



US SECURITY ASSISTANCE TO NIGERIA:

Civilian Protection Gaps
and Opportunities

RECOGNIZE. PREVENT. PROTECT. AMEND.

June 2024

T +1 202 558 6958

E comms@civiliansinconflict.org

civiliansinconflict.org

Cover: February 17, 2020, Thies, Senegal: A Nigerian Navy

Sailor fires a weapon during a live-fire exercise as part of FLINTLOCK 20 in Thies, Senegal Feb. 17, 2020. Flintlock is an annual, integrated military and law enforcement exercise that has strengthened key partner-nation forces throughout North and West Africa since 2005. Flintlock is U.S. Africa Command's premier and largest annual Special Operations Forces exercise.

Credit: U.S. Navy photo by Mass Communication Specialist 2nd Class Sean Castellano

ABOUT CENTER FOR CIVILIANS IN CONFLICT

Center for Civilians in Conflict (CIVIC) is an international organization dedicated to promoting the protection of civilians caught in conflict. CIVIC's mission is to work with armed actors and civilians in conflict to develop and implement solutions to prevent, mitigate, and respond to civilian harm. Our vision is a world where parties to armed conflict recognize the dignity and rights of civilians, prevent civilian harm, protect civilians caught in the conflict, and amend harm.

CIVIC was established in 2003 by Marla Ruzicka, a young humanitarian who advocated for civilians affected by the war in Iraq and Afghanistan. Honoring Ruzicka's legacy, CIVIC has kept an unflinching focus on protecting civilians in conflict. Today, CIVIC has a presence in conflict zones and key capitals worldwide. It collaborates with civilians to bring their protection concerns directly to those in power, engages with armed actors to reduce the harm they cause to civilian populations, and advises governments and multinational bodies on how to make lifesaving and lasting policy changes.

CIVIC's strength is its proven approach and record of improving the protection outcomes for civilians by working directly with conflict-affected communities and armed actors. At CIVIC, we believe civilians are not “collateral damage” and civilian harm is not an unavoidable consequence of conflict—civilian harm can and must be prevented.

ACKNOWLEDGEMENTS

Nadia Adam (Researcher), Vianney Bisimwa (Director, Africa & Middle East), John Ramming Chappell (Advisor, United States (US)), Madison Hunke (US Program Officer), Saratu Joshua Pindar (Team Lead, Nigeria), and Annie Shiel (Advocacy Director, US) collaboratively authored this brief. The research was conducted by Bulus Mungopark (Community Engagement Manager) and Saratu Joshua Pindar in Nigeria and John Ramming Chappell, Madison Hunke, and Annie Shiel in the US. Lauren Spink (Senior Research Advisor) and Marta Martinelli (Senior Director, Programs and Advocacy) reviewed the report and provided valuable feedback. In addition, Andrea Bryce copyedited and Jennifer King designed the brief. CIVIC thanks all those who generously gave their time and shared their perspectives and experiences during the research. CIVIC is grateful to the Open Society Foundations for supporting this research and the report's production.



TABLE OF CONTENTS

Executive Summary	1
Methodology	2
Background: Nigeria’s security challenges	3
US security assistance to Nigeria	5
Civilian harm patterns and causes	7
US civilian harm mitigation efforts, gaps, and opportunities	15
Recommendations	22
Endnotes	25

I. EXECUTIVE SUMMARY

Nigeria has relied on the United States (US) for support in its efforts to combat a variety of armed opposition groups (AOGs), and the US considers Nigeria a key partner in West Africa. Nigeria faces formidable security challenges as AOGs across the country harm civilians and threaten livelihoods.

In responding to the threats posed by armed groups, Nigerian security forces have also often killed and harmed civilians, including through aerial attacks and ground operations. These harms, in addition to human rights abuses, undermine trust between civilians and the security forces mandated to protect them. Such incidents illuminate systemic issues, particularly concerning air-to-ground integration, compounded by deficiencies in accountability and governance within the security sector.

The US is a key supplier of arms and equipment to Nigeria. In light of civilian harm concerns, major sales of US aircraft to Nigeria have drawn significant attention in civil society and among US legislators. The debate surrounding significant US weapons sales to Nigeria underscores contrasting approaches: whether increased engagement or conditionalities are more effective. The US-Nigeria relationship also underscores the complexities of elevating civilian protection and human rights amid other perceived competing priorities, including addressing threats from AOGs and strategic competition.

Nigeria faces formidable security challenges as AOGs across the country harm civilians and threaten livelihoods.

While the US government has engaged Nigeria's military on numerous matters related to civilian harm mitigation and response, it has implemented its policy in a way that appears to make security assistance to Nigeria—including major sales of attack helicopters and fixed-wing aircraft—a foregone conclusion. US civilian harm mitigation efforts have therefore proceeded with the assumption that the transfer of advanced arms and other hardware to the Nigerian military will continue, despite significant doubts about the effectiveness of current risk mitigation measures.

This brief seeks to identify patterns and causes of civilian harm from Nigerian security force operations, assess US policy efforts to address civilian harm risks in its arms sales and security assistance to Nigeria, and provide recommendations for the governments and militaries of both the US and Nigeria.

II. METHODOLOGY

Data collection for this brief was conducted between April and June 2024 in Maiduguri and Abuja, Nigeria, as well as Washington, DC in the US. Prior to conducting interviews, CIVIC performed desk research on the protection of civilians in the context of the Nigeria-US security relationship, particularly regarding US security assistance.

CIVIC interviewed 21 people from four main categories of interlocutors. The first included Nigerian and US state representatives (government officials, military personnel); second, Nigerian and US civil society (Nigerian community leaders, Nigerian and international/US non-governmental organization (NGO) representatives, and Nigerian media officials); and third, Nigerian community-based security forces. Fourth were other sources who, through their functions or socio-professional activities, had access to information on violence against civilians in the areas covered. These included international NGOs, humanitarian aid workers, and legal and human rights experts. Participants were selected using purposive and convenience sampling. Interviews were semi-structured and lasted for 30 to 90 minutes. Names of interviewees and identifiable characteristics were withheld for their protection.

Note: at times, interviewees or other sources used terms such as “terrorist,” “terrorism,” and “insurgent.” As such, these terms are sometimes included in quotes as reflective of the respondents’ perspectives and words. They do not reflect an institutionally proscribed terminology or categorization held by CIVIC.

For this research, CIVIC did not interview civilian victims of Nigerian air strikes or other stakeholders in communities directly affected by Nigerian security force operations. Their perspectives in future research on this issue would be valuable. The sample size for the qualitative interviews was small and spread across a variety of stakeholder groups. Therefore, the research does not comprehensively reflect the views of US policymakers or Nigerian stakeholders on the US-Nigeria security partnership. However, CIVIC has triangulated all of its research findings across primary and secondary data sources and, alongside desk review research, the qualitative interviews provide valuable insights for protection practices, policies, and institutional responses that warrant further attention.

III. BACKGROUND: NIGERIA'S SECURITY CHALLENGES

Nigeria faces a variety of significant security concerns, from Kaduna and Borno States in the north to Lagos and Rivers States in the south. In recent years, the security situation has worsened. Threats include attacks by armed opposition groups (AOGs) in the North East zone, kidnapping for ransom and organized crime in the North West, and secessionist agitation and piracy in the South. Civilians report feeling increasingly unsafe across the country.¹ Corruption and abuses by security and defense forces have further worsened these security challenges.²

In the North East, conflict between the Nigerian security forces and AOGs has persisted since 2009. The original AOG, whose common goal was the establishment of an Islamic state governed by Sharia law in Nigeria, splintered into at least three factions due to differences in ideology, strategy, leadership disputes, and affiliations. The three are Jama'atu Ahl al-Sunna li-I-Da'wa wa-I-Jihad (JASDJ), Islamic State West Africa Province (ISWAP), and Ansaru (though local residents often refer to all three interchangeably as Boko Haram).³ Civilians have borne the brunt of this conflict, which has resulted in the deaths of an estimated 39 000 people⁴ and displaced over 3.3 million, of which over 1 million are internally displaced.⁵ Both AOGs and state security forces have committed civilian harm and violations of international law.

Simultaneously, communities in Nigeria's North West and North Central zones face a range of security challenges that have significantly impacted civilians' lives and livelihoods, including insurgency, banditry, farmer-herder conflicts, communal clashes, and kidnapping. According to the Institute for Security Studies (ISS) Africa, there are about 30 000 "bandits" in North West Nigeria, with almost 13 500 banditry-related deaths occurring between 2010 and May 2023.⁶

Conflicts over land between farmers and herders, exacerbated by climate change, discriminatory land policies, and population growth, have primarily affected the Middle Belt and North West regions. Aerial surveys by the US Geological Survey reveal that land available for open grazing in Nigeria's Middle Belt decreased by 38 percent between 1975 and 2013, while the land devoted to farming almost tripled.⁷

In tandem with the onset of desertification, the government issued significant land grants to landowners in the North West following the adoption of the Land Use Act of 1978 and 2004. This abolished existing and traditional land tenure systems and replaced them with a uniform land administration system across the country.⁸ The new system displaced herders from their traditional grazing paths, leading to conflicts that have resulted in the establishment of ethnic militias, vigilante raids, and extrajudicial killings.⁹

In recent years, there has been an increase in Biafran secessionist activities, with violent clashes between Nigeria's security forces and separatist militia groups resulting in dozens of deaths. One separatist political group established in 2014, the Indigenous People of Biafra (IPOB), formed a paramilitary wing called the Eastern Security Network (ESN) that has focused on addressing the grievances of Fulani herders. The IPOB has been accused of using the ESN to carry out deadly attacks on government offices, prisons, and the residences of politicians and community leaders, and its leader was recently arrested on charges of terrorism and treason.¹⁰

The Niger Delta region in the south faces security challenges from militants demanding a more significant share of oil profits. They argue that environmental damage from oil extraction has



June 10, 2020, Moody Air Force Base, Georgia: U.S. Air Force Lt. Col. Aaron Jones, left, 81st Fighter Squadron director of operations, explains the operation of an A-29 Super Tucano to Nigerian Air Force Air Vice Marshall Sule Lawal and NAF Group Captain Abdullahi Abu, Nigerian A-29 program foreign liaison officers, Oct. 6, 2020, at Moody Air Force Base, Georgia. The 81st FS conducts combat training for NAF pilots and maintainers in the A-29 Super Tucano. Foreign liaison officers with the NAF, along with representatives of the Air Force Life Cycle Management Center, Air Force International Affairs, the Air Force Security Assistance and Training Squadron, and the Nigerian A-29 program, visited the 81st FS to discuss the future of the program and meet with students.

devastated communities, making them unable to fish or farm. Militants have pressured the government through kidnappings and attacks on security personnel and oil infrastructure. Pirate enterprises connected to these armed groups have sabotaged pipelines and kidnapped oil workers for decades, and piracy in the Gulf of Guinea is now among the worst in the world, accounting for all crew member kidnappings reported in 2023.¹¹ There were 22 recorded piracy events off the coast of Nigeria in 2023. Piracy has been difficult to address through security operations alone,¹² and oil companies have spent millions of dollars on private security companies to protect oil infrastructure from militia attacks.¹³

Insecurity is therefore a key concern for Nigerian civilians. In a 2022 Afrobarometer poll, crime and security ranked as the top concerns that Nigerians wanted the government to address.¹⁴ According to the poll, “Most respondents see abductions and kidnappings as a serious and increasing problem in the country, and a majority say the police are doing a poor job on this issue.”¹⁵ The same poll indicated that a majority of Nigerians fear crime in their homes and feel unsafe walking in their neighborhoods.¹⁶

Military operations carried out by the government in response to the various security challenges in Nigeria have yielded mixed results. Although there have been some tactical successes leading to periods of calm, instances of human rights abuses and violence against civilians continue.

IV. US SECURITY ASSISTANCE TO NIGERIA

US foreign policy priorities in West Africa have rendered Nigeria a key regional partner. According to the US's Integrated Country Strategy for Nigeria, the country is “arguably the single most important strategic partner for the United States in sub-Saharan Africa.”¹⁷ Security and stability concerns feature prominently in the relationship, which intersects with global US priorities related to strategic competition and counterterrorism.¹⁸

Several interviewees noted that the US government sees Nigeria as a bulwark and model in the region, especially in light of recent coups in the Sahel that have unseated governments friendly to the US.¹⁹ Consequently, the US is a leading provider of security assistance to Nigeria, which includes arms transfers and sales, training, and other forms of support.²⁰ Over the past two decades, US security assistance has included at least \$1.5 billion in government-to-government foreign military sales (FMS) and over \$200 million in direct commercial sales (DCS) by US companies.²¹

Significant sales in recent years include the \$593 million sale in 2017 of 12 A-29 Super Tucano aircraft to support Nigerian military operations against AOGs. Following the Department of Defense's (DOD) Total Package Approach model, the sale included maintenance, contract logistics support, munitions, and infrastructure construction.²² According to the State Department, the US Air Force also trained Nigerian pilots and maintenance crews in appropriate use and maintenance of the aircraft, including international humanitarian law (IHL) and civilian casualty mitigation, and an air-to-ground integration (AGI) program designed to provide technical training to mitigate the risk of civilian harm.²³ The planes were delivered in 2021.²⁴

Another sale valued at nearly \$1 billion was announced in 2022 and will include 12 AH-1Z Viper attack helicopters and other weapons systems. The package allocates \$25 million to human rights-related training through the continuation of Nigeria's AGI program.²⁵ The sale was reportedly delayed by the US Congress amid human rights concerns, but later permitted to move forward.²⁶ A contract for the helicopters has since been awarded to a US manufacturer, but the aircraft have not yet been delivered.²⁷ Previously in 2014, the Obama administration denied a transfer of AH-1Z attack helicopters to Nigeria,²⁸ citing “concerns about Nigeria's ability to use and maintain this type of helicopter” and “the Nigerian military's protection of civilians when conducting military operations.”²⁹

From 2018 to 2022, the US licensed the export of over \$53 million in defense articles to Nigeria via the DCS process.³⁰ Given transparency challenges within the DCS system and that sales falling under the congressional notification threshold are not made public, there have likely been additional sales as well.³¹ Moreover, the US provides training to the Nigerian armed forces through the International Military Education and Training program, Africa Military Education Program, and Trans-Sahara Counterterrorism Partnership.³² The US also supports Nigerian law enforcement through International Narcotics Control and Law Enforcement programming, overseen by the State Department.³³

