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THE US-NIGERIAN MILITARY COOPERATION: US AFRICOM AS A MENTOR FOR
NIGERIA'S MILITARY EFFORTS AT PROMOTING RESPECT FOR HUMAN RIGHTS

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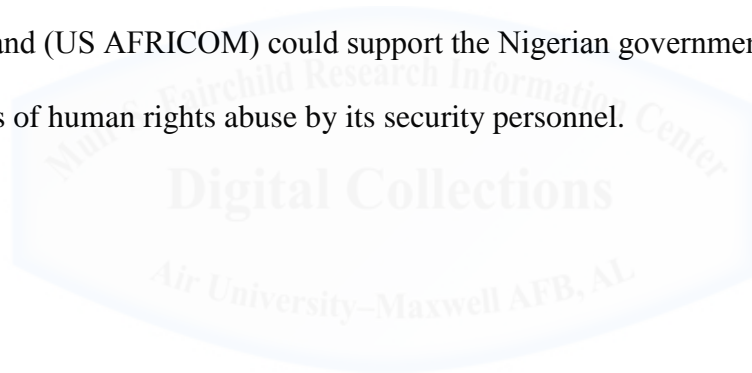
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Abstract

The Nigerian military performs police duties whenever internal security crises escalate beyond the capabilities of the Nigerian police and this brings it in frequent contact with the civil populace, and this results in incessant allegations of human rights abuses. The effort Nigerian military leadership at stemming this trend has not yielded the desired outcome, and human rights organizations continue to publish reports of human rights violation against Nigeria military. This is worrying, because it does not only effect civil-military relations in Nigeria, but also negatively impact its relations with the United States (US) and other allies. The need for external support for Nigeria military personnel on how to approach human rights issues therefore becomes imperative. This essay therefore emphasizes how the US African Command (US AFRICOM) could support the Nigerian government's efforts to reduce incidents of human rights abuse by its security personnel.



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The militaries of most nations are established to defend the territorial integrity of their countries. However, some countries task their militaries to perform police duties whenever internal crises escalate beyond the capabilities of the police. This brings these militaries in frequent contact with the civil populace, and this may sometimes result in human rights abuses. Whenever such violations occur, they negatively impact military operations, because the support of the civil populace is critical for successful stability operations. In the case of Nigeria, reports of human rights abuses against its military have negatively impacted its relations with the United States (US). It is noteworthy that the US has maintained strong military ties with Nigeria since gaining independence in 1960, and Nigeria has continued to look to the US for support since then. This essay focuses on how the US African Command (US AFRICOM) could support the Nigerian government's efforts to reduce incidents of human rights abuse by security personnel. Such development will reduce frictions, create cordial civil-military relations, and build trust while enhancing interoperability between the Nigerian military and US AFRICOM. The essay will start by highlighting the statutory provisions for human rights and then take a look at police duties carried out by the Nigerian military during internal crises. Next, the essay will consider the allegations of human rights abuses against Nigerian military and then give an overview of US-Nigeria military cooperation to provide the background as to why Nigeria looks to the US for mentorship. Finally, the essay will take a look at the achievements of US AFRICOM and recommend how it could help promote human rights reforms within Nigerian's military.

The International Covenants on Human Rights describes human rights generally as the rights a person has simply because he/she is a human being and that human rights are derived from the inherent dignity of the human nature.¹ In the same vein, the universality of human rights was affirmed in the adoption of the Universal Declaration of Human Rights (UDHR) by the United Nations (UN) General Assembly on 10 December 1948.² The UDHR

sets out the various rights and fundamental freedoms that are to be enjoyed by all people in the world.³ Consequently, most member nations of the UN including Nigeria and the US have domesticated the provisions on Fundamental Rights in their respective constitutions. The armed forces of these nations are particularly guided by the Law of Armed Conflicts (LOAC) which forms part of domestic and international laws that regulates the conduct of armed hostilities.⁴ LOAC covers two overlapping areas; the Geneva Law which is concerned with protecting persons involved in conflict, and Hague Law which deals mainly with the means and methods of warfare.⁵ Therefore, any violation of human rights in Nigeria is not only a breach of the country's Constitution, but an affront to other international legal instruments.

