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## **The challenges of defining terrorism for counter-terrorism policy**

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### **Introduction**

In spite of its wide usage from politicians, scholars, media and the general public, nowadays the term “terrorism” still lacks a universally agreed definition. In fact, defining this phenomenon is a real dilemma and almost all the definitions that have been given, either by authorities or by international institutions, have been criticized for being somehow “flawed”. Terrorism is a political term and, as other politically charged words, is the subject of a huge debate on its exact meaning, the nature of the specific elements its definition should focus on (causes, perpetrators, means of attack...) and the specific violence this term should refer to.

It has to be highlighted that, from political institutions, there have been concerted efforts to distinguish terrorism from other forms of political violence owing to certain identifiable elements associated with the term. However, the recent strategies adopted by some contemporary terrorist groups, which entail the use of guerrilla and insurgency style operations, have called into question once again the logical exactitude of the term. Consequently, there is a need to reconceptualize the term so that it may incorporate theories of insurgency, counter-insurgency and civil war. Nevertheless, this reconceptualization has implications for the formulation of a counter-terrorism framework that may appreciate the new methods of contemporary terrorist groups. Defining terrorism nowadays is thus even harder but more important than ever, since the success of the counter-terrorism strategies may depend on the proper designation of terrorism.

However, why is it so difficult to define this phenomenon? This is the question we will try to answer in the first part of this chapter. Consequently, we will analyze the main difficulties encountered when trying to define terrorism and the main elements that challenge the achieving of a universal definition of it. After detailing these issues and tracing a short

history of the term in order to show how the word changed its meaning throughout history – which is another element that makes difficult reaching a universal definition – we will focus on how, nowadays, the main challenge to defining terrorism comes from the difficulties in distinguishing it other forms of political violence such as guerillas and insurgency. As a matter of fact, this distinctiveness has blurred over time to arrive to the current situation of confusion. But, is there any way we can make some sense out of this confusion? As a matter of fact, we believe there is. Hence, we will give our proposition for the re-conceptualization of the term in ways that it incorporates the many features of insurgency, which has become a major tool for contemporary terrorist groups. To conclude and make our point stronger, we will examine the policy implications for intellectualizing terrorism in its traditional sense and contemporary perspective within the context of framing counter-terrorism strategies by governments.

### **The challenges in defining terrorism**

When trying to define terrorism, there are several problems that can be encountered and that, until today, have been an obstacle in achieving a universal definition on which all international actors may agree. In the first place, it has to be noted that “terrorism” is usually a label that is applied from the outside and it is not a description that individuals or groups adopt voluntarily. As a matter of fact, there are very few groups or individuals that have applied the term directly to themselves or their actions; it is in fact a label applied to violent acts by the governments that are attacked (Townshend, 2011, p. 3). This is caused by the fact that the perpetrators of the attacks consider their actions motivated by the cause they are fighting for and, consequently, see themselves as freedom fighters or defendants of the population and will not accept to be labeled as terrorist, undermining the political meaning of their actions (Ibid, p. 3). This rejection of being designated as terrorists is also caused by the fact that the word is emotionally charged, has highly pejorative connotations and usually implies assumptions about barbarism, evil, craziness and so on, more than only a characteristic of immorality related with this particular kind of violence (R. Jackson, Breen-Smyth, Gunning, & Jarvis, 2011, p. 103 - 104). Groups have then usually rejected this term to describe their actions since, from their point of view, they are legitimate and politically motivated.

Clearly, these characteristics are perfect for a political description of the “enemy” of any government and actually “States have not been slow to brand violent opponents with this

title, with its clear implications of inhumanity, criminality, and – perhaps most crucially – lack of political support” (Townshend, 2011, p. 3). This has made the acceptance of a universal definition of the term even more difficult and put it at the core of political negotiations and struggle for the power on deciding its signification. As a matter of fact, the word has been used throughout history by states to define their opponents in so many occasions that we can actually talk of an abuse of its application. However, it has to be highlighted that States are not the only actors that have abused the term: the media, for example, are one of the actors that also make a (too) wide usage of it because of its capacity of conjuring up an impression of something spectacular and exciting that may create a bigger audience.

