith in the transcendent and even cultural relativism as the way of peace. Where Westerners have placed a priority on innovation and “freedom to do” – freedom as a means to diverse human ends – Muslims have more often than not sought to preserve the historical continuity of a tradition that frames existential freedom – “freedom to be” – as an end in itself, a state that may be experienced despite the presence of external constraints.

While the strongest current of the Western approach to conflict resolution prioritizes problems to be abstracted and solved, distinctively Islamic approaches resemble other non-Western approaches insofar as they frame conflicts as matters of communal, and not just individual concern and underscore the importance of repairing and maintaining social relationships. Muslim approaches to conflict

resolution draw on religious values, traditional rituals of reconciliation, and historical practices of communal and inter-communal coexistence. Strong emphasis is placed on linkages between personal and group identity, between individual and collective responsibility for wrongdoings, and between attentiveness to “face” – related issues (public status, shame, reputation for generosity) and the achievement of restorative justice. Conflict resolution efforts are directed toward the maintenance of communal or inter-communal harmony, toward the recognition of mutual rights and obligations, as well as toward the upholding of shared values and the need for public apology, compensation for losses, and forgiveness. While Muslim writers almost invariably assert that Islam has something of unique value to contribute to international peace and human dignity, many non-Muslims have articulated visions in which Islamic participation in the contemporary world order can be conceived as a serious challenge to stability. In other words, Islam has been viewed as an actual or potential problem, and research questions have been framed around threat perceptions rather than potentially positive aspects of the intercultural encounter.

The future development of cross-cultural inquiry is of considerable importance, particularly insofar as it can help provide both fresh contributions to theories of conflict resolution and constructive channels for the perennial religious impulse. Studies of Islamic approaches to peace and conflict resolution provide new angles of insight into universal human dilemmas, as well as important supplementation to studies that recognize contemporary Islamic activism not as a backward-looking rejection of the modern world, but as a deeply felt expression of cultural identity and a critique of domestic as well as international political orders. Muslims have heard different overtones in their religion’s call to peace. Many have interpreted peace primarily as an absence of war, violence, and disorder that must be secured through the use of coercive power or force to compel and protect. Others have understood peace as condition of justice achieved through virtuous governance or steadfast resistance to oppression.

Still others have perceived peace as a state of equilibrium or all-encompassing harmony.

6. The Islamic Law Approach to the *Boko Haram* Crisis

Having established the manner of resolution of crisis and conflicts under the Islamic Law generally, it is pertinent to address specifically the manner which Islam will resolve the *boko haram* crisis given the peculiarities of the crisis.

Despite the near war reality the group has successfully painted in the view of its series of attacks and threats of more to be carried out, the perpetrators and principal players of the group are Nigerians who are still under the protection of the Constitution of the Federal Republic of Nigeria.

More importantly, the group is Islamic, its members are Muslims and as such a different scenario is presented, as against hostilities from non-Muslims.

The Qur’an states as thus:

Qur’an 49:9-10:

“And if two parties or groups among the believers fall to fighting, then make peace between them both. But if one of them outrages against other, then fight you (all) against the one that which outrages till it complies with the Command of Allah. Then if it complies, then make reconciliation between them justly, and be equitable. Verily! Allah loves those who are the equitable.

The believers are nothing else than brothers (in Islamic Religion). So make reconciliations among your brothers and fear Allah that you may receive mercy.”

It is clear that both the Qur’an and the Sunnah have established conflict resolution, both as negotiations and as third-party interventions as a responsibility upon every Muslim. The role of a third party is however identified to the extent that he:

Follows society’s rules of fairness,

Assists in defining issues,

Assists in generating options, and

The intervener needs to assist parties in clarifying and correcting beliefs and attitudes which are influenced by these negative practices and misperceptions.

This intervention can be accomplished in a variety of ways, but an Islamic approach must address differently the different rights, responsibilities, and needs of the conflict parties. The most important and principal of the resolution techniques under Islamic Law is dialogue.

Islam's view of war or violence is that it is a necessary evil to be resorted to only when it is absolutely unavoidable. The purpose of war in Islam is the establishment of peace and freedom, if those can be achieved without resorting to war, then there is no need for war. The Prophet, peace be upon him, said in a *hadith*:

“O people! Do not wish for an encounter with the enemy. Pray to Allah to grant you security; but when you (have to) encounter them, exercise patience.” (al-Bukhari).

Therefore, Islam makes provisions for avoiding war, minimizing its effects if it unavoidably occurs and ending it as soon as possible. These provisions are based on agreement between the conflicting parties to be strictly adhered to by both sides. Islam seriously warns its followers against breaking agreements or acting in a treacherous manner towards their enemy. The Prophet, peace be upon him, said:

“No people would break a treaty except that Allah has made their enemy to prevail over them.”

The provisions are as follows:

AMAAN: One of the said provisions is *amaan*, or protection, which is the suspension of the legality to kill an enemy, enslave him or take his property. The purpose of *amaan* is to make possible dialogue between warring parties and enhance communication by allowing a free flow of ideas and views. This provision will offer warring sides an opportunity to interact in an atmosphere of mutual trust, talk to each other and, hopefully, reach a peaceful settlement of their dispute.