By virtue of Section 217(2)(c) of the 1999 Constitution of Nigeria, the Nigerian Military is tasked to carry out internal security operations to contain internal crises in any part of Nigeria whenever called upon by the President to do so.⁶ Therefore, since Nigeria's independence in 1960, its military has actively participated in several internal security operations within Nigeria. The crises in which it has taken part include quelling the militant crisis in the Niger-Delta Region of Nigeria, as well as pacifying ethnic crises and other forms of internal insurrections. Presently, the Nigeria military is engaged in counter-terrorism operations against the Boko Haram terror group in its North-East region.⁷ It is noteworthy that the military has been able to restore peace, law, and order in most of the crises it has been called upon to contain. They are, however constrained by inadequate training on internal security operations, lack of necessary weapons for Counter Insurgency Operations (COIN), coupled with insufficient knowledge in human rights and international law. The official rules of engagement dictate that the force used in any circumstance should be necessary and reasonable to justify the containment of the specific crisis.⁸ However, some operations have resulted in international criticism and public outcry over allegations of human rights violations and became subjects for investigations in courts of law, human rights commissions,

and judicial panels of inquiry.⁹

The 2014/15 Amnesty International report on Nigeria alleged that crimes under international law and serious human rights violations and abuses were committed by the Nigeria's military.¹⁰ Specifically, the report stated that while responding to the Boko Haram insurgency, Nigerian security forces committed grave human rights violations and other acts which constitute crimes under international law.¹¹ The report stated that the violations ranged from arbitrary arrests in north-east Nigeria to forceful participation in identification parades. It also alleged that those singled out were detained and denied access to their lawyers, courts, and families. Furthermore, Amnesty International claimed that detainees were subjected to torture or other ill-treatment, as part of interrogations or as punishment. They also stated that many detainees died in military detention facilities as a result of extremely harsh conditions. Nigerian security forces were also said to repeatedly carry out extrajudicial executions, often following the "screening" of suspects as the use of torture remained widespread and routine within Nigeria's police and military. Countless people were alleged to be subjected to physical and psychological torture and other ill-treatment.¹² While most of these allegations were later proven to be inaccurate, such reports however tends to causes mistrust and tension between the military and civil populace and affected relations between Nigeria and the western countries. For instance, the impact of these reports on US-Nigerian military relation remains a source of concern.

US-Nigeria military cooperation has traditionally been in the areas of training, provision of equipment, military reforms, health and humanitarian assistance, and recently counter-terrorism. The US Department of Defense (DoD) was involved in the training and equipping Nigerian troops during the civil wars in Liberia, Sierra Leone and Ivory Coast.¹³ Similarly, the US Navy through the Joint-Combined Exchange Training (JCET) provides training to the Nigerian Navy (NN) in the areas of boat maintenance, riverine navigation and

seamanship.¹⁴ For instance, the US provided four naval warships in 2003 and two vessels in 2014 to enhance the ability of NN to conduct search and rescue operations and coastal protection.¹⁵ The vessels have assisted Nigeria in tackling illegal fishing, smuggling and oil bunkering in the Gulf of Guinea. In the same vein, in early 1999, when Nigeria resumed democracy after the episodes of military rule, the US government assisted in Nigeria's military reform efforts.¹⁶ In its reform intervention, the US Agency for International Development (USAID) presented an Action Plan to help in re-professionalizing the Nigerian armed forces, rationalize its force structure, and establish democratic values and strengthening civil-military relations.¹⁷ The central element of the plan was the institutional reforms needed to ensure more effective civilian control of the military in Nigeria and increase respect for human rights.

The US government also used the Military Professional Resources Incorporated (MPRI) initiative to provide a cross-functional US team of experts to provide training aimed at improving professionalism in the Nigerian military.¹⁸ In the area of education, the US has consistently provided opportunities for Nigerian military officers to attend US military educational institutions through the International Military Education and Training (IMET) program. Also, the US engages the Nigerian military on health and humanitarian assistance by building medical research reference laboratories focusing on vaccine research of HIV/AIDS, as well as providing a range of care from testing and diagnosis to anti-retroviral therapy and treatment of opportunistic infections.¹⁹ The Nigerian military has benefited immensely from these programs.