Because of these reasons, this “label” has been (mis)used in such a variety of contexts and applied to so many different attitudes and behaviors that it has become more an umbrella term with no clear defining characteristics than a very specific word. As a matter of fact, some scholars, like for example Dominic Bryan, even argued that the term should be abandoned because it has been stretched to unthinkable limits and thus lost its analytical power (R. Jackson & Sinclair, 2012). Furthermore, the categorization of an act as “terrorism” is actually highly subjective and fruit of a political decision. Defining an action as terrorism is a process that is highly biased since it depends on personal perspective, the political point of view, the specific political situation and the culture of reference of the actor applying this label to an act. A quote that supports this view is the very well known “one's person's terrorist is another freedom fighter”. Usually referring to terrorists that are fighting against a dictatorship/occupation and believe their violence to be justified by their goals, this sentence is a good way of summarizing the subjectivity and the political and historical dependency behind the use of this term.

Anyway, rejecting the term as a whole is probably too extreme. More generally, it can be said that the core of the debate is who is entitled to the use of violence, against whom and for what purposes, questions that are not only legal but deeply rooted in philosophical, ethical and ideological arguments (Saul, 2006). From this dilemma, the consequent difficulties in encountering a definition that may be universally accepted by all international actors and that may include the specificities of nowadays terrorism (as we will analyze later on in this chapter). As a matter of fact, in order to agree on a definition of this phenomenon, all states and political actors should first coincide on what kind of actions should be considered legitimate and illegitimate violence (Ibid, 2006) being this really difficult since this

designation is different for every government. In addition to this, many terrorist actions are very similar to criminal or military acts, rendering it even more difficult to distinguish the former from the latter only basing the definition on the kind of action perpetrated, but, as mentioned above, this issue will be discussed later on. However, before we move to this issues, let's recall shortly the changing meaning of the term throughout history in order to analyze one of the main difficulties in defining this phenomenon: the fact that the meaning of the term actually changed over time.

### **The changing meaning of the term "terrorism"**

The labeling of an act as terrorism is not only political but, as we have already mentioned, also extremely historically dependent. In fact, the meaning of terrorism is "subject to historical and political trends on the one hand, and the perceptions, beliefs and values of the person defining it on the other" (R. Jackson, Breen-Smyth, Gunning, & Jarvis, 2011, p. 104). Even if the term was first used to refer to state actions against its citizens in the historical phase of "Terror" following the French Revolution, not only this is not the typical way the term is used, but nowadays the possible "terrorist" behavior of a state is not actually labelled like terrorism by the majority of the politicians and scholars – even if there are great debates on whether some State's behavior should be considered or not as terrorism, but we are not going to deal with this issue here –. Its dependence on the historical and political conjuncture is also clear when we consider that individuals today considered historical important figures were labeled as terrorist from the governments they were fighting against. For example Nelson Mandela, nowadays a Nobel Peace Prize, was defined a terrorist by the apartheid regime he was fighting; in addition to this, also the Dalai Lama and Mahatma Gandhi were considered "peaceful terrorists" by the Chinese and the English governments.

As mentioned before, the word "terrorism" was popularized during the period subsequent to the French Revolution, the *regime de la terreur*, in 1793-94 (Hoffman, 2006, p. 3). During this period, the word was used to refer to the violence the French revolutionary State led by Maximilien Robespierre used against its citizens to bring back order, impose its authority and eliminate pro-monarchy dissent. In this period of time the revolutionary government, in order to defend itself from the aristocratic threat, executed in public 17,000 people and implemented violent measures in order to maintain its power and defend the virtue and the revolutionary ideas. During this specific period of time, the term was thus used to indicate a

way of government and of consolidation of the new authorities through the elimination of dissidence and counter-revolutionary activities. Terrorism was consequently a government perpetrated activity, a designation far away from nowadays signification of terrorism. This period then ended brutally when the dissidents joined together against Robespierre and its followers and executed them with the guillotine. The Terror phase ended and “thereafter 'terrorism' became a term associated with the abuse of office and power” (Hoffman, 2006, p. 4).