US LAW AND POLICY RELEVANT TO NIGERIA SECURITY ASSISTANCE

US security cooperation activities, including arms sales, are subject to legal and policy frameworks that apply to all US partners, including Nigeria.³⁴ The principal US laws and policies governing arms sales and security assistance include the following:

- The **Arms Export Control Act (AECA)** lists eligibility criteria for recipients of US weapons and limits the purposes for which a recipient can use US-origin weapons to goals including internal security and legitimate self-defense.³⁵ Under the AECA, the executive branch must notify Congress of major arms sales.³⁶ Congress can vote to block specific sales,³⁷ and committee leadership can hold sales based on longstanding norms.³⁸ The Act also requires end-use monitoring programs to ensure that weapons are used only for approved purposes.³⁹ However, US end-use monitoring programs do not currently include monitoring for the use of US arms in civilian harm or human rights violations.⁴⁰
- Section 502B of the **Foreign Assistance Act** establishes human rights promotion as a priority in US security assistance, requires annual human rights reporting, and prohibits security assistance to governments that engage in a “consistent pattern” of gross violations of human rights.⁴¹
- The **Leahy Law** bans assistance to any unit of foreign security forces that has committed a gross violation of human rights unless the perpetrators have been brought to justice.⁴² Some units of Nigerian security forces have previously been barred from receiving US training and other assistance under the Leahy Law, drawing criticism from the Nigerian government.⁴³
- The **Child Soldiers Prevention Act** prohibits US military aid or arms sales to governments that use children in their armed forces, but it provides the president with a waiver to continue providing aid and weapons. Nigeria appeared on the State Department’s list of countries where security forces used child soldiers from 2015 to 2018 and 2020 to 2021.⁴⁴ The Congressional Research Service reports that the State Department did so due to the use of child soldiers by both state-backed militia and the “use of children, generally in support roles” in the Nigerian armed forces.⁴⁵ Each year, the State Department waived the Act’s prohibition on military aid and arms sales, as it has done for the overwhelming majority of assistance restricted under the Act since its enactment.⁴⁶
- The **Conventional Arms Transfer (CAT) Policy**, released by the Biden administration in February 2023, lists objectives of US arms transfers and includes factors that the US government must consider in every arms transfer.⁴⁷ The policy also bans arms transfers where it is “more likely than not that the arms to be transferred will be used by the recipient to commit, facilitate the recipients’ commission of, or to aggravate risks that the recipient will commit” acts including war crimes, genocide, and crimes against humanity.⁴⁸
- The **Department of Defense Civilian Harm Mitigation and Response Action Plan (CHMR-AP)** and **Instruction on Civilian Harm Mitigation and Response (CHMR DOD-I)**⁴⁹ are new frameworks to improve DOD policy and practice relevant to the protection of civilians, including commitments to incorporate civilian harm considerations into security cooperation.⁵⁰ Both remain in early stages of implementation, and include steps to hire personnel focused on civilian harm in security relationships, the development of civilian harm mitigation and response “baselines for allies and partners,” and measures to “[leverage] tailored conditionality” in partnerships.⁵¹
- National Security Memorandum 20 (NSM-20),⁵² a policy released by the Biden administration in February 2024, requires that all countries receiving weapons funded by US appropriations provide assurances regarding the use of US weapons consistent with international law and humanitarian access.⁵³ The policy also requires the State Department to report to Congress on each country’s compliance.⁵⁴ In May 2024, the State Department provided Congress with its first NSM-20 report for countries receiving US-funded weapons that are currently engaged in armed conflict, including Nigeria.⁵⁵ The report concluded that the Nigerian government has provided the US with “credible and reliable written assurances,” as NSM-20 requires, meaning that Nigeria remains eligible to receive weapons purchased with US-appropriated funds.⁵⁶

V. CIVILIAN HARM PATTERNS AND CAUSES

Nigerian security forces have harmed civilians in the context of armed conflict, including due to misidentification of targets and challenges in air-to-ground integration during airstrikes. In law enforcement situations, Nigerian security forces have also reportedly engaged in human rights abuses. A lack of effective accountability mechanisms and security sector governance problems contribute to continued civilian harm and violations of human rights.

Civilian harm patterns

Both AOGs and Nigerian security forces have caused significant harm to civilians and committed human rights abuses. Due to this brief's focus on US security assistance to Nigerian security forces, this section will focus on civilian harm trends resulting from Nigerian government operations. According to Armed Conflict Location & Event Data, 507 incidents of violence against civilians by state forces were recorded between May 2017 and May 2024.⁵⁷ Respondents interviewed for this brief highlighted civilian harm from airstrikes, ground attacks, and police abuses as key civilian harm trends and concerns.

Several high-profile airstrikes resulting in significant civilian harm events have attracted international attention in recent years. In January 2017, an airstrike on an internally displaced persons camp in Rann, Borno State, killed 115 civilians.⁵⁸ Nigerian media reported that intelligence to carry out the strike came “from one of the powerful countries in the west,”⁵⁹ and an investigation by *The Intercept* later reported that the US played an “unacknowledged” role in the airstrike.⁶⁰

Since 2022, multiple Nigerian military airstrikes have reportedly killed dozens of civilians. At least 64 civilians were reported killed in an airstrike in Zamfara State in December 2022; at least 39 in an airstrike in Nasarawa in January 2023; and in December 2023, an airstrike in Kaduna State reportedly left at least 85 civilians dead and more than 60 injured.⁶¹ As one US-based respondent familiar with US-Nigeria policy noted, “It is consistently staggering that the body count is way higher than it is in other places. Airstrikes typically don't kill 100 civilians—they do in Nigeria quite often.”⁶² A Nigerian civil society respondent, speaking about the Nigerian government's lack of transparency around civilian deaths in airstrikes, said, “You never hear about the military or government sharing the number of people killed. [They] try to downplay the numbers.”⁶³

Nigerian security forces have also caused significant civilian harm and committed human rights abuses in the course of ground operations. There have been numerous reports of villages razed to the ground. In 2020, Amnesty International reported that the Nigerian military had “burned and forcibly displaced entire villages in response to a recent escalation in attacks by the armed group Boko Haram,” based on interviews with affected villagers in Borno State and satellite data analysis.⁶⁴ An

A lack of effective accountability mechanisms and security sector governance problems contribute to continued civilian harm and violations of human rights.

investigation by *The New Humanitarian* and *VICE News* documented an incident in December 2021 in which a Nigerian military patrol “arrived [in the morning] and began shooting. The uniformed soldiers then dismounted, and while some torched houses and stores of food, others rounded up livestock and loaded them onto their vehicles.”⁶⁵ At least eight civilians were reportedly killed.⁶⁶ Another report by Human Rights Watch found that the Nigerian military had arbitrarily detained thousands of children “in degrading and inhuman conditions” for suspected involvement with Boko Haram.⁶⁷

Additionally, multiple interviewees highlighted abuses by Nigerian police and other security forces engaged in law enforcement activities as a significant problem, noting arbitrary arrests and extrajudicial killings as key issues.⁶⁸ A recent US government report referenced the use of excessive force and torture by Nigerian security forces.⁶⁹ According to Amnesty International, the Special Anti-Robbery Squad (SARS), a Nigerian police unit responsible for combating violent crimes such as robbery and kidnapping, “continues to commit torture and other human rights violations while discharging their law enforcement duties.”⁷⁰

The #EndSARS protests against police brutality in 2020 were also met with excessive police force and mass arrests, including an incident in which security forces shot at peaceful protesters.⁷¹ According to Human Rights Watch, there has yet to be accountability for these abuses.⁷² Public polling conducted by Afrobarometer indicates that few Nigerians trust police to operate professionally and respect citizens’ rights.⁷³ Although those abuses fall outside of the primary focus of this brief, they constitute another form of harm and are an important factor for the US and Nigerian governments to consider in their security relationship.

In describing civilian harm patterns and causes, interviewees regularly distinguished between the Nigerian Air Force and ground forces, noting that the Air Force was often considered more professional and faced fewer allegations of corruption and human rights violations.⁷⁴ However, as one civil society interviewee noted, joint operations between the branches mean that it is harder to avoid certain problems:

“The Army does reconnaissance on the ground; the Air Force uses that to carry out airstrikes. This has been an issue. When the Air Force makes mistakes, they say, ‘We were depending on information from other security agencies.’ So even though [the US is] working with the Air Force and they are more professional, they are still prone to carry out abuses because they are working with other agencies not being held to those standards. Then it’s really problematic because the US is not approaching this holistically ... when in fact activities of other institutions affect the activities of the Air Force, which the US says they only support.”⁷⁵

The Nigerian government has recently made efforts to enhance its approach to protecting civilians. In 2016, CIVIC’s research on protection issues in the country’s North East uncovered significant civilian protection risks. These findings, along with CIVIC’s recommendations, were shared with the Nigerian Defense Headquarters (DHQ), prompting a crucial engagement. The Chief of Defense Staff, recognizing the gravity of the situation, requested CIVIC’s assistance in drafting a policy on the protection of civilians. The draft was then presented at a high-level dialogue, hosted by DHQ and CIVIC, in November 2016. In July 2023, the National Human Rights Commission of Nigeria presented an updated version of the aforementioned national policy for the protection of civilians during conflict to the federal government.⁷⁶ This policy has not yet been adopted.⁷⁷

The Nigerian Armed Forces also established a Human Rights Desk in 2016 to enhance the Army’s ability to safeguard human rights, provide annual progress reports, and improve its relationship with

civil society. The Human Rights Desk comprises six legal officers from the Nigerian Bar Association and the Army's legal section. Its mission is to thoroughly investigate allegations of human rights violations committed by national military personnel.⁷⁸

In an effort to address insufficient doctrinal guidance and normative material guiding the Nigerian military on the conduct of operations, including the protection of civilians, the Chief of Defense Staff of the Nigerian Armed Forces inaugurated the Rules of Engagement (RoE) Committee to continue working toward the development of a comprehensive RoE manual in May 2019.⁷⁹ In 2023 the Army also announced the review of the Code of Conduct.⁸⁰

Misidentification

International humanitarian law prohibits targeting civilians, unless they directly participate in hostilities,⁸¹ and requires that combatants take “all feasible precautions” to prevent incidental harm to civilians.⁸² Customary international humanitarian law also requires that, when a person's status as a civilian or combatant is in doubt, armed forces targeting that person must presume that they are a civilian.⁸³

Civilian deaths and injuries from Nigerian military airstrikes are often caused by the misidentification of targets. Interviewees generally agreed that the deliberate targeting of civilians in airstrikes was not the leading cause of civilian harm, but rather failures to accurately or effectively identify targets.⁸⁴ In some instances, the Nigerian military has taken responsibility for errant airstrikes and attributed mistakes to misidentification.⁸⁵

Several factors contribute to misidentification. Aerial operations against members of non-state armed groups in Nigeria, including close air support operations, can pose genuine challenges. For example, the presence of AOGs in some communities poses challenges for distinguishing between civilians and combatants,⁸⁶ and multiple interviewees cited difficulties in identifying members of Boko Haram.⁸⁷ However, such challenges do not relieve security forces of their obligations under international humanitarian law.

Profiling and cognitive bias can also contribute to misidentification,⁸⁸ and as such have likely been an aspect of civilian harm from Nigerian airstrikes. For example, prevalent biases exist about who is an “insurgent” or combatant. One civil society respondent noted, “What does a Boko Haram fighter look like? Young boys within a certain age. If found in the wrong place at the wrong time, they're assumed to be Boko Haram suspects, and then they are carried away and lose contact with their family.”⁸⁹ Another noted a similar phenomenon, referring to targeting of “military-aged males.”⁹⁰

According to research from Brown University, the Security Assistance Monitor, and InterAction, “There is reportedly a widespread conception across military forces that any civilians who have not come out of the bush are affiliated with [AOGs].”⁹¹ Michael Nwankpa, Founding Director and Director of Research at the Centre for African Conflict and Development, further notes in an essay that: “Many Nigerians no longer distinguish between Fulani herders and Boko Haram,” seeing both as “terrorists.”⁹²

CASE STUDY: CIVILIAN HARM IN TUDUN BIRI, KADUNA STATE

On December 3, 2023, a Nigerian army drone strike killed at least 85 civilians in Tudun Biri, a village in the northern state of Kaduna, according to the National Emergency Management Agency (NEMA).⁹³ It was one of the deadliest military bombings for civilians in the country's recent history.⁹⁴ The Nigerian Army took responsibility two days later.⁹⁵

On the day of the strike, residents of Kaduna were celebrating the Muslim festival of Mawlid, which commemorates the birth of the Prophet Muhammad. Celebrations usually include large gatherings where people share meals and attend prayer services. A respondent pointed out that, "If anyone bothered to look at the calendar, they could have seen that it was an Islamic holiday and the incident could have been avoided."⁹⁶

The Nigerian government stated that the Army "wrongly analyzed and misinterpreted [the villagers'] pattern of activities to be similar to that of the bandits."⁹⁷ Kaduna is among several states of North West Nigeria where criminal gangs, commonly referred to as bandits, target civilians. The authorities consider these gangs a terrorist group,⁹⁸ and security forces' responses, including air operations to combat insecurity, are often heavy-handed.⁹⁹ As one civil society respondent noted, the government's response to banditry "has been almost akin to how they respond to Boko Haram—[bandits] are designated as terrorist groups and [the Nigerian military] has carried out aerial strikes that have hit innocent people in their communities."¹⁰⁰

In a statement regarding the Tudun Biri strike, the Office of the United Nations High Commissioner for Human Rights noted, "We are particularly alarmed by reports that the strike was based on the 'pattern of activities' of those at the scene which was wrongly analyzed and misinterpreted. There are serious concerns as to whether so-called 'pattern of life' strikes sufficiently comply with international law."¹⁰¹

Following an investigation by the authorities, a statement by the Nigerian Defense Headquarters said that two Nigerian military officers would face a court martial over the strike.¹⁰² After the incident, Kaduna State Governor, Senator Uba Sani, also inaugurated a special Tudun Biri committee for implementation and monitoring of funds "to ensure accountability and fairness in the disbursement of all interventions provided towards the rehabilitation of the survivors and families of those killed and/or lost their property during the military drone bomb mishap."¹⁰³ Survivors say they are still waiting for compensation for their losses.¹⁰⁴

Air-to-ground integration

Respondents consistently identified technical gaps in the Nigerian military's air-to-ground integration (AGI) as a contributing factor to civilian harm in Nigerian operations.¹⁰⁵ This shortcoming is closely related to broader misidentification issues since a lack of effective AGI has historically limited military aircrafts' access to real-time information on their targets.