The Nigerian government on its part has provided robust diplomatic support to the US government's counter-terrorism efforts since the 11 September, 2001 terrorist attack.²⁰ Nigeria remains a strong regional ally of the U.S in her bid to build an international coalition against terrorist groups. Unfortunately, the increasing allegations of human rights abuses

against the military continues to hinder Nigeria-US relations, as it has so far deprived Nigeria of the full benefits US-Nigeria military cooperation. For instance, the US and other Western allies have refused to sell arms and ammunition to Nigeria in her fight against Boko Haram because of allegations of human rights violations. Hopefully, the recent visit of the Nigeria's president to the US, the subsequent promise by President Barak Obama's to commit \$5 million to Nigeria's counter-terrorism effort and the follow-up visit of the US AFRICOM Commander to Nigeria will mark a turning point in US-Nigeria military cooperation.²¹

US AFRICOM was created on the realization that peace and stability on the African continent impacts not only Africans, but the interests of the US and international community as well. US AFRICOM is responsible for all US DoD operations, exercises, and security cooperation on the African continent, its island nations, and surrounding waters.²² Its Area of Responsibility (AOR) covers 53 African countries measuring about 35 percent of the world's land mass and 25 percent of world population. Unlike other Unified Commands, US AFRICOM focuses on war prevention rather than war-fighting.²³ It works with African nations and African organizations to build regional security and crisis-response capacity in support of US government efforts in Africa. The command, in concert with interagency and international partners, builds defense capabilities, responds to crises in order to advance US national interests and promotes regional security, stability, and prosperity.²⁴ So far, it has contributed much towards military and humanitarian cooperation. For instance, more than 180 military personnel from 16 different countries benefited from a US AFRICOM sponsored exercise code named "WESTERN ACCORD." The exercise, which was held in Netherlands in July 2015, provided participants with in-depth knowledge of UN operations, peacekeeping, humanitarian aid and military planning.

Additionally, US AFRICOM enables US DoD to better focus its resources to support and enhance existing US initiatives that help African nations, the African Union, and the

regional economic communities succeed.²⁵ Its creation clearly demonstrates US understanding of the interconnection among security, development, diplomacy and prosperity in Africa. The command also seeks to incorporate partner nations and humanitarian organizations, from Africa and elsewhere, to work alongside the US staff on common approaches to shared interests. US AFRICOM, in concert with other US government agencies and international partners, conducts sustained security engagement through military-to-military programs, military-sponsored activities, and other military operations. This is aimed at promoting a stable and secure African environment in support of US foreign policy.

US AFRICOM also provides support that enables African governments and existing regional organizations, such as the African Standby Force, to have greater capacity to provide security and respond in times of need.²⁶ To achieve this, they build on the existing African-US security cooperation activities, by synchronizing activities inherited from previous US regional commands. This approach helps demonstrate that the goal of US AFRICOM in Africa is not for recolonization of the continent as feared in some quarters, but rather to support the indigenous leadership efforts. The African continent presents a theatre where the US has demonstrated an effective use of soft power to achieve its strategic goal. In Nigeria, US AFRICOM is conducting a range of bilateral efforts and preparing to expand engagement. Simultaneously, it is working with Nigeria, neighboring countries, and international partners to improve the planning and coordination of efforts to counter Boko Haram.²⁷

It is noteworthy that the Nigerian military on its own has taken steps to ensure its troops do not partake in human rights violation through training and other awareness programs. However, incidence of human rights violations whether rightly or wrongly are still reported, hence the call for more engagement from the US government. US AFRICOM could emphasize issues of human rights, through security cooperation/assistance to improve civil-military relations in Nigeria.²⁸ It could do this, by complementing the efforts of USAID and

MPRI through African Contingency Operations Training and Assistance (ACOTA) program by providing modern equipment, logistics support, joint military operations, human rights monitoring operations and training for Nigerian force. ²⁹

The worst form of human rights violation is the killing of innocent persons during military operations, whether intended or accidental. Collateral damage has arisen largely because of a lack of modern intelligence, surveillance and reconnaissance (ISR) capabilities and precision weapons. A better result would be obtained if military operations were supported with real time support from either satellite or unmanned aerial vehicles (UAV) and precision guided munitions (PGM). Reliable intelligence improves the effectiveness of military operations while reducing collateral damage. Effective and timely intelligence can provide threat warning of impending criminal activities to security forces and help minimize violence usually associated with crises. Additionally, reliable intelligence allows military leaders to monitor potential human rights violations, deter illegal behaviour, and provide better understanding of the operational environment.