After this era, the meaning of terrorism shifted to a signification probably closer to the current one: the term started being used to indicate the Russian anarchist group, Narodnaya Volya, that operated in the 1880s using a specific kind of violence through violent attacks in order to arouse the masses. The main targets, in this case, were individuals the group considered representatives of the autocratic, repressive state (Ibid, 2006, p. 5). In this case the term was thus applied to designate a violence perpetrated by non-state groups in order to indicate actions directed mainly against authorities. Another shift in the meaning of the word may be found when, in the 1920s, the term terrorism started being used to refer to anti-colonial movements. In this historical period, “terrorism” was also used to designate the acts of groups like the Irish Republican Army (IRA) and other terrorist groups that emerged in all imperial domains after World War I. This is also the historical moment when rebels stopped calling themselves terrorists and, as mentioned above, started describing themselves as “freedom fighters' fighting against government terror” (Rapoport, 2002). In this case, the word terrorism was thus used to refer to violent actions perpetrated by non-state actors in order to achieve a political goal, which is probably the closest signification to the one present nowadays.

However, before undergoing a final shift towards its current meaning, in the 1930s, more than indicating radical or insurgent groups, the term “terror” was used to designate the mass repression violence used in totalitarian governments against their citizens. Consequently, in this period, the term was designating governmental power abuse and it was mainly used to refer to Nazi Germany, Fascist Italy and Stalinist Russia (Hoffman, 2006, p. 14; Townshend, 2011, p. 44). It was in the 1940-1950s when “terrorism” underwent its final change in meaning. In these years, Western states were fighting against anti-colonial movements, revolutionary insurgencies and left-wing groups in Africa, Latino America and elsewhere. As a way of delegitimizing the insurgencies of these groups, the colonial governments started labeling them as “terrorists” as a way of undermining the community

support they enjoyed and erasing the political claims behind their acts (R. Jackson et al., 2011, p. 10). Consequently, in this period, being labelled as terrorists became a condemnation by the colonial powers to non-state actors using violence similar to urban guerrilla warfare in order to achieve political goals. Anyway, it has to be highlighted that, also in this case, the label of some groups as terrorists was politically dependent and organizations like the Front de Libération Nationale (FNL) in Algeria and the Palestinian Liberation Organization (PLO) were considered terrorists by some governments, whereas other ones described them as “freedom fighters” (Hoffman, 2006, p. 16; Burleigh, 2009).

In the 1960s and 1970s the term, maintaining the connotations it had acquired, expanded to include nationalist and separatist groups that were fighting outside a decolonization context. This label then started to be applied to groups like the Front de Liberation de Quebec (FLQ) and the Euskadita Askatasuna (ETA) (Hoffman, 2006, p. 16; Burleigh, 2009). These terrorists associations were defending their ethnic separatist and nationalist claims, but their struggle was not carried out within a colonial or neocolonial framework. By the 1980s, the term terrorism started being used to describe all kinds of illegitimate political violence, and arrived to include left-wing political extremist groups that formed themselves from the radical students’ organization movements in Western Europe. Consequently, the term started indicating a kind of violence considered illegal – meaning that it was usually portrayed by non-state groups, or at least, by actors different from the States – aimed at creating terror in random and non-combatants targets in order to achieve political and social goals.

It has to be highlighted that the ones taken in consideration here are just some of the shifts the meaning of the word terrorism underwent throughout history and have been analyzed here because considered as the most meaningful. As a matter of fact, the signification of the term underwent also many more minor ones. For example, during the 1980s, the term expanded to include illegal violent activities of this kind carried on by the so-called “rogue states” like Iran, Syria, Libya, Iraq and North Korea, thus recognizing the possibility of terrorism being a state activity – even if only by some particular states –.

As a matter of fact, nowadays terrorism “came to be regarded as a calculated means to destabilize the West as a part of a vast conspiracy” (Hoffman, 2006, p. 17). This is probably especially true in the case of terrorist groups as ISIS or al-Qaida, whose actions are mainly directed to confront and contest the Western order. Because the actions of groups like these

one go beyond the national borders and have repercussions on the whole international community, when referring to them the word terrorism is usually accompanied by the adjective “international”. Nevertheless, nowadays the term terrorism is usually designated as an illegal type of violence carried on by non-state actors whose actions are aimed at a coercion of a government in order to obtain specific political results. Many have been the attempts by different actors both at an international – among the most famous definitions the UN’s, the EU’s and the AU’s ones – and domestic level – by each State – to give a specific signification to the word, but, as said before, there still is not a universal accepted definition.