AGI refers to capabilities and processes to coordinate actions between land forces and military aircraft. When it comes to civilian harm mitigation, especially in dynamic targeting situations, "coordination between intelligence gatherers, ground forces, and air units is crucial. Effective communication is the backbone of this coordination."¹⁰⁶

The Nigerian military has substantial deficits in its AGI capabilities; a fact the government itself has acknowledged.¹⁰⁷ Most of the operations that the Nigerian Air Force carries out are dynamic, meaning targeting decisions are not pre-planned but are made on an ad hoc basis as the need and opportunity for a strike arises.¹⁰⁸ The Nigerian military has increasingly relied on close air support in combat operations against AOGs,¹⁰⁹ and airstrikes associated with that support have often killed civilians.¹¹⁰

A respondent with knowledge of US-Nigeria policy noted, “The biggest problem with weapons sales [has been a] lack of air-to-ground coordination on targeting. For example, an aircraft called in by ground units can’t change targets. It needs instantaneous communication with weapons platforms, but ground and air can’t communicate.”¹¹¹ Instead, they have to “play a game of telephone,” the respondent added.¹¹² The inability to communicate makes airborne forces unable to respond to evolving circumstances or new information on the ground.

As noted above, the US supports an AGI program in Nigeria, which according to the US government includes support for the development of targeting procedures that are compliant with IHL and contribute to civilian harm mitigation.¹¹³ In recent years, the Nigerian military has begun developing joint terminal attack controller (JTAC) capabilities for the first time.¹¹⁴ JTACs are personnel embedded in ground forces and equipped with communications devices that allow them to directly coordinate with an air operations center.¹¹⁵ Without JTACs, Nigerian Air Force and Army personnel have been forced to relay messages through multiple intermediaries across services, creating communication delays that hamper real-time coordination and can result in civilian harm.¹¹⁶

Steps taken to develop JTAC capabilities are necessary but not sufficient to resolve deep-seated AGI challenges. Although development of JTAC capabilities has “gone quite well,” as one US stakeholder noted, individuals with JTAC training are not necessarily deployed in the field, and they do not operate in an institutional enabling environment to resolve the AGI deficit.¹¹⁷ Specifically, interviewees noted that the Nigerian military did not have the institutional frameworks or support systems required to apply best practices; reliable intelligence remained scarce; legal advisors did not participate in targeting processes; and shared procedures to develop targets, mitigate cognitive bias, and estimate anticipated harm to civilians were non-existent.¹¹⁸

These challenges are especially relevant to the US-Nigeria relationship because the US’s two largest arms sales to Nigeria in recent years have comprised close-support aircraft. The need to improve AGI capabilities has informed US decisions to provide certain weapons systems to Nigeria, namely Super Tucano aircraft, which have built-in capabilities to communicate in real time with ground forces.¹¹⁹ However, those same aircraft, along with AH-1Z attack helicopters, will be operating in institutional settings that are ill-suited to prevent harm to civilians arising from a lack of coordination between air and ground forces.

Accountability

Respondents generally agreed that there had not been sufficient accountability measures following civilian harm incidents and that accountability shortfalls were an important factor contributing to continued civilian harm in Nigeria. A Nigerian civil society representative said, “The level of impunity among public office holders and the poor judicial system is a major setback.”¹²⁰ Another Nigerian civil society leader noted, “In a country where government leaders and people are not held accountable, civilians suffer harm.”¹²¹

For civilians harmed by military operations, effective investigations and subsequent accountability measures can help answer important questions about what happened and why; identify possible errors, wrongdoing, or legal violations; and provide a basis for appropriate redress. Investigations also



February 16, 2023: A Soldier in the Nigerian Army simulates speaking to a village elder, played by a Soldier from the United Kingdom, during a drill as part of FLINTLOCK 20 in Thies, Senegal Feb. 16, 2020. Flintlock is U.S. Africa Command's premier and largest annual Special Operations Forces exercise.

allow the military to learn valuable lessons for avoiding or mitigating similar harm in the future.¹²² Critically, accountability can serve as a deterrent for future harm. As one respondent noted, “The military should be held accountable for any harm caused to civilians intentionally. This will serve as an example to others.”¹²³

However, accountability for civilian harm in Nigeria faces several technical hurdles, starting with reporting and investigation. For example, Nigerian security forces do not conduct routine “battle damage assessments” that would offer a starting point for investigations of civilian harm.¹²⁴ In addition, many airstrikes occur in remote areas where the Nigerian military is “reluctant to carry out ground investigations following reports of civilian harm.”¹²⁵ The National Human Rights Commission has sometimes pushed for compensation to victims of human rights violations, including the 2020 shooting of #EndSARS protesters at Lekki toll gate, and has worked with the Nigerian military to investigate other alleged abuses.¹²⁶ But respondents noted that the Commission lacked government support and the appropriate power and authority to carry out its mandate.¹²⁷

Political will is also a challenge. According to a Nigerian military official, “Nigeria has the capacity to conduct investigations, but oftentimes political interference, personal interest, and incapable judicial systems challenge the process. Hence oftentimes violators and perpetrators either receive light punishment or none at all.”¹²⁸

Another Nigerian stakeholder told CIVIC: “Over the years, following civilian harm reports, investigative committees have been formed and tasked to investigate and submit findings, with many of such tasks abandoned as soon as the external pressure dies down, which continues to erode the trust citizens have in the government’s capacity and capability to investigate and bring perpetrators to book.”¹²⁹

According to authors from Amnesty International and the Global Justice Center, the Nigerian government established more than 20 different forms of inquiries between 2009 and 2018, including commissions, committees, and panels, to investigate allegations against Boko Haram and the Nigerian military.¹³⁰ However, “none of these appear to have made a dent in the prevailing culture of impunity,” they wrote.¹³¹ A Nigerian government official even told CIVIC in the wake of an airstrike that reportedly caused civilian harm:

“The government should hold people accountable. [...] They denied [the incident]. So many such incidents happen, and there is no news about it. Victims’ families are not compensated, there is no form of amends. What I am trying to say is that the government itself is not serious. Our security forces need training to ensure adequate knowledge on the protection of civilians during operations.”¹³²

The prosecutor of the International Criminal Court also raised concerns about the credibility of Nigeria’s domestic accountability measures in its preliminary examination of the situation in the country, concluding that: “[Nigerian] authorities are deemed inactive because of the absence of relevant proceedings or, where proceedings are asserted to have been conducted, the information available did not demonstrate any tangible, concrete, and progressive steps by the authorities to address allegations against members of the [Nigerian security forces].”¹³³

When investigations do occur, the Nigerian government does not generally share the results in a transparent manner.¹³⁴ One respondent observed that the Nigerian military appeared to have grown more cautious amid public attention to mass killings of civilians, expressing that “in some cases, it has tried to black out information about human rights violations.”¹³⁵ A Nigerian media outlet alleged in a 2023 investigation that the country’s military had carried out a “systemic propaganda scheme to keep the atrocities of its troops under wraps.”¹³⁶

A recent US government report claimed that Nigeria’s current government had “recently shown a willingness to address [civilian harm] incidents quickly and transparently.” But it also noted that Nigeria “classified most investigations and court martial outcomes, making the outcome of its investigations of credible reports unclear.”¹³⁷ One US congressional staffer interviewed expressed that the Nigerian military did not generally make the outcomes of investigations known to the State Department.¹³⁸

Some respondents described gradual, albeit insufficient, improvements in accountability. For instance, in February 2023, Nigeria’s National Human Rights Commission appointed a special panel to launch an investigation into reports of rights abuses by the Nigerian Army, including allegations of a secret program of coerced abortions in the North East and the killing of children by the Army under a presumption that they were, or would become, “terrorists.”¹³⁹ The panel is headed by a former Supreme Court justice and includes a former major general. In December 2023, Nigeria’s President Bola Tinubu ordered a thorough investigation into the deadly Tudun Biri military drone attack.¹⁴⁰

As noted above, the Nigerian Army also established a human rights desk within the Department of Civil-Military Affairs to investigate complaints of human rights abuses.¹⁴¹ CIVIC, engaged with

communities in northern Nigeria, has collected lessons from their interactions. It has been understood that the toll-free line initially connects the person reporting an incident to the Army Headquarters. However, reports of possible violations are then sent back to the original location of the incident for resolution. This process causes delays and sometimes leads to reports being ignored by units unwilling to harm their image. Civilians, who are usually the reporters of such human rights violations, often do not feel safe or secure when going to a military establishment to make reports, as security forces are seen to be working in collaboration with the political classes. This fear of retaliation has led to underreporting of many human rights abuses.

The aforementioned national policy for the protection of civilians, presented to the government by the National Human Rights Commission in July 2023, also includes measures for holding perpetrators of civilian harm and human rights violations accountable.¹⁴²

In recognition of accountability gaps, a recent proposed amendment to the US National Defense Authorization Act would mandate biannual reports from the Departments of State and Defense “on the status of the Nigerian armed forces’ progress to ensure justice and accountability related to civilian casualties and gross human rights violations that result from Nigerian armed forces’ operations.”¹⁴³

Security sector governance

A number of respondents suggested that the civilian harm patterns and causes described above could be symptoms of broader security sector governance challenges.¹⁴⁴ According to the Geneva Centre for Security Sector Governance, security sector governance is “the process by which security institutions are subordinated to oversight mechanisms, in order to deliver transparent and accountable public services as a public good. It reinforces the rule of law.”¹⁴⁵ According to Transparency International’s Government Defense Integrity Index, which assesses the quality of institutional controls to manage the risk of corruption in defense and security institutions, Nigeria’s risk is “very high.”¹⁴⁶

When asked what barriers exist to enacting stronger requirements on the Nigerian military for the protection of civilians, a Nigerian military official cited “poor governance” as one.¹⁴⁷ Another former Nigerian military officer cited “inefficient governance at all levels” as a cause of civilian harm.¹⁴⁸ Current and former US government officials likewise noted security governance as a challenge. One described a number of specific process and oversight gaps, including command and control challenges and the lack of legal advisors in targeting processes.¹⁴⁹ Indeed, a recent US government report acknowledged that the Nigerian military had only recently begun incorporating lawyers into military operations.¹⁵⁰

In 2014, the Obama administration launched the \$65 million Security Governance Initiative (SGI), with Nigeria as one of six partners.¹⁵¹ SGI’s central objective was to “enable partner countries to develop and enhance policies, institutional structures, systems, and processes that allow them to more efficiently, effectively, and responsibly deliver security and justice to their citizens.”¹⁵² In Nigeria, SGI focused on the Ministry of Interior’s emergency response planning and coordination, the Ministry of Defense’s procurement and acquisition, and civilian security planning for the North East, including facilitating the transition from military to civilian authority in the region and supporting plans to re-establish security and justice for citizens.¹⁵³ However, the extent of SGI’s impact on security governance broadly is unclear.

VI. US CIVILIAN HARM MITIGATION EFFORTS, GAPS, AND OPPORTUNITIES

The US has consistently portrayed civilian protection as a core concern in US-Nigeria relations.¹⁵⁴ While the US government has engaged Nigeria's military on numerous matters related to civilian harm mitigation and response, it has implemented its policy in a way that appears to make security assistance to Nigeria—including major sales of attack helicopters and fixed-wing aircraft—a foregone conclusion. US civilian harm mitigation efforts have therefore proceeded with the assumption that arms sales to the Nigerian military will continue, despite significant doubts about the effectiveness of risk mitigation measures.

Assessing risk

Previous research by CIVIC and the Stimson Center found that the US government did not sufficiently assess or weigh human rights and civilian harm risks in arms transfer decisions.¹⁵⁵ The 2023 revised CAT policy requires the US government to assess and consider the risk that US arms transfers would contribute to violations of human rights or IHL, as well as other risks related to governance, corruption, and accountability, among others.¹⁵⁶ The CHMR-AP and CHMR DOD-I also direct the Department of Defense to develop Civilian Harm Mitigation and Response Baselines of Allies and Partners (CBAPs) to shape security cooperation program design.¹⁵⁷

According to the CHMR DOD-I, CBAPs should “address the ability, willingness, norms, and practices of allies and partners to mitigate and respond to civilian harm, [and] incorporate consideration of the ally or partner's record with regard to CHMR, and their programs, mechanisms, and other efforts to implement the law of war and its protections for civilians and civilian objects.”¹⁵⁸

However, experts familiar with US policy toward Nigeria and current risk assessment processes suggested that these procedures had not yet been put into practice, meaning that comprehensive risk assessments were not being undertaken at the time of publishing.¹⁵⁹ One former US government official noted that while some risk assessment frameworks had been developed in the past, “we didn't use it in Nigeria [...] It's very time-intensive so we didn't use that kind of framework in a lot of contexts.”¹⁶⁰

They said even when risk assessments were undertaken, US officials may lack the political will to honestly grapple with that risk if it meant changing program plans. The same former US government official noted that when risk assessments were undertaken with a specific project or arms transfer in mind, “you have this negative incentive to not highlight problems. That's what is supposed to be the point of the CBAPs, so they're already out there and then you have to reference them when you pursue a project.”¹⁶¹ In the absence of completed CBAPs, the official observed that starting with a proposed transfer was “backwards, but we couldn't get them to start with risk, so instead when they said, ‘Here's the program we're going to do,’ we would assess that risk ... and then they are supposed to take that into consideration when they build the program.”¹⁶²

Finally, experts noted that US policymakers often did not know what tools were available when an assessment suggested high risk in a security assistance activity. “We don't have the solutions. In many cases if you could identify the risk, then we need to work with them specifically at the targeting doctrine that gets at these issues, but we don't really do that. We don't have the people, the off-the-shelf stuff to take and modify as solutions [...] No one wants to talk about the risk if there's not

a solution you can put in there and you don't have the right [subject matter experts]. That makes people nervous," said one respondent.¹⁶³ Another respondent noted that the CAT policy was not being actively enforced regarding consideration of risk, and that it was "unlikely that will actually happen because the US military is not willing to admit it can't mitigate the risk."¹⁶⁴

The result of these systemic shortcomings is the continuation of arms transfers to Nigeria despite what interviewees described as significant risks of civilian harm. One respondent noted they were "surprised with how many arms sales were approved lately. It's either [that] the US has assessed lower risk or is overlooking risk because of high concern about what is happening around Nigeria."¹⁶⁵ Without careful and robust risk assessments, US policymakers may also misdiagnose civilian harm problems or reach for ineffective solutions. For example, the NSM-20 report on Nigeria notes that the Nigerian military has "requested to purchase precision weapons specifically to reduce collateral harm."¹⁶⁶ However, the capability to precisely strike targets may not adequately address civilian harm arising from misidentification without other procedural reforms.