Most terrorist groups have capabilities that can rival third world security forces; combating them without external support can prove extremely challenging. This is because, the success of any operation, regardless of its elaborate planning and prompt action, depends on adequate firepower and logistics allocation. In view of this, the US government through US AFRICOM could support Nigerian troops with modern equipment and other operational logistics to reduce collateral damage during military operations.

US AFRICOM should increase joint military operations with selected Nigerian military units with a focus on the leadership of the Nigerian Armed Forces. Such operations would present a direct platform where officers can learn from the experience of the US military. This could lead to the achievement of greater professionalism in the Nigerian Armed Forces. A growing number of Nigerian military officers will then be better informed on the

concepts of civil liberty, human rights, subordination to civil authority, and exposure to the US model of civil-military-relations. Having embraced these principles, they will easily spread to other officers and men. This will not only reduce allegations human rights violations against the Nigerian military, but will improve the relationship between the military and its political masters. Similarly, US AFRICOM staffs that are familiar with Africa, its people, customs, languages, cultures, religions, and security aspects should be integrated into the local environment to mentor military personnel on international best practices.³⁰ This could provide US AFRICOM with a better understanding of the regional environment and help her build a better relationships with African partners and associated standby forces. Additionally, it will inculcate military professionalism and Western notions of civil-military relations in Nigerian Military.

Similarly, a mentor team from US AFRICOM could periodically visit detention facilities to observe how terror suspects are being treated and then provide mentorship where necessary. Such intervention could be in the areas of capacity building for the lawyers in the legal departments of the military. This is because most Legal Officers (Staff Judge Advocates) require more training to proffer needed advice on human rights related issues. Judge advocates from the US DoD could therefore be deployed to US AFRICOM with the aim of training their Nigerian counterpart on human rights law and practice. Also, a team could be set up to review training programs on international humanitarian law and LOAC in Nigerian military training institutions. This will not only inculcate international best practices, but will go a long way in checking possible human rights abuses and deterring intending violators. Like most jurisdictions, the Nigerian judicial system can be slow and judicial officers are not properly equipped to handle terror and other criminal-related cases. Therefore, the provision of justice is often delayed and occasionally denied. Such delay can erode confidence in the judicial process and encourage self-help help in the future. To help

mitigate this, the US government could assist in the training of Nigerian civil judicial officers in the effective and expeditious conduct terror trials to prevent the erosion of confidence in the legal system.

Such initiatives by US AFRICOM will greatly shape the orientation of troops and assist in improving the performance and observance of human rights during military operations. Additionally, knowledge gained during such engagements will restrain arbitrary actions by the troops and positively affect their attitude towards compliance with human rights provisions.³¹ Also, the Nigerian military will be spurred towards viewing the value of security more crucially and acknowledge the necessity of addressing people-based socio-economic development strategy. As a result, encounters between the troops and the civil population will be more likely to achieve positive outcome.

In conclusion, the Nigerian military is usually tasked to perform police duties whenever internal crises escalate beyond the capability of the police and this brings them in frequent contact with civil populace which sometimes results in allegations of human rights abuses. Like other international legal instruments, the Nigerian Constitution criminalizes abuse of human rights, as it constitutes a breach to both Nigeria domestic and other relevant international laws. However, in recent past, Amnesty International has made allegations of human rights violations against Nigeria's military and such allegations have brought the military into disrepute. Also, such reports against the military continues to hinder Nigeria-US cooperation and so far, it has deprived Nigeria of the full benefits US-Nigeria military cooperation. Nigerians are, nevertheless hopeful that the recent visit of the Nigerian president to the US, President Obama's subsequent promise to commit \$5 million to Nigeria's counter-terrorism efforts and the follow-up visit of the AFRICOM Commander to Nigeria marks a turning point in US-Nigeria military cooperation. Since, Nigeria's efforts at curtailing human rights violations has not yielded the desired results; increased US government assistance is

therefore necessary.