One of the major problems in defining terrorism is actually given by the strategies these new groups are using in order to perpetrate their acts. As a matter of fact, these groups started using a kind of violence that has been usually designated as guerilla or insurgency rendering difficult to delimitate the boundaries between these kinds of violence and terrorism. In the following part, we are going to analyze in detail this problem.

### **BOX 3.1**

#### **Examples of definitions of terrorism by some of the main international actors**

[...] criminal acts, including against civilians, committed with the intent to cause death or serious bodily injury, or taking of hostages, with the purpose to provoke a state of terror in the general public or in a group of persons or particular persons, intimidate a population or compel a government or an international organization to do or to abstain from doing any act, which constitute offenses within the scope of and as defined in the international conventions and protocols relating to terrorism, are under no circumstances justifiable by considerations of a political, philosophical, ideological, racial, ethnic, religious or other similar nature, and calls upon all States to prevent such acts and, if not prevented, to ensure that such acts are punished by penalties consistent with their grave nature

*The UN Security Council*

[offences that] given their nature or context, may seriously damage a country or an international organisation where committed with the aim of:

— seriously intimidating a population, or

- unduly compelling a Government or international organisation to perform or abstain from performing any act, or
- seriously destabilising or destroying the fundamental political, constitutional, economic or social structures of a country or an international organisation

*The Council of the European Union*

“Terrorist act” means:

(a) any act which is a violation of the criminal laws of a State Party and which may endanger the life, physical integrity or freedom of, or cause serious injury or death to, any person, any number or group of persons or causes or may cause damage to public or private property, natural resources, environmental or cultural heritage and is calculated or intended to:

- (i) intimidate, put in fear, force, coerce or induce any government, body, institution, the general public or any segment thereof, to do or abstain from doing any act, or to adopt or abandon a particular standpoint, or to act according to certain principles; or
- (ii) disrupt any public service, the delivery of any essential service to the public or to create a public emergency; or
- (iii) create general insurrection in a State.

(b) any promotion, sponsoring, contribution to, command, aid, incitement, encouragement, attempt, threat, conspiracy, organizing, or procurement of any person

*The Organization of the African Unity*

The calculated use of violence or the threat of violence to inculcate fear, intended to coerce or intimidate governments or societies in the pursuit of goals that are generally political, religious or ideological

*US Department of Defense (DOD))*

(1) [T]he term 'international terrorism' means activities that —

(A) involve violent acts or acts dangerous to human life that are a violation of the criminal laws of the United States or of any State, or that would be a criminal violation if committed within the jurisdiction of the United States or of any State;

(B) appear to be intended —

- (i) to intimidate or coerce a civilian population;
- (ii) to influence the policy of a government by intimidation or coercion; or

(iii) to affect the conduct of a government by mass destruction, assassination, or kidnapping; and

(C) occur primarily outside the territorial jurisdiction of the United States, or transcend national boundaries in terms of the means by which they are accomplished, the persons they appear intended to intimidate or coerce, or the locale in which their perpetrators operate or seek asylum"

*U.S. Code/U.S. National Counterterrorism Center*

(1) In this Act "terrorism" means the use or threat of action where:

(a) the action falls within subsection (2),

(b) the use or threat is designed to influence the government or to intimidate the public or a section of the public and

(c) the use or threat is made for the purpose of advancing a political, religious or ideological cause.

(2) Action falls within this subsection if it:

(a) involves serious violence against a person,

(b) involves serious damage to property,

(c) endangers a person's life, other than that of the person committing the action,

(d) creates a serious risk to the health or safety of the public or a section of the public or

(e) is designed seriously to interfere with or seriously to disrupt an electronic system.