Training

Debates around human rights and civilian protection training have featured prominently in US-Nigeria policy, especially in the context of major arms transfers. Nigerian stakeholders interviewed were generally aware of US training of Nigerian forces and spoke about the importance of training on civilian harm mitigation.¹⁶⁷ While training has become a risk mitigation measure of choice in the relationship, doubts remain about its effectiveness.

The Department of Defense and Department of State both fund training to Nigerian security forces, which is "mainly executed by DOD—overseen by its Defense Security Cooperation Agency (DSCA) and implemented by U.S. Africa Command (AFRICOM) and military contractors."¹⁶⁸ A recent US government report indicates that Nigeria receives training from the US on various topics related to civilian harm mitigation, including IHL, human rights, and AGI.¹⁶⁹ The US Defense Institute of International Legal Studies has regularly conducted training with Nigerian military officers on civilian protection issues.¹⁷⁰ However, a Center for Strategic and International Studies (CSIS) analysis asserts that "even with increased security sector assistance, US in-country military presence is limited, and training is neither regular nor widespread."¹⁷¹

Congressional pressure pushed the US government to incorporate human rights training into certain major arms sales to Nigeria.¹⁷² But some legislators apparently remain skeptical of the effectiveness of training, since the House of Representatives' version of the National Defense Authorization Act for Fiscal Year 2025 directs the Secretary of Defense to submit a "detailed assessment of the effectiveness of US training of Nigerian military personnel on civilian harm mitigation and response."¹⁷³ Analysis from Brown University, the Security Assistance Monitor and InterAction similarly raised that: "The US also appears to face challenges in assessing how its trainings ... have been streamlined and integrated across levels of the armed forces."¹⁷⁴

Interviewees engaged with the US policy process similarly expressed doubt about the effectiveness of human rights and IHL training in improving outcomes for civilians.¹⁷⁵ Some noted that despite the prominence of training as a mitigation measure in the policy debate, training may be ineffective because it is not operationalized, not widespread across the Nigerian security forces, or civilian protection is not adequately emphasized relative to other elements in training sessions.¹⁷⁶ Several participants agreed that the training-centered approach to risk mitigation required further interrogation,¹⁷⁷ but one noted that the US government "didn't do enough data collection to really measure how well [US civilian harm mitigation measures] did."¹⁷⁸

Training individuals is likely insufficient to address the security sector governance deficits at the heart of the Nigerian military's civilian protection challenges. For example, the problems in Nigeria's AGI stem partly from institutional and structural gaps rather than a lack of expertise at the individual level.¹⁷⁹ One research participant expressed that the extent to which military personnel prioritize civilian protection and human rights may depend on the "level of education in ground forces, culture of ground forces and level of institutional development, including for accountability and significant corruption challenges."¹⁸⁰ A CSIS analysis concludes: "The US military lacks the presence and access required to oversee [Nigerian] partner forces effectively, nor does it have the influence or degree of cooperation to overcome deficits in Nigerian capacity or conduct."¹⁸¹

CASE STUDY: AH-1Z ATTACK HELICOPTER SALE

In January 2021, the US State Department informally notified Congress of a proposed sale of 12 AH-1Z attack helicopters and accompanying defense systems to Nigeria valued at \$875 million.¹⁸² The AH-1Z Viper helicopters, also referred to as "Zulus," are the newest and most advanced attack helicopter in the US arsenal, with both air-to-ground and air-to-air missile capabilities. One US government official CIVIC interviewed referred to the aircraft as the "most lethal" helicopter on the market.¹⁸³ The Nigerian military sought out the helicopters to carry out close air support missions.¹⁸⁴

According to reporting from July 2021, the then Chairman and Ranking Member of the Senate Foreign Relations Committee, Senator Bob Menendez and Senator James Risch, placed a hold on the proposed transfer due to human rights concerns.¹⁸⁵ The sale remained on hold until February 2022, when the proposal was withdrawn, followed by a renewed informal notification to Congress in March. The renewed proposal allocated an additional \$25 million for continuation of the AGI program in Nigeria, which includes support for the development of targeting procedures that are compliant with IHL.¹⁸⁶ Due to the length of time the sale was frozen by the congressional foreign relations committees, the overall value also increased to a new total of \$997 million.¹⁸⁷ Neither the Senate nor House foreign affairs committees raised objections. In April 2022, the DSCA formally announced the sale, which Congress allowed to proceed.¹⁸⁸

One interviewee suggested that negotiations with the Senate Foreign Relations Committee resulted in the inclusion of the additional \$25 million for AGI in exchange for lifting the hold, or in other words, that the committee members holding the sale were "bought off with \$25 million in human rights training."¹⁸⁹

Despite the addition of human rights training, certain members of Congress continue to raise concerns about the transfer, which as of November 2023 had not yet been delivered.¹⁹⁰ In response to Reuters reports alleging the existence of a large-scale forced abortion program and systemic targeted killings of children by the Nigerian military, Rep. Sara Jacobs and Rep. Chris Smith sent a letter to President Joe Biden urging him to rescind the sale, arguing that to move forward with the transfer would be "highly inappropriate."¹⁹¹ The back and forth between the Biden administration and Congress reflect the greater tension between ensuring security abroad and promoting human rights.

Conditionality

One of the most prominent debates in the field of US security assistance policy centers on how the US government should establish and enforce conditions on military aid for recipient governments. In that respect, the US-Nigeria partnership is no exception.

All US security assistance and arms transfers are subject to conditions outlined in US law and policy, although enforcement of these conditions can be highly uneven. In addition to those standards, the US often outlines country-specific conditions to encourage improvements in partner practice and to mitigate risks for the US. When done effectively, conditionality allows the US to use the assistance it provides as leverage to improve civilian protection outcomes. A Nigerian military official interviewed by CIVIC said: “He who feeds you has a certain degree of power over you. The US can influence changes that they want to see in Nigeria in terms of civilian protection.”¹⁹²

Many interview participants agreed that a conditionality-based approach in Nigeria presented advantages to improve civilian protection outcomes.¹⁹³ They pointed to the utility of using weapons sales as leverage, specifically to uplift human rights and accountability priorities.¹⁹⁴ Interviewees also emphasized the importance of closely monitoring whether the Nigerian armed forces had met the conditions necessary to continue support and setting specific benchmarks.¹⁹⁵ One Nigerian stakeholder urged the US and Nigerian governments to “promote accountability for civilian harm ... through working with CSOs to monitor the military on the side of accountability.”¹⁹⁶

In the CHMR-AP, the DOD commits that it will, “as appropriate, implement tailored conditionality to promote ally and partner [civilian harm mitigation and response] efforts.”¹⁹⁷ However, the subsequent CHMR DOD-I does not expound on the tailored conditionality model or its implementation, and a definition of tailored conditionality is not yet publicly available.¹⁹⁸ Nonetheless, an interviewee familiar with security assistance to Nigeria and the CHMR-AP process described the US approach as consistent with the tailored conditionality concept, noting incremental progress by Nigeria’s military.¹⁹⁹

Some US policy conditions are not triggered unless the US government has knowledge that US-origin weapons were used in particular abuses. For example, a recent US government report required under NSM-20 acknowledged “credible reports of potential [international human rights and humanitarian law] violations by [Nigerian] military forces.”²⁰⁰ However, it noted that those incidents did not involve US weapons, and it did not find that the Nigerian military had used US weapons “in a manner inconsistent with established best practices for mitigating civilian harm.”²⁰¹ Obtaining confirmation that US weapons have been used in a particular incident that harmed civilians is often very difficult, and independent investigations require access and resources that are not always available. Therefore, conditionality should not be limited to assessments of whether US weapons were used in individual incidents, but rather to broader trends. One interviewee familiar with US risk assessment practices warned that focusing only on incidents using a US weapon would “cause a huge blind spot for future security cooperation decisions.”²⁰²

Participants cited numerous factors that undermine the US approach to conditionality, including a lack of political will, competing objectives, interagency disagreements, and challenges in monitoring civilian harm and the use of US arms. According to multiple interviewees, a lack of political will in the US government weakens the implementation of civilian protection conditions, particularly in the face of competing objectives.²⁰³

One former US government official said the US government considers maintaining Nigeria’s stability in the face of armed conflict a high priority. It seeks to cement its status as a key regional partner in

the context of strategic competition. This also makes conditionality more difficult to implement.²⁰⁴ Some interviewees cited difficulties with monitoring civilian harm and verifying reports as a barrier to enforcing civilian protection conditions in the US-Nigeria relationship.²⁰⁵

The US appears to be increasingly willing to proceed with sales that it previously suspended due to human rights concerns, as two interviewees mentioned.²⁰⁶ For example, the two largest arms sales from the US to Nigeria in recent years were considered during the Obama administration but were suspended on civilian protection and human rights grounds. One civil society respondent questioned whether the shift stemmed from improvements in the Nigerian military's conduct or other priorities outweighing civilian protection concerns.²⁰⁷

STRATEGIC COMPETITION: A CHALLENGE TO CIVILIAN PROTECTION CONDITIONS

In recent years, the US has prioritized strategic competition with China and Russia in its foreign policy.²⁰⁸ The Biden administration's approach to strategic competition has especially emphasized the importance of maintaining alliances and partnerships.²⁰⁹ Strategic competition has played a significant role in US foreign policy in Africa, and one former US government interviewee described the continent as "a center of strategic competition for both Russia and China."²¹⁰ Strategic competition concerns feature prominently in policy debates involving civilian protection in the US-Nigeria relationship.

Nigeria maintains security relationships with the US, Russia, and China. While the US is Nigeria's primary source of foreign investment and a longstanding security cooperation partner, China is "its top arms provider and a key source of infrastructure investment."²¹¹ In recent years, the Nigerian government has received fighter aircraft, armed unmanned aerial vehicles, tanks, and armored vehicles from China.²¹² Extensive investments in Nigerian infrastructure projects and efforts by the Chinese military to establish a naval base in West Africa have deepened US concerns.²¹³

Nigeria engages less with the Russian government than the Chinese government, especially after Russia's full-scale invasion of Ukraine.²¹⁴ However, Nigeria's government has purchased attack and transport helicopters, anti-tank missiles, and jet engines from Russia in recent years.²¹⁵ Russia's perceived influence in West Africa also factors into the United States' prioritization of its relationship with Nigeria.²¹⁶ As coups oust pro-US governments in the Sahel and provide possible openings for Russian-aligned proxy groups, the relative importance of the US-Nigeria relationship increases due to the declining availability of alternative regional partners.²¹⁷

The Biden administration's CAT policy requires the US government to consider strategic competition issues, including, among others, "the degree to which the transfer reduces an ally's or partner's dependence on United States competitors and/or helps displace long-term reliance on those competitors" and "the risk that the transfer of a competitor's system would undermine" US national security interests.²¹⁸

In light of Russia and China presenting alternatives to the US, the US government aims to maintain its position as Nigeria's preferred partner.²¹⁹ Interviewees consistently noted the importance of

strategic competition in the US-Nigeria relationship,²²⁰ with one describing it as “ever-present” in arms transfer debates.²²¹ Several participants specifically mentioned the prevalence of the narrative among US decision makers that if the US didn’t sell weapons to Nigeria, including due to human rights or civilian protection concerns, Nigeria would turn to China or Russia for arms instead.²²²

This argument is neither new nor limited to Nigeria, and it has increasingly featured in arms transfer and human rights debates in the context of great power competition.²²³ Interviewees cited China’s ability to deliver weapons more quickly, at a lower cost, and with fewer “strings attached” than the US.²²⁴ Some current and former US government officials posited that selling weapons to Nigeria despite human rights concerns may be better for civilian protection in the aggregate because maintaining the relationship provided the US with opportunities to incentivize improved practices.²²⁵ Others expressed concern about the US government participating in a race to the bottom with China and Russia by prioritizing strategic competition over civilian protection and human rights.²²⁶

Interviewees involved in the US policy process observed that viewing security cooperation with Nigeria through the lens of competition with China or Russia was detrimental to civilian harm mitigation efforts. One interviewee described the US government’s approach to strategic competition as the greatest risk for prioritization of civilian harm mitigation in security cooperation, comparing it to a Cold War mentality that they described as: “It doesn’t matter what they do as long as they do it with us.”²²⁷ Another acknowledged the challenge, but pointed to risking state collapse as the alternative.²²⁸

Despite the “if we don’t sell” narrative, interviewees emphasized the advantages of a US partnership relative to Russia or China, pointing to cultural ties, the quality of US equipment, and the suitability of US weapons for the Nigerian military’s needs.²²⁹

Although the “if we don’t sell” narrative is ubiquitous in arms transfer debates, including regarding Nigeria, it may not be supported by empirical evidence. Research conducted by the Stimson Center concluded that the complexities of decisions to pursue weapons from one source or another indicated a “need to reexamine key assumptions underpinning the U.S. security cooperation enterprise.”²³⁰ Rep. Sara Jacobs, the leading Democrat on the House Foreign Affairs Committee’s Africa subcommittee, expressed concern in an interview that, “We’re so focused on trying to prevent [Russia and China] from gaining a foothold, that we [...] are doing things that aren’t actually in our interest, like working with autocratic regimes, empowering people or entities that are committing human rights abuses.”²³¹

Monitoring weapon use

Although the Arms Export Control Act establishes end-use monitoring programs to ensure that weapons are used for approved purposes, current end-use monitoring does not currently monitor the use of US arms in civilian harm or human rights violations.²³² To fill this gap, the 2023 CAT policy commits the US to “engage in appropriate monitoring” to ensure arms are used in a manner consistent with human rights and IHL conditions and obligations.

Accordingly, the State Department took further steps to implement this commitment in the development of the Civilian Harm Incident Response Guidance (CHIRG), which establishes a framework to track and respond to the use of US weapons in incidents that harm civilians.²³³ The

details of the CHIRG process or considered cases are not public, and it is unclear whether the CHIRG has reviewed any cases from Nigeria.