ISTI'MAAN: This is asylum, which is the act of guaranteeing the safety of an individual from a hostile country to enter Muslim territory for a purpose after which he is to return to his country, on the condition that he remains subject to Islamic rule for the duration of his stay. The difference between *amaan* and *isti'maan* is that the former can be granted to a number of people or to an entire population in their own land,

while the latter is given only to individuals with stipulation that they remain in the Islamic territory.

SULH: or peace treaty is another avenue for peace created by Islam in order to give a chance for negotiation and dialogue for peaceful resolution of conflicts. It means an agreement reached between warring or conflicting factions for peace either permanently or for a very long period. All people under the above three categories of agreements are guaranteed freedom of faith and protection of their lives, honour and property.

MUHADANAH: Even after the start of a war or conflict, Islam leaves wide-open channels for negotiation and eventual peace. The provision of *muhadanah*, or truce, is meant to serve this purpose. *Muhadanah* is an agreement reached between conflicting parties to cease hostilities for a short period of time after the conflict has already begun. This measure is designed to afford the two sides opportunity to take stock of the conflict and re-examine their options and priorities. It is also an open invitation to the conflict parties to sit around the negotiating table and try to resolve their differences through dialogue and fair arguments.

Examples abound in Islamic history where these principles were put to good use thereby saving lives and avoiding the catastrophe of war.

Even before the dawn of his prophetic mission, Muhammad, peace be upon him, had displayed great diplomatic ability and capacity to resolve disputes peacefully and affect reconciliation between mutually antagonistic people. A notable example is the serious dispute which broke out between Arab chieftains when the Quraish leaders rebuilt the holy sanctuary of Ka'aba. The dispute arose as a result of disagreement on whom among the Arab tribal leaders would have the honour of putting the black stone (*Hajar al-Aswad*) in its place. The dispute was so serious that war seemed imminent. The Prophet, who was then a young man of 35, was able to solve this stalemate to the satisfaction of all when he placed the stone on his garment and they carried it together. On reaching its designated location, he lifted the stone with his own hands and put it in place. Thus, he cleared a potentially explosive

situation which could have degenerated into a bloody war with devastating consequences.

Another important example is the famous treaty of Hudaibiyyah, in the 6th year after Hijra. The Prophet had gone to Makkah with his companions intending to perform *Umrah* (the lesser Hajj). Makkah authorities thought that he had come to conquer the city and they made preparations for war. Tempers flared when the Muslims realized that the Pagan Quraish leaders would not allow them to enter the city and observe their rites. There were heated negotiations which resulted in a treaty that was unfair to Muslims because it imposed unfavourable conditions on them. Tensions rose high and danger was imminent but for the great restraint and statesmanship showed by the Prophet who was able to persuade the Muslims to accept the treaty. This treaty later proved to be a great victory for Islam.

Successive generations of Muslim leaders followed the Prophet's example. This became an established norm and was incorporated into the Shari'ah. Throughout Islamic history, beginning with the time of the Rightly-Guided Caliphs, through the middle ages and down to the modern era, Muslims consistently championed the cause of peace and opposed military adventure. They always preferred negotiations and peaceful settlement of disputes.

Putting the Nigerian case to heart, the following methods may be most desirable:

DOWNPLAYING VICTIMIZATION:

As desirable as the dream of an Islamic Society under the governance through the Qur'an and Sunnah may be, Islam is not only concerned about that end but also the means to that end. Where however it is allowed to use the means of peaceful preaching entice to the religion of Islam it is abominable to commence violence. The hardships that come as a result of this peaceful dissemination of the message of Islam, in so far same has not commenced hostilities and violence against Muslims, must be borne. Islam dictates that all hardships are tests from God and that patience and perseverance must be exemplified. So the role of victimization is downplayed and oppressive conditions are reframed as opportunities for spiritual growth. Research has shown that, in Islam, remembrance

of God provides psychological feelings of security; which in turn fosters community binding and peaceful coexistence. This is an excellent example of the effectiveness of how Islam meets the basic human needs (e.g. safety as well as love & belongingness) of its followers.

ADVOCATING MERCY:

Evidence indicates that it is important for an Islamic approach to embody the concept of mercy. Mercy is important because it is mandatory upon a Muslim to do so as is indicated by the Qur'an and Sunnah. An example of such evidence is that Jabir bin 'Abdullah narrated: The Prophet Muhammad said:

"He who is not merciful to others, will not be treated mercifully [by God]."

ADVOCATING PATIENCE:

Patience is also of most importance in an Islamic approach. This is especially useful about which to remind disputants about. To remind disputants that patience is valued and commanded upon them by God and his Messenger will likely increase internal identification as a Muslim. The Qur'an states that:

Qur'an 3:200:

"O you who have attained faith! Be patient in adversity, and vie in patience with one another, and be ever ready [to do what is right], and remain conscious of God, so that you might attain to a happy state".

This example lays out the importance of patience and its promised reward.