*United Kingdom's Terrorism Act 2000*

Any act or threat of violence, whatever its motives or purposes, that occurs for the advancement of an individual or collective criminal agenda, causing terror among people, causing fear by harming them, or placing their lives, liberty or security in danger, or aiming to cause damage to the environment or to public or private installations or property or to occupy or to seize them, or aiming to jeopardize a national resource

*The League of Arab States*

### **Guerrilla, Insurgency and Terrorism: The blurred boundaries**

Although there is no consensus as to what constitute acts of terrorism, scholars however argue that a good understanding of the concept is premised on the separation of the term with other forms of political violence such as guerrillas and insurgency. Whitaker (2004) and Hoffman (2006) assert that even though guerrilla, insurgents and terrorist employ similar tactics, such as bombings of public places, suicide bombings, hostage taking, kidnapping, hit and run, however, there exist certain distinguishing elements that

differentiates terrorist groups from the other violent political movements. Lacqueur (1999) and Hoffman (2006) argue that guerrillas function as regular military forces, confronting enemy forces in an open warfare. They also conquer, occupy and establish certain level of political authority over the populations of captured territories. In the same vein, insurgents also possess many of the features of guerrillas but have greater advantage of facilitating synchronized informational and psychological warfare to garner massive popular support. Hoffman (2006) and Schmid (2011) further argue that as opposed to guerrilla and insurgency, terrorists groups do not function as military units. They avoid confronting military forces, and lack the capacity for territorial acquisitions. According to them, the ultimate goal of terrorists is the use of violence to influence political decisions. Thus, they do not seek to govern at national, regional or local levels. Nonetheless, Hoffman (2006) posits few exceptions to these perspectives on the nature of terrorist group, such as the Tamil Tigers , Hezbollah and Armed Forces of Columbia, which were known to have control of some territories.

Granting the assertions of these scholars in illuminating and explaining the nature of terrorist organizations at a particular historical context, however recent acts of Islamic terrorist groups have called for a redefinition. Over the years these terrorist groups have evolved. Their objectives have transcended the mere acquisition of territories and exercise some form of control to the establishment of a well-organized system of governance (Byman 2008 and Moghadam et al 2014), and in recent times, these groups have had to name the acquired territory. They further attributed the inability of previous terrorist groups to acquire territories and to establishment a system of governance to lack of resources (Metz 2012). Hence, there have been concerns about the definition of terrorism as a distinct form of political violence from guerrilla and insurgency due to the inherent similarities in the features of these concepts. Merari (1993) had argued that, guerrillas and terrorist groups use similar style of operations such as assassinations, hit-and-run, and sabotage which are described as the weapons of the weak on both civilians and combatants. This has been reiterated by Moghadam et al (2014) reported that an empirical analysis on the activities of 119 guerrilla and terrorist groups between 2002 to 2012 revealed that both violent groups uses the mishmash of both terrorism and guerrilla tactics to achieve their aim. Correspondingly, insurgents have been known to use terrorist tactics as part of broader strategies to achieve their aims of destroying the state (Merari 1993). Relatedly, terrorists group have had to employ the instruments of insurgency. In the course of their campaigns, terrorist groups have had to occasionally confront regular military forces either deliberately or by coincidence.

These experiences give credibility to Wilkinson (1979) assertion that the singular use of terrorist tactics as against other forms of violent tactics such as insurgencies is not the rule but an exception.

Therefore, delineating terrorism from guerrilla and insurgency in the face of these obvious links in terms of strategies is indeed problematic from the very beginning. This is due to the intrinsic flexibility of these groups in their methods of operations. Thus, these groups can be terrorist or guerrillas today and can grow to become an insurgency in the nearest future. Moreover, dismissing the use of similar tactics used by terrorists, guerrillas and insurgents has huge implications for policy makers. As terrorist groups continue to evolve different strategies, states who are caught napping in initiating flexible counter-terrorism strategies in response to the evolution of terrorist groups may not achieve much success.

In the next section, we try to justify our claim empirically by analysing the objectives and methods of the Islamic State of Syria and the Levant (ISIL or ISIS) and Boko Haram. We aim to advance the debate on the lucid rectitude of the traditional intellectualization of the concept of terrorism.