According to one former US government official, the lack of access to information about how US weapons are used is a key barrier to the enforcement of human rights and civilian protection conditions.²³⁴ The interviewee noted that the US often couldn't verify reports of civilian harm using US arms, partly due to limited access on the part of the US Embassy and lack of prioritization by the US Intelligence Community.²³⁵ A Nigerian stakeholder similarly noted: "The truth remains that after sales or transfers, there are little or no measures put in place to monitor what these weapons, aids, or funds are being used for, especially the ones that get captured by the insurgents."²³⁶

Another former US government official noted that not only was the use of specific US arms not sufficiently monitored, but "there's no methodical monitoring or detailed evaluation" of the impact of US security assistance programs more broadly. Where final evaluations do occur, it is "unclear if it goes anywhere or there's a strategic look at the project's success."²³⁷

Multiple interviewees noted the need for improved monitoring of Nigeria's use of US arms. One interviewee with experience in both US government and civil society described it as a baseline responsibility: "If we can sell weapons, we can marshal the resources to monitor how they're used. Otherwise, don't sell them. If not, there's a degree of culpability."²³⁸

VII. RECOMMENDATIONS

For the US government

Implement existing human rights and civilian protection conditions in US law and policy. The State Department should clearly communicate requirements outlined in US law and policy to the government of Nigeria and implement those requirements with transparency and accountability.

Conduct robust risk assessments. The State Department should establish a baseline assessment of risk for arms transfers to Nigeria and apply it to proposed transfers. The State Department should then make adaptations based on specific risk factors identified. Where indicated, such adaptations should include a decision not to move forward with a particular transfer. Risk assessments should involve increased context and conflict analysis before and during the provision of security assistance in Nigeria. Risk analysis should also systematically incorporate tracking of human rights violations and civilian harm incidents and patterns, regardless of whether US-origin weapons were involved. As outlined in the CHMR-AP, the DOD should develop a CBAP for Nigeria to establish a baseline for the Nigerian military's civilian harm mitigation and response capabilities and gaps. The DOD should consult with the State Department in creating that baseline and coordinate with the State Department to update it in response to new information.

Demand and support accountability. In public and private engagements, the State Department and DOD should make clear that the Nigerian military must universalize substantive accountability processes that meaningfully incorporate the input of civilians from affected communities. This should include investigations, acknowledgement of harm, amends to individuals and communities harmed, accountability for violations, and measures to ensure nonrecurrence of harm. Additionally, the State Department and DOD should request information on the status of particular accountability processes. They should provide support to develop civil and military institutions to carry out investigations of civilian harm and human rights violations that identify underlying causes of such harm and propose actionable reforms to prevent recurrence. Congress should also mandate regular public reporting on the Nigerian military's progress towards accountability for civilian harm.

Monitor the use of US weapons. The State Department should continually monitor any civilian harm by the Nigerian security forces using US weapons through the Civilian Harm Incident Response Guidance. The State Department should share outcomes of its findings and resulting policy decisions with Congress and, where practicable, the public.

Engage with the Nigerian government following reports of civilian harm. In line with the CHMR-AP and CHMR DOD-I, the DOD should ensure the US responds to reports of civilian harm incidents from Nigerian operations through engagement with the relevant arm of the Nigerian security forces to advise on best practices, provide training, and mitigate repetition of the causes of harm.

Encourage the swift adoption of Nigeria's protection of civilians policy. The Department of State should urge the Nigerian government to adopt its protection of civilians policy as a condition of arms transfers and security assistance. The policy should include national civilian harm tracking processes, procedures for the analysis of incidents that harm civilians, and a framework of responses to civilian harm by national security and defense forces.

Engage with Nigerian civil society on civilian harm concerns. The Department of State and DOD should engage with Nigerian national and local civil society and civilian communities throughout the entire program cycle for any security assistance programming.²³⁹

Monitor and evaluate the outcomes of US training of Nigerian security forces. The executive branch should commission an independent study on the effectiveness of human rights, international humanitarian law, and civilian harm mitigation training for improving civilian protection outcomes in Nigeria. Congress should likewise require that the DOD and State Department establish long-term monitoring and evaluation processes for US training of foreign security forces on civilian harm mitigation and human rights, including in Nigeria, and periodically summarize the results of monitoring and evaluation in reports to Congress.

Apply sequenced conditionality to the provision of weapons and other security assistance to Nigeria to ensure civilian protection capabilities, accountability, and good governance. The State Department and DOD should sequence US security assistance to Nigeria to ensure that incremental civilian protection, AGI, security sector governance, and accountability measures have been implemented before considering forms of ongoing or additional support that exacerbate civilian harm risks.²⁴⁰ The Department of Defense should assess the gaps that remain in enhancing AGI capabilities in the Nigerian Army and Air Force and share the results of such assessment with the State Department. The US should clearly communicate expectations and consequences to the Nigerian military and government. Congress should place holds on major arms sales to Nigeria that do not include adequate and proven civilian harm mitigation measures.

Conduct oversight activities to promote the protection of civilians in the US-Nigeria relationship. Congress should inquire with the State Department and DOD about risk assessments and mitigation measures associated with particular major arms sales. When specific incidents of civilian harm or human rights abuses by Nigerian security forces occur, Congress should raise questions to the State Department and DOD about the causes of those incidents and subsequent measures taken to prevent recurrence.

For the Nigerian government

Institutionalize and operationalize civilian protection as a priority. The Nigerian government should adopt and implement the draft National Policy on the Protection of Civilians. The draft policy includes civilian harm mitigation measures and civilian harm tracking, analysis and response among its priorities. The Nigerian military should prioritize the protection of civilians in counterinsurgency and counterterrorism policies and practices and integrate civilian harm mitigation measures and best practices measures for engagement with local communities across the Nigerian armed forces.

Empower the National Human Rights Commission. The Nigerian government should enable the National Human Rights Commission to conduct investigations of alleged human rights and IHL violations and make reports public. The government should do so by strengthening the Commission's legal mandate, ensuring operational independence, and enhancing investigative capacity through specialized training and increased resources.

Enhance transparency around investigations and accountability measures. The Nigerian government should publish the outcomes of investigations into civilian harm and human rights violations. This is critical to restoring public trust in the Nigerian government, military institutions, and justice system.

Improve investigations of civilian harm and human rights violations. The Nigerian military should systematically open investigations into incidents involving civilian harm, determine the cause of harm, identify any wrongdoing or violations of law, and use investigations to inform process reforms to prevent harm.

Make amends to civilian victims and survivors. The Nigerian government should establish standard processes to make amends to civilian victims and survivors of civilian harm from Nigerian airstrikes, and ensure accountability and reparations in cases of IHL and human rights violations by security forces.

Improve civilian harm mitigation training. The Nigerian military should systematically incorporate civilian harm mitigation and response into its professional military training, including fundamental IHL and human rights principles, the operationalization of these principles in operations, and an understanding of the civilian environment. Training on civilian protection should target all relevant personnel throughout the chain of command, especially for personnel deployed in areas controlled or contested by non-state armed groups. Where possible, the Nigerian military should learn from US government efforts to improve its own training, as well as any monitoring and evaluation efforts seeking to assess the effectiveness of US-provided training.

Invest in security sector governance. The Nigerian government and military should work to strengthen the effectiveness of Nigerian military management, including through security sector reforms, revision of military laws and doctrine, and promotion of best practices and norms. They should facilitate institutional reforms and shore up systems and processes that help to promote civilian protection and human rights.

ENDNOTES

- 1 Raphael Mbaegbu and Sunday Duntoye, "AD604: Nigerians say their country is unsafe, cite insecurity as top priority for government action," *Afrobarometer*, February 17, 2023, www.afrobarometer.org/publication/ad604-nigerians-say-their-country-is-unsafe-cite-insecurity-as-top-priority-for-government-action/.
- 2 News Agency of Nigeria, "Over 157,000 people suffered human rights abuses in May: NHRC," *People's Gazette*, June 7, 2024, <https://gazettengr.com/over-157000-people-suffered-human-rights-abuses-in-may-nhrc/>; "'Movitations and Empty Promises: Voices of Former Boko Haram Combatants and Nigerian Youth,'" *Mercy Corps*, April 2016, www.mercycorps.org/sites/default/files/2019-11/Motivations%20and%20Empty%20Promises_Mercy%20Corps_Full%20Report_0.pdf.
- 3 "Barriers and Bridges to Protection: Civil-Military Engagement in Northeast Nigeria," *Center for Civilians in Conflict (CIVIC)*, October 2020, <https://civiliansinconflict.org/barriers-and-bridge-to-protection/>.
- 4 "Global Conflict Tracker," *Council on Foreign Relations*, www.cfr.org/interactive/global-conflicttracker/conflict/boko-haram-nigeria.
- 5 "Nigeria," Displacement Tracking Matrix, *International Organization for Migration*, accessed June 14, 2024, <https://dtm.iom.int/nigeria>.
- 6 Freedom Onuoha, Idris Mohammed and Oluwole Ojewale, "Nigeria's military mistakes cost the country its civilians," *Institute for Security Studies*, December 13, 2023, <https://issafrica.org/iss-today/nigerias-military-mistakes-cost-the-country-its-civilians>.
- 7 Ibid.
- 8 Celestine Udoka Ugonabo, Charles Chukwunwike Egolum and Raphael Oshiobugie Sado, "Nigerian Land Policy: Issues, Challenges and The Way Forward," *Global Journal of Politics and Law Research*, July 19, 2023, <https://ejournals.org/gjplr/wp-content/uploads/sites/36/2023/07/Nigerian-Land-Policy.pdf>.
- 9 Mark Duerksen, "Nigeria's Diverse Security Threats," *Africa Center for Strategic Studies*, March 30, 2021, <https://africacenter.org/spotlight/nigeria-diverse-security-threats/>.
- 10 Aliyu Tanko, "Nigeria's security crises – five different threats," *BBC*, July 18, 2021, www.bbc.com/news/world-africa-57860993.
- 11 "New IMB report reveals concerning rise in maritime piracy incidents in 2023," *ICC Commercial Crime Services*, January 11, 2024, www.icc-ccs.org/index.php/1342-new-imb-report-reveals-concerning-rise-in-maritime-piracy-incidents-in-2023.
- 12 Mark Duerksen, "Nigeria's Diverse Security Threats," *Africa Center for Strategic Studies*, March 30, 2021, <https://africacenter.org/spotlight/nigeria-diverse-security-threats/>.
- 13 Ibid.
- 14 "Nigerians feel less safe, see kidnapping cases on the rise," *Afrobarometer*, September 20, 2022, www.afrobarometer.org/articles/nigerians-feel-less-safe-see-kidnapping-cases-on-the-rise/.
- 15 Ibid.
- 16 Ibid.
- 17 "Integrated Country Strategy: Nigeria," *US Department of State*, June 23, 2023, www.state.gov/wp-content/uploads/2023/07/ICS_AF_Nigeria_Public.pdf.
- 18 "National Security Strategy," *The White House*, October 12, 2022, www.whitehouse.gov/wp-content/uploads/2022/10/Biden-Harris-Administrations-National-Security-Strategy-10.2022.pdf.
- 19 CIVIC interviews with civil society, interviews no. 1, 2, 5, Washington DC, April 2024; see also Rachel Yeboah Boakye, Chris Kwaja and Matthew Edds-Reitman, "To Help Stabilize West Africa, Bolster a Key Partner: Nigeria," *US Institute of Peace*, April 15, 2024, www.usip.org/publications/2024/04/help-stabilize-west-africa-bolster-key-partner-nigeria; Daniel Baltoi, "A Deeper Look Into the West African Coup Wave," *Foreign Policy Research Institute*, January 9, 2023, www.fpri.org/article/2023/01/a-deeper-look-into-the-west-african-coup-wave/.
- 20 Alexandria Nylen, Archibald Henry, Fiona Campbell, Lauren Woods, and Sarah Haviland, "U.S. Security Partnership and the Protection of Civilians: The Case of Nigeria and the Nigerian Armed Forces," *Center for International Policy*, May 2022, <https://securityassistance.org/publications/u-s-security-partnership-and-the-protection-of-civilians-the-case-of-nigeria-and-the-nigerian-armed-forces/>.
- 21 Map, Security Assistance Monitor, *Center for International Policy*, accessed June 2024, <https://securityassistance.org/map/>.
- 22 US Mission in Nigeria, "The United States Welcomes the Arrival of the A-29 Super Tucanos," Abuja, Nigeria, July 27, 2021, <https://ng.usembassy.gov/the-united-states-welcomes-the-arrival-of-the-a-29-super-tucanos/>.
- 23 Ibid; US Department of State, "U.S. Security Cooperation with Nigeria," January 23, 2024, www.state.gov/u-s-security-cooperation-with-nigeria/.
- 24 Ibid.
- 25 Joe Gould and Bryant Harris, "US State Dept. approves \$1 billion sale to Nigeria, delayed over human rights concerns," *DefenseNews*, April 14, 2022, www.defensenews.com/global/mideast-africa/2022/04/14/us-state-dept-approves-1-billion-sale-to-nigeria-delayed-over-human-rights-concerns/.