US AFRICOM should emphasize issues of human rights, through security cooperation/assistance to improve civil-military relations in Nigeria. It can be achieved by complementing the efforts of USAID and MPRI through the COTA program and by providing modern equipment, logistics support, joint military operations, human rights monitoring operations and training for the Nigerian forces. They should also build on existing efforts to enhance military professionalism and introduce Western notions of civil-military-relations in partnering African states. Such initiatives will greatly shape the orientation of troops and assist in improving the performance and observance of human rights during military operations. In this sense, encounters between the troops and the civil population will be more professional and allegations/incidences of human rights violations will be drastically reduced. Ultimately, a reinforcement of the need to respect human rights, will support the Nigerian government's efforts to win the hearts and minds of its people, and significantly bolster the chances of a successful outcome to the ongoing COIN campaigns.

Endnotes

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- ¹ International Covenant on Human Rights, 1977, Article 1.
 - ² UN Resolution of the General Assembly, 10 December, 1948.
 - ³ UN Resolution, 1948.
 - ⁴ The Judge Advocate General School's Reading, *The Military Commander and the Law, The Law of Armed Conflict* (AU Press, 2014), 678.
 - ⁵ Ibid.
 - ⁶ The Constitution of the Federal Republic of Nigeria (1999 as Amended), Section 217.
 - ⁷ B. Owosanya, and C. Nwankwo, (eds), *Suppressed Rights: Human Rights Violations by the Military 1984 – 2004, (Lagos: Constitutional Rights Project and Human Development Institution, 2002)*, vi – ix.
 - ⁸ Handbook on the Rules of Engagement for the Nigerian Military accessed at <http://www.omojuwa.com2014/04>.
 - ⁹ Federal Government of Nigeria, *The Human Rights Violations Investigation Commission (HRVIC) 14 June, 1999*, 1.
 - ¹⁰ Amnesty International Report on Nigeria (2014/15), <http://www.amnesty.org.news2015>, accessed on 23 Nov. 2015.
 - ¹¹ Ibid.
 - ¹² Ibid.
 - ¹³ Fact Sheet: U.S.-Nigerian Cooperation on Peacekeeping and Military Reform, cited on the internet at <http://usembassy.state.gov/nigeria/wwwhcf54.html>. Accessed on 23 Nov. 2015
 - ¹⁴ US-Nigerian Military in Skills Exchange Training Program” Agence France-Presse, Abuja, 18 Sep, 2004.
 - ¹⁵ <http://www.premiumtimesng.com> accessed on November 24, 2015.
 - ¹⁶ Fact Sheet.
 - ¹⁷ Ibid.
 - ¹⁸ <http://www.sourcewatch.org-index.php.mpri>. Accessed on 25 Nov., 2015.
 - ¹⁹ Background Note on Nigeria: *Nigerian –US Relations* cited on the internet at Department of State Web Site. Available on the Internet at <http://www.state.gov/r/pa/ei/bgn/2836.htm> on 23 Nov., 2015.
 - ²⁰ <http://www.internationalspecialreports.com/africa/99/nigeria/40.html>. Accessed on 23 Nov., 2015.
 - ²¹ Obama Pledge Support for Nigeria’s Fight against Militants-BBC.Com: <http://www.bbc.news.world.africa-33600>. Accessed on 25 Nov. 2015
 - ²² US AFRICOM Homepage @ <http://www.africom.mil/newsroom/article/6107>. Accessed on November 2, 2015.
 - ²³ Ibid.
 - ²⁴ Ibid.
 - ²⁵ Ibid.
 - ²⁶ <http://www.globalsecurity.org/military/dod/image/africom-personnel>. Accessed on 25 Nov. 2015.
 - ²⁷ 2015 US AFRICOM Posture Statement.
 - ²⁸ Bebedikt Franke, *Competing Regionalism in Africa and the Continents, Emerging Security Architecture*, African Studies Quarterly, Vol. 9, Issue 3, spring 2007.
 - ²⁹ ACOTA provides train-the-trainer programs for peacekeeping support to the African Union.
 - ³⁰ Bebedikt.
 - ³¹ Achike Okay, *Groundwork of Military Law and Military Rule in Nigeria* (Fourth Dimension Pub 1978), 50.