### **Terrorist-Insurgents or Insurgent-Terrorists: Examining the Operational Strategies of ISIL and Boko Haram with a view to Re-Defining Terrorism.**

The forceful removal of an extant government by a group or a people had been termed “revolutionary guerrilla warfare”, “modern revolutionary warfare”, “people’s war” or in recent times, “insurgency” (Lacqueur 1999, Hoffman 2006). However, there is a growing need to factor in the concept of terrorism as another violent movement that can also lead to the forceful removal of an existing government. This is attributed to the growing trend among contemporary terrorist groups who do not only seek to influence a government but ultimately strive to eliminate it. Perhaps this gives more validity to Mamood Mamdani’s argument that “the crops of Islamic terrorists are not from conservative Muslim societies but from the secular intelligentsia, whose agenda is the acquisition of power in this world” (Mamdani 2004: ). Arguably, the objectives and methods of ISIS give much credibility to Mamood’s argument. Furthermore, while other known jihadist terrorist groups have canvassed for the attainment of Muslim Umma, ISIS approach differed significantly. On June 29, 2014, ISIS informed the world that they have established a “transnational religious polity” which they named the Islamic State under the leadership of Caliph Abu Bakr al-Baghdadi. According to

Lewis (2014), “the ISIS political organization is also largely formed and ISIS leverages combined political strategies to secure, build and expand the control of this Caliphate”. He further states that the main strategy of ISIS is its reliance on its “military superiority to wrest control of land and cities from modern state. Similarly, Rand (2015) asserts that ISIS military doctrine is focused on confronting states and their military forces as equals in all-out military campaigns. In other words, in order to achieve statehood, ISIS employs the instrument of insurgency to confront regular military organizations in an open battle to secure territories captured for the purpose of achieving their imperial objectives. Moreover, the organization equally employs the terrorist contraption. The organization’s brutal execution of civilians or unarmed combatants, specifically its practice of capturing foreign journalists and executing them in the public domain aided by the television, print media and virtual platforms is typical of terrorist groups. These victims are not the primary targets of terrorist groups but a much larger audience. By publicly executing these victims, ISIS aims at spreading fear and terror not just among citizens within their region of operation but the global community, as part of a larger strategies to takeover extant states, deter volunteers into regular military forces established to confront them, and scare other states from getting involved. These are characteristics of terrorist groups, as communication is an important tool that terrorist uses to sway public opinion and in the long run the polity. Rand (2015) captures this when he stated that “ISIL believes in the importance of escalatory, sensationalist acts of violence intended to shock and deter the public”. Furthermore, ISIS terrorist cum insurgency style of operation is significantly different from other known Jihadist extremist groups including Al Qaeda. While the latter’s objectives entails the establishment of religious authority and legitimacy from the people before the establishment of physical control, in sharp contrast, the former seeks the formation of politically defined geographical area before instituting a system of political administration that will ultimately legitimize political control (Habeck 2014, Lewis 2014).

Secondly, the Boko Haram sect has managed to attract many labels to itself due to the complexities inherent in its activities. The group has continued to evolve, adopting newer approaches in the attainment of its goals. This may have influenced Marc-Antoine’s claim that various narratives, such as radical religious sects, violent insurgency, terrorist organization, network of criminal gangs etc. have been used to describe the group. Hence, he stated that “it is possible to ascribe multiple definitions and motivations to the movement since it comprises a complex set of individuals and interests that have been evolving for over a decade”. Moreover, he concluded that the activities of Boko Haram could be described as