- 26 Ibid.
- 27 “Examining U.S. Security Cooperation and Assistance,” Hearing Before the Committee on Foreign Relations, United States Senate, March 10, 2022, www.foreign.senate.gov/imo/media/doc/examining_ussecuritycooperationandassistance.pdf.
- 28 Lauren Ploch Blanchard, “Nigeria: Overview and U.S. Policy,” *Congressional Research Service*, November 9, 2023, <https://crsreports.congress.gov/product/pdf/R/R47052/>.
- 29 US Department of State, “Daily Press Briefing - November 12, 2024,” Washington, DC, November 12, 2014, accessed June 7, 2024, <https://2009-2017.state.gov/r/pa/prs/dpb/2014/11/233963.htm>.
- 30 US Department of State, “U.S. Security Cooperation with Nigeria,” January 23, 2024, www.state.gov/u-s-security-cooperation-with-nigeria/.
- 31 Under the Arms Export Control Act, the State Department is required to notify Congress of arms sales only that exceed specified notification thresholds, typically \$14 million or \$50 million depending on the types of weapons being sold. 22 U.S.C. § 2776.
- 32 Ibid.
- 33 “Bureau of International Narcotics and Law Enforcement Affairs: Nigeria Summary,” *US Department of State*, accessed June 2024, www.state.gov/bureau-of-international-narcotics-and-law-enforcement-affairs-work-by-country/nigeria-summary/.
- 34 John Ramming Chappell and Brittany Benowitz, “Human Rights, Civilian Harm, and Arms Sales: A Primer on U.S. Law and Policy,” *CIVIC*, February 15, 2022, <https://civiliansinconflict.org/arms-sales-law-and-policy-primer/>.
- 35 22 U.S.C. § 2754.
- 36 22 U.S.C. § 2776.
- 37 22 U.S.C. § 2776.
- 38 Paul K. Kerr, “Arms Sales: Congressional Review Process,” *Congressional Research Service*, updated January 4, 2024, <https://sgp.fas.org/crs/weapons/RL31675.pdf>.
- 39 22 U.S.C. § 2785.
- 40 Ari Tolany et al., “Demystifying End-Use Monitoring in U.S. Arms Exports,” *CIVIC*, September 20, 2021, <https://civiliansinconflict.org/eum/>.
- 41 22 U.S.C. § 2304.
- 42 22 U.S.C. § 2378d.
- 43 Amb. Adebawale Ibidapo Adefuye, “Nigeria and US must work together to fight Boko Haram,” *The Hill*, March 2, 2015, <https://thehill.com/blogs/congress-blog/foreign-policy/234146-nigeria-and-us-must-work-together-to-fight-boko-haram/>; “Human Rights Vetting: Nigeria and Beyond,” Hearing before the Subcommittee on Africa, Global Health, Global Human Rights, and International Organizations of the [House Foreign Affairs Committee], Washington, DC, July 10, 2014, www.govinfo.gov/content/pkg/CHRG-113hhrg88627/html/CHRG-113hhrg88627.htm.
- 44 “CSPA Implementation Tracker: Nigeria,” *Stimson Center*, updated October 24, 2023, www.stimson.org/project/child-soldiers/cspa-implementation-tracker/country-profiles/nigeria/.
- 45 Lauren Ploch Blanchard, “Nigeria: Overview and U.S. Policy,” *Congressional Research Service*, November 9, 2023, <https://crsreports.congress.gov/product/pdf/R/R47052/>.
- 46 Ryan Fletcher, Rachel Stohl and Caitlin Goodman, “Waiving Away the Problem: How US Presidents Have Let Countries Complicit in Child Soldiering Off the Hook,” *Stimson Center*, February 12, 2024, www.stimson.org/2024/waiving-away-the-problem/.
- 47 “National Security Memorandum/NSM-18,” *The White House*, February 23, 2023, www.whitehouse.gov/briefing-room/presidential-actions/2023/02/23/memorandum-on-united-states-conventional-arms-transfer-policy/.
- 48 Ibid.
- 49 “DOD Instruction 3000.17: Civilian Harm Mitigation and Response,” *US Department of Defense*, December 21, 2023, www.esd.whs.mil/Portals/54/Documents/DD/issuances/dodi/300017p.pdf.
- 50 “Civilian Harm Mitigation and Response Action Plan Fact Sheet,” *US Department of Defense*, August, 25, 2022, www.defense.gov/News/Releases/Release/Article/3140007/civilian-harm-mitigation-and-response-action-plan-fact-sheet/.
- 51 Ibid.
- 52 “National Security Memorandum/NSM-20,” *The White House*, February 8, 2024, www.whitehouse.gov/briefing-room/presidential-actions/2024/02/08/national-security-memorandum-on-safeguards-and-accountability-with-respect-to-transferred-defense-articles-and-defense-services/.
- 53 Ibid.
- 54 Ibid.
- 55 “State Department Submits Key Report to Congress on Israel’s Use of US Weapons,” *Just Security*, May 4, 2024, www.justsecurity.org/95584/nsm-20-report-israel-us/.

- 56 Ibid.
- 57 "Dashboard," *Armed Conflict Location & Events Data*, accessed June 7, 2024, <https://acleddata.com/dashboard/#/dashboard/1E10359E140B8F79DCDE3D71607A8E9D>.
- 58 "Nigeria air strike dead 'rises to 115' in Rann", *BBC*, January 24, 2017, www.bbc.com/news/world-africa-38730741.
- 59 Mayowa Tijani, "TEARS FROM RANN (4): What no one ever told you about the air raid that killed refugees," *TheCable*, March 1, 2017, www.thecable.ng/tears-from-rann-iv-what-no-one-will-tell-you-about-the-bombing-and-questions-the-military-must-answer/.
- 60 Nick Turse, "U.S. Played Secret Role in Nigeria Attack That Killed More Than 160 Civilians," *The Intercept*, July 28, 2022, <https://theintercept.com/2022/07/28/nigeria-civilian-displaced-bombing-us/>.
- 61 "Comment by UN Human Rights Office spokesperson Seif Magango after at least 80 civilians reported killed in Nigeria airstrike," *UN Office of the High Commissioner for Human Rights (OHCHR)*, December 6, 2023, www.ohchr.org/en/statements/2023/12/comment-un-human-rights-office-spokesperson-seif-magango-after-least-80; Department of State, "Report to Congress under Section 2 of the National Security Memorandum on Safeguards and Accountability with Respect to Transferred Defense Articles and Defense Services (NSM-20)," accessed in *Just Security*, May 10, 2024, www.justsecurity.org/wp-content/uploads/2024/05/Report-to-Congress-under-Section-2-of-the-National-Security-Memorandum-on-Safeguards-and-Accountability-with-Respect-to-Transferred-Defense.pdf.
- 62 CIVIC interview with US congressional staff, interview no. 7, Washington DC, April 2024.
- 63 CIVIC interview with civil society, interview no. 2, Washington DC, April 2024.
- 64 "Nigeria: Military razes villages as Boko Haram attacks escalate," *Amnesty International*, February 14, 2020, www.amnesty.org/en/latest/news/2020/02/nigeria-military-razes-villages-as-boko-haram-attacks-escalate/.
- 65 *The New Humanitarian* Staff and *VICE News*, "'They just shoot and burn': Civilians targeted in Nigeria's war on Boko Haram," *The New Humanitarian*, July 3, 2023, www.thenewhumanitarian.org/investigations/2023/07/03/exclusive-civilians-targeted-nigerias-war-boko.
- 66 Ibid.
- 67 "Nigeria: Military Holding Children as Boko Haram Suspects," *Human Rights Watch*, September 10, 2019, www.hrw.org/news/2019/09/10/nigeria-military-holding-children-boko-haram-suspects.
- 68 CIVIC interviews with civil society, interviews no. 1, 3, 5, Washington DC; CIVIC interview with civil society, interview no. 9, Maiduguri, April 2024; CIVIC interview with Nigerian government official, interview no. 1, Abuja, April 2024.
- 69 Department of State, "Report to Congress under Section 2 of the National Security Memorandum on Safeguards and Accountability with Respect to Transferred Defense Articles and Defense Services (NSM-20)," accessed in *Just Security*, May 10, 2024, www.justsecurity.org/wp-content/uploads/2024/05/Report-to-Congress-under-Section-2-of-the-National-Security-Memorandum-on-Safeguards-and-Accountability-with-Respect-to-Transferred-Defense.pdf.
- 70 "Nigeria: Time to end impunity: Torture and other human rights violations by special anti-robbery squad (SARS)," *Amnesty International*, June 26, 2020, www.amnesty.org/en/documents/afr44/9505/2020/en/.
- 71 "World Report 2022: Nigeria: Events of 2021," *Human Rights Watch*, accessed June 7, 2024, www.hrw.org/world-report/2022/country-chapters/nigeria.
- 72 Ibid.
- 73 Richard Kweitsu, "AD715: Amid growing insecurity, Nigerians fault police for corruption and lack of professionalism," *Afrobarometer*, October 11, 2023, www.afrobarometer.org/publication/ad715-amid-growing-insecurity-nigerians-fault-police-for-corruption-and-lack-of-professionalism/.
- 74 CIVIC interview with civil society, interviews no. 2, 3; CIVIC interview with former US government official, interview no. 4; CIVIC interview with US congressional staff, interview no. 8, Washington DC, April 2024.
- 75 CIVIC interview with civil society, interview no. 3, Washington DC, April 2024.
- 76 *Agency Report* and Ameh Ejekwonyilo, "NHRC, others draft national policy to protect civilians during conflict," *Premium Times*, July 25, 2023, www.premiumtimesng.com/news/top-news/611907-nhrc-others-draft-national-policy-to-protect-civilians-during-conflict.html?ztzc=1.
- 77 Ibid.
- 78 "Nigeria creates a military Human Rights Desk," *OHCHR*, March 2016, www.ohchr.org/en/stories/2016/03/nigeria-creates-military-human-rights-desk.
- 79 Alexandria Nylen, Archibald Henry, Fiona Campbell, Lauren Woods, and Sarah Haviland, "U.S. Security Partnership and the Protection of Civilians: The Case of Nigeria and the Nigerian Armed Forces," *Center for International Policy*, May 2022, <https://securityassistance.org/publications/u-s-security-partnership-and-the-protection-of-civilians-the-case-of-nigeria-and-the-nigerian-armed-forces/>.
- 80 *Agency Report*, "2023: Army Chief orders review of rules of engagement during elections," *Premium Times*, June 14, 2022, www.premiumtimesng.com/news/top-news/536989-2023-army-chief-orders-review-of-rules-of-engagement-during-elections.html?ztzc=1.

- 81 "Rule 6. Civilians' Loss of Protection from Attack," International Humanitarian Law Databases, *International Committee of the Red Cross*, <https://ihl-databases.icrc.org/en/customary-ihl/v1/rule6>.
- 82 "Rule 15. Principle of Precautions in Attack," International Humanitarian Law Databases, *International Committee of the Red Cross*, <https://ihl-databases.icrc.org/en/customary-ihl/v1/rule15>.
- 83 "Presumptions," Casebook, *International Committee of the Red Cross*, https://casebook.icrc.org/a_to_z/glossary/presumptions.
- 84 CIVIC interviews with civil society, interviews no. 3, 5; CIVIC interview with former US government official, interview no. 6; CIVIC interview with US government official, interview no. 7, Washington DC, April 2024; CIVIC interview with Nigerian military officer, interview no. 13, Maiduguri, April 2024; CIVIC interview with Nigerian government official, interview no. 1, Abuja, April 2024.
- 85 Nigerian Army (@HQNigerianArmy), "Army Chief Visits Tudun Biri, Commiserates, Tenders Apology, Pledges Succour To Drone Strike Victims, Community," X, December 5, 2023, <https://twitter.com/HQNigerianArmy/status/1732020275439374752>; "Nigerian army tries two of its personnel over deadly drone strike accident," *Africanews*, May 3, 2024, www.africanews.com/2024/05/03/nigerian-army-tries-two-of-its-personnel-over-deadly-drone-strike-accident.
- 86 CIVIC interview with civil society, interview no. 3, Washington DC, April 2024; CIVIC interview with Nigerian government official, interview no. 1, Abuja, April 2024; see also Kyle Dietrich, "'When We Can't See the Enemy, Civilians Become the Enemy': Living Through Nigeria's Six-Year Insurgency," *CIVIC*, 2015, https://civiliansinconflict.org/wp-content/uploads/2015/10/NigeriaReport_Web.pdf.
- 87 CIVIC interviews with civil society, interviews no. 1, 3; CIVIC interview with former US government official, interview no. 6; CIVIC interview with US congressional staff, interview no. 8, Washington DC, April 2024.
- 88 "DOD Instruction 3000.17: Civilian Harm Mitigation and Response," *US Department of Defense*, December 21, 2023, www.esd.whs.mil/Portals/54/Documents/DD/issuances/dodi/300017p.pdf; Shiri Krebs, "Through The Drone Looking Glass: Visualization Technologies And Military Decision-Making," *Articles of War*, February 11, 2022, <https://lieber.westpoint.edu/visualization-technologies-military-decision-making/>.
- 89 CIVIC interview with civil society, interview no. 3, Washington DC, April 2024.
- 90 CIVIC interview with US government official, interview no. 9, Washington DC, April 2024.
- 91 Alexandria Nylen, Archibald Henry, Fiona Campbell, Lauren Woods, and Sarah Haviland, "U.S. Security Partnership and the Protection of Civilians: The Case of Nigeria and the Nigerian Armed Forces," *Center for International Policy*, May 2022, <https://securityassistance.org/publications/u-s-security-partnership-and-the-protection-of-civilians-the-case-of-nigeria-and-the-nigerian-armed-forces/>.
- 92 Michael Nwankpa, "The North-South Divide: Nigerian Discourses on Boko Haram, the Fulani, and Islamization," *Hudson Institute*, October 26, 2021, www.hudson.org/national-security-defense/the-north-south-divide-nigerian-discourses-on-boko-haram-the-fulani-and-islamization.
- 93 Freedom Onuoha, Idris Mohammed and Oluwale Ojewale, "Nigeria's military mistakes cost the country its civilians," *Institute for Security Studies*, December 13, 2023, <https://issafrica.org/iss-today/nigerias-military-mistakes-cost-the-country-its-civilians>; "2023 Country Reports on Human Rights Practices: Nigeria," *US Department of State*, www.state.gov/reports/2023-country-reports-on-human-rights-practices/nigeria/.
- 94 Elian Peltier, Eric Schmitt and Ismail Alfa, "Errant Airstrikes by Nigeria's Military Have Killed Worshipers, Herders and Refugees," *The New York Times*, December 12, 2023, www.nytimes.com/2023/12/12/world/africa/nigeria-military-air-strikes.html.
- 95 Chinedu Asadu, "At least 85 civilians killed by a Nigerian army drone attack, in the latest such deadly mistake," *AP, World News*, December 6, 2023, <https://apnews.com/article/nigeria-kaduna-tudun-biri-military-drone-14a73c4d7587a2d5b6ab3cf9cf0b3bbb>.
- 96 CIVIC interview with US government official, US interview no. 9, Washington DC, April 2024.
- 97 Adebayo Abdulrahman, "Anatomy of a Deadly Mistake: How Nigerian Military Strikes Have Killed Civilians," *Inkstick*, December 21, 2023, <https://inkstickmedia.com/anatomy-of-a-deadly-mistake-how-nigerian-military-strikes-have-killed-civilians/>.
- 98 Solomon Elusoji, "FG Formally Declares Bandits As Terrorists," *Channels*, January 5, 2022, www.channelstv.com/2022/01/05/breaking-fg-formally-declares-bandits-as-terrorists/.
- 99 "Nigeria's Military Crackdown Puts Squeeze on Bandit Gangs," *TheDefensePost*, September 21, 2021, www.thedefensepost.com/2021/09/21/nigeria-military-crackdown-bandits/.
- 100 CIVIC interview with civil society, US interview no. 3, Washington DC, April 2024.
- 101 "Comment by UN Human Rights Office spokesperson Seif Magango after at least 80 civilians reported killed in Nigeria airstrike," *OHCHR*, December 6, 2023, www.ohchr.org/en/statements/2023/12/comment-un-human-rights-office-spokesperson-seif-magango-after-least-80.
- 102 Chinedu Asadu, "2 Nigerian military personnel will face court martial over a drone attack that killed 85 villagers," *AP, World News*, <https://apnews.com/article/nigeria-drone-attack-tudun-biri-court-martial-6d4d2266d10506c1754ba37f1eac4311>.
- 103 "Gov Sani Inaugurates Tundun Biri Committee For Implementation, Monitoring Of Funds," *Daily Trust*, December 31, 2023, <https://dailytrust.com/gov-sani-inaugurates-tundun-biri-committee-for-implementation-monitoring-of-funds/>.
- 104 "4 Months After Drone Bombing: Tudun Biri Residents Beg For Compensation," *Daily Trust*, April 6, 2024, <https://dailytrust.com/4-months-after-drone-bombing-tudun-biri-residents-beg-for-compensation/>.