ADVOCATING RESTRAINT:

In the present situation where violence is involved, restraint must be emphasized. The Qur'an states that one should show restraint because an enemy become a friend in future. It also establishes the practice of restrain against those that restrain themselves from being violent against you. The Qur'an also delineates that a response to an attack should not increase in intensity, covenants should be respected, and that speech should be withheld to only that which is beneficial. There are also hadith that establish that oppression is unlawful, that true strength is controlling one's anger, and that harm to a *dhimmi* (non-Muslim in a Muslim land) is equal to harming the Prophet. The

concept of restraint is also clearly exemplified in the conquest of Mecca, where the Prophet did not seek revenge on any of his enemies. The concept of restraining from punishment is further validated by research in game theory Dreber, A., Rand, D., Fudenberg, D., & Nowak, M. (2008, March 20). Tit-for-tat is the strategy whereby the one party matches the tactic carried out by the opposing conflict party in the previous move. This strategy is regarded by all supporter of game theory as the most effective strategy. On the other hand, costly punishment is the tactic of punishing an opposing party when they defect in their previous move. The tit-for-tat strategy can be interpreted as restraining from transgressing and forgiving when apology is given, while costly punishment can be seen as transgressing and be unjust and oppressive.

STRESSING ON FORGIVENESS:

Forgiveness has long been underestimated as an effective tool in conflict resolution. However, in Islam it is highly regarded and rewarded. Islam what is sought is a reformation or moral good accomplished by sincere forgiveness. There are numerous Qur'anic verses such as the following: Qur'an 42:37-43:

“And who shun the more heinous sins and abominations: and who, whenever they are moved to anger, readily forgive... But [remember that an attempt at] requiting evil may, too, become an evil: hence, whoever pardons [his foe] and makes peace, his reward rests with God – for, verily, He does not love evildoers... But withal, if one is patient in adversity and forgives – this, behold, is indeed something to set one's heart upon.”

There is also *hadiths* that elaborate on this effective conflict resolution practice; in that manner that accepting an apology is mandatory and rejecting one is sinful. The hadith states that Jabir said that the Prophet said, “If one makes excuses to his brother, but he does not excuse him, or accept his apology, he is as sinful as one who takes an unjust tax.” This has great implications in explaining the dynamics of how apologies and forgiveness should operate in Islam. The members of the sect should be assured of profound forgiveness, if the group should cease and desist from further violence. A declaration of no victor – no vanquished should

be made and even the group to continue to exist and even registered under Part C of the Companies and Allied Matters Act to give it a corporate personality.

7. Conclusion

The *Bokoharam* crisis in Nigeria has culminated in several security problems in the country rendering unsafe lives and properties of all persons in the country especially in the Northern Nigeria. Women, children and even the aged all are potential targets. While the Northerners are under the imminent risks of attacks, the Southerners are worried of suffering the faith of their Northern brothers over a Northern-Nigeria purported Islamic group with an estranged creed of killing women, children, non-Muslims and Muslims alike over making Nigeria an Islamic nation. The multi-cell group has demonstrated the carnage it is capable of unleashing if its terms are not met. In the world today, the doors of violence should be shut before (even) an underestimated party may spring a deadly and far reaching surprise. One cannot be sure what a party may carry out as campaign or reprisal at this age of chemical and biological weapons. However, one cannot rule out the immense change that dialogue may effect. This is what Islamic Law offers as solution to all crisis, local, tribal, inter-tribal, national or international. The issue of matching violence for violence is only to subdue the crisis and a last resort where all possible dialogue has failed. It is also to the extent of suppressing the violence and not to persecute. Islam enjoins peace, mercy and compassion sustained by justice to all in all spheres of human existence which Nigeria is a part of.

As such, what the Federal Government of Nigeria should initiate is peaceful negotiations with the Sect strictly on the basis of the Qur'an and Sunnah. The negotiation should be carried through expert negotiators who are skilled in the knowledge of the sources of Islamic Law and are capable of effecting peaceful and proactive negotiations (even if it means that the Federal Government will specially sponsor such knowledge of negotiation), while stating that Nigeria as we know it today is multi religious

country that the violent activities of the sect will only paint an immensely devilish Islam to those who, and will always, view Islam from the outside. Such violence will render it difficult for their Muslim brothers to practice their religion as due. Already several diatribes are directed at Muslims who keep beard or wear their trousers before the ankle, and non-Muslims judge them by the activities of *boko haram*. The manner of Prophet Muhammad's spreading of Islam was peaceful as should that of his followers. Violence meted out by Muslims must never at any point be as a sword but as a shield, a shield against terrorism, oppression, violence, unrest and destruction of lives and properties. To attack harmless non-Muslims on the basis of establishing Islamic governance is foreign to Islamic International Law and as such must be discouraged and disapproved of at all levels. Muslims, Christians and Jews are allowed to live together in peace and harmony. The lives and properties of these non-Muslims must be identified and respected. It is the duty of all Muslims and any group that truly identifies Islam, respects and obeys Allah and His Messenger must honour this.

It is however when this peaceful negotiation has failed that an equal and matching counter-attack may be administered to subdue the group and not transgress against them.

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