“terrorist model of insurgency” (Marc-Antoine 2014; 7-10). A closer analysis of the group shows its semblance with ISIS in terms of objectives and methods. Since 2009, the group has always sought for the attainment of statehood and in many occasions declared its objectives of destroying the Nigerian state in replacement with an Islamic state under the practice of true Sharia (Bumahand Adhlakun 2009, Pham 2012). Barna (2014) states that “the movement tried to establish a ‘state within a state’-its own community where true Muslim values could be pursued, with morality police and welfare system....” Although the group started as a non-violent religious movement that stands in opposition to the state, however, the group developed into a vicious organization adopting a terrorist cum insurgency style of operations. It began its violent campaigns in 2009 against unarmed or unprepared combatants such as the Nigerian police and other security apparatus (Umar 2012, Adesoji 2012). Exploiting the political space of the Nigerian state characterized by bad leadership, corruption and the unwillingness of the Nigerian government to curb the sect for political exigencies, the group became emboldened and incrementally took control of the majority of the North eastern part of the country where they unleashed their reign of terror on the local populace. Using insurgency style operation on one hand, the group confronts the Nigerian military and other security agencies in a full-scale battle. On the other hand, the sect deploys the machinery of terrorism to launch all manner of violent attacks particularly suicide bombings to threaten the civilian populations, manipulate the opinion of other Nigerians and the government. Moreover, the recent integration of Boko Haram and ISIS further buttresses our argument that both groups are united in their strategies in their objectives.

Hence, it has become expedient to expand the concept of terrorism away from its traditional perspective to a more generic sense that integrates the theories of insurgency and counter-insurgency. This is in response to the flexibility in the methods of contemporary terrorist groups.

### **Policy Implications for Counter-terrorism Strategies.**

The perception of terrorism from its traditional sense has huge implications for the formulation of a counter-terrorism policy that is effective enough to curb activities of contemporary terrorist groups. This new face of terrorism which primarily aims at the attainment of statehood through insurgency and terrorism techniques require counter measures where both the instruments of these violent groups are taken into serious considerations. Specifically, the adoption of the principles of insurgency and

counterinsurgency in designing counterterrorism security frameworks has become expedient. In framing counterterrorism policies, the state should recognize the increasing strength of contemporary terrorist groups that have the capacity or potential to engage an extant government in a war-like conflict as the case of ISIS and Boko Haram.

However, caution should be applied in official labelling of terrorist groups as insurgents, as this tends to build a form of legitimacy around these groups under international law. The engagement of non-international arm conflict by states and non-states actors expedite the attainment of belligerent status by insurgent groups under international law (Bishop 1953). Furthermore, Oppenheim (1952) also argued that a situation where there is a war between a sovereign state and its constituents- insurgents, international law glosses over the legal proviso between both parties. What becomes paramount is the capacity of both parties is to engage in arm conflict. According to him, this is the ground through which insurgents become belligerents.

Therefore, we join scholars to argue that while the activities of these groups should be viewed and responded to officially as insurgency, however, the labelling of these groups as terrorist should not be discarded as this aids in de-legitimizing the groups and their activities. Also, this will further undermine the material and financial support for these groups and thus drive them into extinction.

## **Conclusion**

At the beginning of this chapter, we have started by analysing the main difficulties in defining terrorism nowadays and the major obstacles international and domestic actors face when trying to designate what terrorism is. We have also shortly recalled the main historical shifts in the meaning of the term, one of the reasons defining terrorism nowadays was and is still so difficult to achieve a universal accepted definition.

We have focused on these issues in order to arrive, in the second part of this chapter, to the main problem in defining terrorism nowadays: the fact that theorizing it as a distinct form of political violence no longer holds much ground, as contemporary terrorist groups have increasingly used the tactics guerrilla and more especially insurgency to achieve their aims. It has been equally stated that there is a relatively new face of terrorism in our present-day world, which can be seen in terrorists' objectives and approaches.

The objectives and approaches are aimed at the strategic destruction of an extant state in replacement of the terrorist ideal state or the creation of a state within a state and the establishment of theocratic government through the instruments of both insurgency and terrorism. As against the tactics of other jihadist terrorist groups that seek for religious authority and legitimacy from the people before the formation of physical control, ISIS and to some extent Boko Haram seek for the establishment of political defined geographical location before forming a system of political administration that aims at legitimizing political control.

We demonstrate our claims empirically by analysing the *modus operandi* and objectives of ISIS and Boko Haram, which could best be described as the use of “terrorist insurgency or insurgent-terrorism tactics” for attainment of statehood. Hence, we proposed that governments should consider the principle of insurgency, counterinsurgency and civil war in the establishment of a counterterrorism security framework. We however caution that the use of terrorism label should not be abandoned. Rather, it should be a tool to delegitimize the various supports for terrorist groups by sympathizers and deconstruct terrorist narratives.

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