- 105 CIVIC interview with Nigerian military official, Nigeria interview no. 13, Maiduguri, April 2024; CIVIC interview with former US government official, interview no. 4; CIVIC interview with NGO, interview no. 5; CIVIC interview with former US government official, interview no. 6; CIVIC interview with US government official, interview no. 9, Washington DC, April 2024.
- 106 Mehmet Çoban and Jochem de Hoop, "Challenges of Intelligence Sharing in Targeting Operations," Lieber Institute West Point, November 8, 2023, <https://lieber.westpoint.edu/challenges-intelligence-sharing-targeting-operations/>.
- 107 David Lewis and Reade Levinson, "Bombing of herders highlights pattern of deadly aerial assaults by the Nigerian military," *Reuters*, June 6, 2023, www.reuters.com/investigates/special-report/nigeria-military-civilian-airstrikes/.
- 108 CIVIC interview with former US government official, interview no. 4; CIVIC interview with US government official, interview no. 9, Washington DC, April 2024.
- 109 CIVIC interview with former US government official, interview no. 6, Washington DC, April 2024; Freedom Onuoha, Idris Mohammed and Oluwale Ojewale, "Nigeria's military mistakes cost the country its civilians," *Institute for Security Studies*, December 13, 2023, <https://issafrica.org/iss-today/nigerias-military-mistakes-cost-the-country-its-civilians>.
- 110 Elian Peltier, Eric Schmitt and Ismail Alfa, "Errant Airstrikes by Nigeria's Military Have Killed Worshipers, Herders and Refugees," *The New York Times*, December 12, 2023, www.nytimes.com/2023/12/12/world/africa/nigeria-military-air-strikes.html.
- 111 CIVIC interview with civil society, interview no. 5, Washington DC, April 2024.
- 112 Ibid.
- 113 Department of State, "Report to Congress under Section 2 of the National Security Memorandum on Safeguards and Accountability with Respect to Transferred Defense Articles and Defense Services (NSM-20)," accessed in *Just Security*, May 10, 2024, www.justsecurity.org/wp-content/uploads/2024/05/Report-to-Congress-under-Section-2-of-the-National-Security-Memorandum-on-Safeguards-and-Accountability-with-Respect-to-Transferred-Defense.pdf; "Examining U.S. Security Cooperation and Assistance," Hearing Before the Committee on Foreign Relations, United States Senate, March 10, 2022, www.foreign.senate.gov/imo/media/doc/examining_ussecuritycooperationandassistance.pdf.
- 114 CIVIC interview with US former government official, interview no. 4; CIVIC interview with US government official, interview no. 9, Washington DC, April 2024.
- 115 CIVIC interview with US government official, interview no. 9, Washington DC, April 2024.
- 116 CIVIC interview with civil society, interview no. 6, Washington DC, April 2024.
- 117 CIVIC interview with US government official, interview no. 9, Washington DC, April 2024.
- 118 CIVIC interview with civil society, interview no. 3; CIVIC interview with former US government official, interview no. 4; CIVIC interview with US congressional staff, interview no. 8; CIVIC interview with US government official, interview no. 9, Washington DC, April 2024.
- 119 CIVIC interview with civil society, interviews no. 4, 5, Washington DC, April 2024.
- 120 CIVIC interview with civil society, interview no. 3, Abuja, April 2024.
- 121 CIVIC interview with civil society organization, interview no. 2, Maiduguri, April 2024.
- 122 "In Search of Answers: U.S. Military Investigations and Civilian Harm," *CIVIC*, February 13, 2020, <https://civiliansinconflict.org/publications/research/in-search-of-answers/>.
- 123 CIVIC interview with civil society organization, interview no. 2, Maiduguri, April 2024.
- 124 Simon Bagshaw, "Committing to civilian casualty tracking in the future political declaration on the use of explosive weapons in populated areas," *Article 36*, April 2022, <https://article36.org/wp-content/uploads/2022/04/Article-36-Casualty-Tracking-and-the-Political-Declaration-on-EWIPA.pdf>.
- 125 "Factsheet: The Case of Nigeria and the Nigerian Armed Forces (NAF)," May 2022, <https://securityassistance.org/wp-content/uploads/2022/05/Nigeria-May-2022-Factsheet-FINAL.pdf>.
- 126 CIVIC interview with Nigerian government official, interview no. 1, Abuja, April 2024.
- 127 Ibid.
- 128 CIVIC interview with Nigerian military officer, interview no. 2, Abuja, April 2024.
- 129 CIVIC interview with Nigerian government official, interview no. 1, Abuja, April 2024.
- 130 Lauren Aarons, Akika Radhakrishnan and Osai Ojigbo, "Nigeria's Alleged Forced Abortion Campaign Demands Action," *FP*, February 9, 2023, <https://foreignpolicy.com/2023/02/09/nigeria-forced-abortion-campaign-military-report-amnesty-international-action/>.
- 131 Lauren Aarons, Akika Radhakrishnan and Osai Ojigbo, "Nigeria's Alleged Forced Abortion Campaign Demands Action," *FP*, February 9, 2023, <https://foreignpolicy.com/2023/02/09/nigeria-forced-abortion-campaign-military-report-amnesty-international-action/>.
- 132 CIVIC interview with Nigerian military officer, interview no. 4, Maiduguri, April 2024.
- 133 "Report on Preliminary Examination Activities 2020," *International Criminal Court, The Office of the Prosecutor*, 14 December 2020, www.icc-cpi.int/itemsDocuments/2020-PE/2020-pe-report-eng.pdf.

- 134 CIVIC interviews with NGO, interviews no. 2, 3, 5, Washington DC, April 2024; CIVIC interview with former US government official, interview no. 6, Washington DC, April 2024; CIVIC interview with US government official, interview no. 9, Washington DC, April 2024.
- 135 CIVIC interview with NGO, interview no. 2, Washington DC, April 2024.
- 136 Ibrahim Adeyemi, "Under The Radar: Inside Nigerian military's propaganda campaigns," *Premium Times*, September 23, 2023, www.premiumtimesng.com/investigationspecial-reports/627492-under-the-radar-inside-nigerian-militarys-propaganda-campaigns.html?tztc=1.
- 137 Department of State, "Report to Congress under Section 2 of the National Security Memorandum on Safeguards and Accountability with Respect to Transferred Defense Articles and Defense Services (NSM-20)," accessed in *Just Security*, May 10, 2024, www.justsecurity.org/wp-content/uploads/2024/05/Report-to-Congress-under-Section-2-of-the-National-Security-Memorandum-on-Safeguards-and-Accountability-with-Respect-to-Transferred-Defense.pdf.
- 138 CIVIC interview with US congressional staff, interview no. 8, Washington DC, April 2024.
- 139 Libby George, "Insight: Nigerian rights panel, underfunded and overmatched, begins probe of powerful military," *Reuters*, February 2023, www.reuters.com/world/africa/nigerian-rights-panel-underfunded-overmatched-begins-probe-powerful-military-2023-02-07/.
- 140 Felix Onuah and Garba Muhammad, "Nigeria's president orders investigation after drone strike kills 85," *Reuters*, December 6, 2023, www.reuters.com/world/africa/nigerias-president-calls-investigation-after-drone-attack-kills-85-2023-12-05/.
- 141 "Nigeria creates a military Human Rights Desk," *OHCHR*, March 2016, www.ohchr.org/en/stories/2016/03/nigeria-creates-military-human-rights-desk; "2020 Country Reports on Human Rights Practices: Nigeria," *US Department of State*, www.state.gov/reports/2020-country-reports-on-human-rights-practices/nigeria/.
- 142 *Agency Report* and Ameh Ejekwonyilo, "NHRC, others draft national policy to protect civilians during conflict," *Premium Times*, July 25, 2023, www.premiumtimesng.com/news/top-news/611907-nhrc-others-draft-national-policy-to-protect-civilians-during-conflict.html?tztc=1.
- 143 "AMENDMENT TO RULES COMM. PRINT 118--36 OFFERED BY MS. JACOBS OF CALIFORNIA," https://amendments-rules.house.gov/amendments/JACOCA_197_xml240531133254513.pdf?_gl=1*1acsilh*_ga*NTUyODc3NzE1LjE2ODcyNjk2Mjg.*_ga_N4RTJ5D08B*MTcxNzUxMjAyMy4xNC4wLjE3MTc1MTIwMjMuMC4wLjA.
- 144 CIVIC interview with civil society, interview no. 5, Washington DC, April 2024; CIVIC interview with US government official, interview no. 9, Washington DC, April 2024; CIVIC interview with Nigerian military officer, interview no. 2, Abuja, April 2024.
- 145 DCAF, Geneva Centre for Security Sector Governance, [www.dcaf.ch/about-ssgr#:~:text=Security%20Sector%20Governance%20\(SSG\)%20refers,established%20transparent%20policies%20and%20practices](http://www.dcaf.ch/about-ssgr#:~:text=Security%20Sector%20Governance%20(SSG)%20refers,established%20transparent%20policies%20and%20practices).
- 146 "Nigeria," *Transparency International*, <https://ti-defence.org/gdi/countries/nigeria/>.
- 147 CIVIC interview with Nigerian military officer, interview no. 2, Abuja, April 2024.
- 148 CIVIC interview with former Nigerian military officer, interview no. 4, Abuja, April 2024.
- 149 CIVIC interview with US government official, interview no. 9, Washington DC, April 2024.
- 150 Department of State, "Report to Congress under Section 2 of the National Security Memorandum on Safeguards and Accountability with Respect to Transferred Defense Articles and Defense Services (NSM-20)," accessed in *Just Security*, May 10, 2024, www.justsecurity.org/wp-content/uploads/2024/05/Report-to-Congress-under-Section-2-of-the-National-Security-Memorandum-on-Safeguards-and-Accountability-with-Respect-to-Transferred-Defense.pdf.
- 151 Security Governance Initiative, 2015 Review, <https://2009-2017.state.gov/documents/organization/254115.pdf>.
- 152 Ibid.
- 153 Security Governance Initiative, <https://interior.gov.ng/media/1581/security-governance-initiative-brief.pdf>; Security Governance Initiative, 2017 Review, <https://uploads.mwp.mprod.getusinfo.com/uploads/sites/118/2023/11/SGI-2017-Review.pdf>.
- 154 "PROTECTION OF CIVILIANS IS FRONT AND CENTER IN U.S. ENGAGEMENT WITH NIGERIAN MILITARY OFFICERS," US Mission Nigeria, US Embassy and Consulate in Nigeria, June 15, 2022, <https://ng.usembassy.gov/protection-of-civilians-is-front-and-center-in-u-s-engagement-with-nigerian-military-officers/>.
- 155 "With Great Power': Modifying US Arms Sales to Reduce Civilian Harm," *CIVIC*, January 10, 2018, <https://civiliansinconflict.org/publications/research/with-great-power/>; <https://civiliansinconflict.org/great-responsibility/>.
- 156 "Memorandum on United States Conventional Arms Transfer Policy The White House," *The White House*, February 23, 2023, www.whitehouse.gov/briefing-room/presidential-actions/2023/02/23/memorandum-on-united-states-conventional-arms-transfer-policy/.
- 157 "Civilian Harm Mitigation and Response Action Plan," DOD, August 25, 2022, <https://media.defense.gov/2022/Aug/25/2003064740/-1/-1/1/CIVILIAN-HARM-MITIGATION-AND-RESPONSE-ACTION-PLAN.PDF>; "DOD Instruction 3000.17: Civilian Harm Mitigation and Response," *US Department of Defense*, December 21, 2023, www.esd.whs.mil/Portals/54/Documents/DD/issuances/dodi/300017p.pdf.
- 158 Ibid.

- 159 CIVIC interview with former US government official, interview no. 6, Washington DC, April 2024; CIVIC interview with US government official, interview no. 9, Washington DC, April 2024.
- 160 CIVIC interview with former US government official, interview no. 6, Washington DC, April 2024.
- 161 Ibid.
- 162 Ibid.
- 163 Ibid.
- 164 CIVIC interview with US government official, interview no. 9, Washington DC, April 2024.
- 165 CIVIC interview with NGO, interview no. 5, Washington DC, April 2024.
- 166 Department of State, "Report to Congress under Section 2 of the National Security Memorandum on Safeguards and Accountability with Respect to Transferred Defense Articles and Defense Services (NSM-20)," accessed in *Just Security*, May 10, 2024, www.justsecurity.org/wp-content/uploads/2024/05/Report-to-Congress-under-Section-2-of-the-National-Security-Memorandum-on-Safeguards-and-Accountability-with-Respect-to-Transferred-Defense.pdf.
- 167 CIVIC interviews with civil society, interview no. 6, Maiduguri, April 2024; CIVIC interview with Nigerian media, interview no. 1, Maiduguri, April 2024; CIVIC interview with Nigerian military, interview no. 2, Abuja, April 2024; CIVIC interview with Nigerian government official, interview no. 3, Maiduguri, April 2024.
- 168 "Factsheet: The Case of Nigeria and the Nigerian Armed Forces (NAF)," May 2022, <https://watson.brown.edu/chrhs/files/chrhs/imce/partnerships/Civ-Mil/Nigeria-May-2022-Factsheet.pdf>.
- 169 Department of State, "Report to Congress under Section 2 of the National Security Memorandum on Safeguards and Accountability with Respect to Transferred Defense Articles and Defense Services (NSM-20)," accessed in *Just Security*, May 10, 2024, www.justsecurity.org/wp-content/uploads/2024/05/Report-to-Congress-under-Section-2-of-the-National-Security-Memorandum-on-Safeguards-and-Accountability-with-Respect-to-Transferred-Defense.pdf.
- 170 "PROTECTION OF CIVILIANS IS FRONT AND CENTER IN U.S. ENGAGEMENT WITH NIGERIAN MILITARY OFFICERS," US Mission Nigeria, US Embassy and Consulate in Nigeria, June 15, 2022, <https://ng.usembassy.gov/protection-of-civilians-is-front-and-center-in-u-s-engagement-with-nigerian-military-officers/>.
- 171 Melissa Dalton, "Conduct Is the Key: Improving Civilian Protection in Nigeria," *Center for Strategic and International Studies* (CSIS), July 9, 2020, www.csis.org/analysis/conduct-key-improving-civilian-protection-nigeria.
- 172 CIVIC interview with civil society, interview no. 5, Washington DC, April 2024; CIVIC interview with US congressional staff, interviews no. 7, 8, Washington DC, April 2024; CIVIC interview with US government official, interview no. 9, Washington DC, April 2024.
- 173 House Report, www.congress.gov/congressional-report/118th-congress/house-report/529/1?s=1&r=1.
- 174 "Factsheet: The Case of Nigeria and the Nigerian Armed Forces (NAF)," May 2022, <https://securityassistance.org/wp-content/uploads/2022/05/Nigeria-May-2022-Factsheet-FINAL.pdf>.
- 175 CIVIC interview with civil society, interviews no. 2, 3, Washington DC, April 2024; CIVIC interview with US government officials, interviews no. 4, 7, 9, Washington DC, April 2024.
- 176 CIVIC interviews with civil society, interviews no. 2, 3, Washington DC, April 2024; CIVIC interview with US congressional staff, interview no. 7, Washington DC, April 2024.
- 177 CIVIC interview with US congressional staff, interview no. 7, Washington DC, April 2024; CIVIC interview with civil society, interview no. 3, Washington DC, April 2024; CIVIC interview with former US government official, interview no. 6, Washington DC, April 2024.
- 178 CIVIC interview with former US government official, interview no. 6, Washington DC, April 2024.
- 179 CIVIC interview with US government official, interview no. 9, Washington DC, April 2024; CIVIC interview with civil society, interview no. 5, Washington DC, April 2024.
- 180 CIVIC interview with former US government official, interview no. 4, Washington DC, April 2024.
- 181 Melissa Dalton, "Conduct Is the Key: Improving Civilian Protection in Nigeria," CSIS, July 9, 2020, www.csis.org/analysis/conduct-key-improving-civilian-protection-nigeria.
- 182 "Examining U.S. Security Cooperation and Assistance," Hearing Before the Committee on Foreign Relations, United States Senate, March 10, 2022, www.foreign.senate.gov/imo/media/doc/examining_ussecuritycooperationandassistance.pdf.
- 183 CIVIC interview with US government official, interview no. 9, Washington DC, April 2024.
- 184 CIVIC interview with former US government official, interview no. 6, Washington DC, April 2024.
- 185 Robbie Gramer, "U.S. Lawmakers Hold Up Major Proposed Arms Sale to Nigeria," *FP*, July 27, 2021, <https://foreignpolicy.com/2021/07/27/nigeria-us-arms-sale-lawmakers/>; Doyinsola Oladipo and Mike Stone, "Proposed U.S. arms sale to Nigeria on 'hold' over human rights concerns - sources," *Reuters*, July 30, 2021, www.reuters.com/world/africa/proposed-us-arms-sale-nigeria-hold-over-human-rights-concerns-sources-2021-07-29/.
- 186 "Examining U.S. Security Cooperation and Assistance," Hearing Before the Committee on Foreign Relations, United States Senate, March 10, 2022, www.foreign.senate.gov/imo/media/doc/examining_ussecuritycooperationandassistance.pdf.

- 187 Ibid.
- 188 "NIGERIA – AH-1Z ATTACK HELICOPTER RELATED FMS ACQUISITIONS," *Defense Security Cooperation Agency*, April 14, 2022, www.dsca.mil/press-media/major-arms-sales/nigeria-ah-1z-attack-helicopter-related-fms-acquisitions.
- 189 CIVIC interview with US congressional staff, interview no. 7, Washington DC, April 2024.
- 190 Lauren Ploch Blanchard, "Nigeria: Overview and U.S. Policy," Congressional Research Service, November 9, 2023, <https://crsreports.congress.gov/product/pdf/R/R47052/>.
- 191 "Reps. Sara Jacobs, Chris Smith Push Biden Administration to Rescind \$1 Billion Arms Deal with Nigeria," February 15, 2023, <https://sarajacobs.house.gov/news/press-releases/rep-sara-jacobs-chris-smith-push-biden-administration-to-rescind-1-billion-arms-deal-with-nigeria>; "The Abortion Assault," *Reuters*, www.reuters.com/investigates/special-report/nigeria-military-abortion/; "Smothered, poisoned and shot," *Reuters*, www.reuters.com/investigates/special-report/nigeria-military-children/.
- 192 CIVIC interview with Nigerian military officer, interview no. 4, Maiduguri, April 2024.
- 193 CIVIC interview with civil society, interviews no. 1, 2, 3, 5, Washington DC, April 2024.
- 194 CIVIC interview with civil society, interviews no. 1, 2, Washington DC, April 2024.
- 195 CIVIC interview with civil society, interviews no. 3, 5, Washington DC, April 2024; CIVIC interview with US congressional staff, interview no. 7, Washington DC, April 2024.
- 196 CIVIC interview with Nigerian government official, interview no. 1, Abuja, April 2024.
- 197 "Civilian Harm Mitigation and Response Action Plan," DOD, August 25, 2022, <https://media.defense.gov/2022/Aug/25/2003064740/-1/-1/1/CIVILIAN-HARM-MITIGATION-AND-RESPONSE-ACTION-PLAN.PDF>.
- 198 "DOD Instruction 3000.17: Civilian Harm Mitigation and Response," US Department of Defense, December 21, 2023, www.esd.whs.mil/Portals/54/Documents/DD/issuances/dodi/300017p.pdf.
- 199 CIVIC interview with US government official, interview no. 9, Washington DC, April 2024.
- 200 Department of State, "Report to Congress under Section 2 of the National Security Memorandum on Safeguards and Accountability with Respect to Transferred Defense Articles and Defense Services (NSM-20)," accessed in *Just Security*, May 10, 2024, www.justsecurity.org/wp-content/uploads/2024/05/Report-to-Congress-under-Section-2-of-the-National-Security-Memorandum-on-Safeguards-and-Accountability-with-Respect-to-Transferred-Defense.pdf.
- 201 Ibid.
- 202 CIVIC interview with US government official, interview no. 9, Washington DC, April 2024.
- 203 CIVIC interview with civil society, interview no. 2, Washington DC, April 2024; CIVIC interview with US congressional staffer, interview no. 7, Washington DC, April 2024; CIVIC interview with former US government official, interview no. 6, Washington DC, April 2024.
- 204 CIVIC interview with US government official, interview no. 4, Washington DC, April 2024.
- 205 CIVIC interview with US government official, interview no. 4 Washington DC, April 2024; CIVIC interview with NGO, interview no. 5, Washington DC, April 2024.
- 206 CIVIC interviews with civil society, interviews no. 2, 5, Washington DC, April 2024.
- 207 CIVIC interview with civil society, interview no. 5, Washington DC, April 2024.
- 208 Michael J. Mazarr, Bryan Frederick and Yvonne K. Crane, "UNDERSTANDING A NEW ERA OF COMPETITION," *Rand Corporation*, www.rand.org/content/dam/rand/pubs/research_reports/RRA200/RRA290-4/RAND_RRA290-4.pdf.
- 209 "National Security Strategy," *The White House*, October 12, 2022, www.whitehouse.gov/wp-content/uploads/2022/10/Biden-Harris-Administrations-National-Security-Strategy-10.2022.pdf.
- 210 CIVIC interview with former US government official, interview no. 4, Washington DC, April 2024.
- 211 Christopher S. Chivvis, Zainab Usman and Beatrix Geaghan-Breiner, "Nigeria in the Emerging World Order," *Carnegie Endowment for International Peace*, December 7, 2023, <https://carnegieendowment.org/research/2023/12/nigeria-in-the-emerging-world-order?lang=en>.
- 212 "Arms transfers database," *sipri*, <https://armstransfers.sipri.org/ArmsTransfer/TransferData>.
- 213 "BRI: A Path towards Common Development and a Blueprint for China-Nigeria Cooperation (by H.E. Cui Jianchun, Chinese Ambassador to Nigeria)," October 27, 2023, http://ng.china-embassy.gov.cn/eng/zngx/cne/202310/t20231027_11169250.htm; Christopher S. Chivvis, Zainab Usman and Beatrix Geaghan-Breiner, "Nigeria in the Emerging World Order," *Carnegie Endowment for International Peace*, December 7, 2023, <https://carnegieendowment.org/research/2023/12/nigeria-in-the-emerging-world-order?lang=en>; Kate Bartlett, "Chinese Navy in Nigeria Amid Base Concerns," *VOA*, www.voanews.com/a/chinese-navy-in-nigeria-amid-base-concerns-7169855.html.
- 214 Christopher S. Chivvis, Zainab Usman and Beatrix Geaghan-Breiner, "Nigeria in the Emerging World Order," *Carnegie Endowment for International Peace*, December 7, 2023, <https://carnegieendowment.org/research/2023/12/nigeria-in-the-emerging-world-order?lang=en>; <https://crsreports.congress.gov/product/pdf/R/R47052/>.

- 215 "Arms transfers database," *sipri*, <https://armstransfers.sipri.org/ArmsTransfer/TransferData>.
- 216 CIVIC interview with US congressional staff, interview no. 7, Washington DC, April 2024; CIVIC interview with NGO, interview no. 5, Washington DC, April 2024; see also "Assistant Secretary for African Affairs Molly Phee Previewing the Secretary's Trip to Cabo Verde, Cote d'Ivoire, Nigeria, and Angola," *Department of State*, January 18, 2024, www.state.gov/assistant-secretary-for-african-affairs-molly-phee-previewing-the-secretarys-trip-to-cabo-verde-cote-divoire-nigeria-and-angola/.
- 217 Paul Stronski, "Russia's Growing Footprint in Africa's Sahel Region," *Carnegie Endowment for International Peace*, February 28, 2023, <https://carnegieendowment.org/research/2023/02/russias-growing-footprint-in-africas-sahel-region?lang=en>.
- 218 "Memorandum on United States Conventional Arms Transfer Policy," *The White House*, February 23, 2023, www.whitehouse.gov/briefing-room/presidential-actions/2023/02/23/memorandum-on-united-states-conventional-arms-transfer-policy/.
- 219 CIVIC interview with former US government official, interview no. 4, Washington DC, April 2024; CIVIC interview with US congressional staff, interview no. 8, Washington DC, April 2024.
- 220 CIVIC interview with former US government official, interview no. 4, Washington DC, April 2024; CIVIC interview with US congressional staff, interviews no. 7, 8, Washington DC, April 2024; CIVIC interview with US government official, interview no. 9, Washington DC, April 2024; CIVIC interview with Nigerian government official, interview no. 1, Abuja, April 2024.
- 221 CIVIC interview with US congressional staff, interview no. 7, Washington DC, April 2024.
- 222 CIVIC interview with civil society, interview no. 1, Washington DC, April 2024; CIVIC interview with former US government official, interview no. 4, Washington DC, April 2024; CIVIC interview with US congressional staff, interview no. 7, 9, Washington DC, April 2024.
- 223 For example: Andrew J. Pierre, "To Restrain Arms Transfers," *The New York Times*, March 16, 1977, www.nytimes.com/1977/03/16/archives/to-restrain-arms-transfers.html; Robert Kuttner, "The U.S. Shouldn't Be Arms Broker," *Los Angeles Times*, April 26, 1998, www.latimes.com/archives/la-xpm-1998-apr-26-op-43143-story.html; Bryan Bender and Tara Palmeri, "Trump to unleash more global arms sales," *Politico*, September 29, 2017, www.politico.com/story/2017/09/29/trump-global-arms-sales-243282.
- 224 CIVIC interview with former US government official, interview no. 4, Washington DC, April 2024.
- 225 CIVIC interview with former US government official, interview no. 4, Washington DC, April 2024; CIVIC interview with US government official, interview no. 9, Washington DC, April 2024.
- 226 CIVIC interview with US congressional staff, interview no. 7, Washington DC, April 2024.
- 227 CIVIC interview with US government official, interview no. 9, Washington DC, April 2024.
- 228 CIVIC interview with former US government official, interview no. 4, Washington DC, April 2024.
- 229 CIVIC interview with former US government official, interview no. 4, Washington DC, April 2024; CIVIC interviews with NGO, interviews no. 1, 2, Washington DC, April 2024.
- 230 Elias Yousif, "'If We Don't Sell It, Someone Else Will': Dependence and Influence in U.S. Arms Transfers," *Stimson*, March 2023, www.stimson.org/wp-content/uploads/2023/03/If-We-Dont-Sell-It-Report-March-2023_V3_Pages-1.pdf.
- 231 *Responsible Statecraft*, <https://responsiblestatecraft.org/2023/04/04/a-us-foreign-policy-approach-for-a-multipolar-world/>.
- 232 "Demystifying End-Use Monitoring in U.S. Arms Exports," *CIVIC*, September 20, 2021, <https://civiliansinconflict.org/eum/>.
- 233 "Biden administration will track civilian deaths from U.S.-supplied arms," *The Washington Post*, September 13, 2023, www.washingtonpost.com/national-security/2023/09/13/state-department-chirg-civilian-deaths/.
- 234 CIVIC interview with US government official, interview no. 4, Washington DC, April 2024.
- 235 Ibid.
- 236 CIVIC interview with Nigerian government official, interview no. 1, Abuja, April 2024.
- 237 CIVIC interview with former US government official, interview no. 6.
- 238 CIVIC interview with NGO, interview no. 5, Washington DC, April 2024.
- 239 For more information, see: "Having Their Say: Guidelines for Involving Local Civil Society in the Planning, Design, Implementation, and Evaluation of U.S. Security Assistance and Cooperation," *CIVIC*, <https://civiliansinconflict.org/having-their-say/>.
- 240 For instance, the US could withhold sustainment and further sales of close support aircraft if sufficient progress is not achieved in improving AGI.



Cpl. Jonathan L. Gonzalez

February 7, 2022, El Centro, California: Marines with Marine Light Attack Helicopter Squadron 775, Marine Aircraft Group 41, 4th Marine Aircraft Wing, execute pre-flight checks and procedures on an AH-1Z attack helicopter before take-off at Naval Air Facility El Centro, Calif., Feb. 7, 2022. HMLA-775 provides aviation support that enables the unit to maintain and enhance their mission capabilities and readiness.