



Civilian Harm Mitigation in Nigerian Counter-Insurgency: Assessing Rules of Engagement, Airstrikes, and Local Accountability Mechanisms

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Abstract

Purpose: This study examines the legal and institutional foundations for institutionalising Civilian Harm Mitigation (CHM) within Nigeria's counter-insurgency operations, focusing on Rules of Engagement, airstrike protocols, civilian casualties, and accountability mechanisms.

Research Methodology: The study adopts a qualitative doctrinal and documentary research design. Data were obtained from Nigerian constitutional and military frameworks, international humanitarian law instruments, human rights standards, official government materials, military policy documents, jurisprudence, and scholarly publications. Thematic analysis was applied to examine civilian protection, operational procedures, accountability mechanisms, and institutional requirements for CHM implementation.

Results: The findings show that Nigeria possesses important legal and institutional foundations for civilian protection through Rules of Engagement, human rights structures, civil-military mechanisms, and emerging CHM institutions within the Nigerian Air Force. However, recurring airstrike-related civilian casualties indicate persistent gaps between normative commitments and operational implementation. The study identifies the need for integrated mechanisms involving prevention, civilian-harm assessment, incident tracking, investigation, accountability, community engagement, and remedial measures.

Conclusions: The study concludes that CHM should be institutionalised as a continuous operational system rather than an incident-based response. Effective civilian protection requires integration between legal frameworks, operational planning, intelligence processes, command responsibility, training, and local accountability mechanisms.

Limitations: The study relies primarily on documentary and doctrinal sources and does not include primary field data from military personnel or affected communities.

Contributions: This study contributes by developing an integrated CHM framework that connects legal compliance, military effectiveness, accountability, and community engagement within Nigeria's counter-insurgency context.

Keywords: *Accountability, Airstrikes, Civilian Casualties, Civilian Harm Mitigation, Counter-Insurgency, Rules of Engagement*

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1. Introduction

The protection of civilians during military operations has become an increasingly important component of contemporary security governance because modern counter-insurgency campaigns frequently occur within or around populated areas where combatants, civilian communities, markets, farms, religious gatherings, schools, and other protected objects may coexist within the same operational environment. International Humanitarian Law (IHL) establishes the foundational requirements of distinction, proportionality, and precaution in attack, while international human rights law continues to govern the use of force in situations where the applicable legal framework is law enforcement rather than armed conflict ([Alfatlawi, Tamimi, & Al-Tamimi, 2024](#)). The International Committee of the Red Cross (ICRC) identifies the prohibition of indiscriminate attacks, the obligation to take feasible precautions, and the duty to verify that targets are military objectives as central rules applicable to the conduct of hostilities. These principles require armed forces to maintain constant care for civilians and civilian objects, assess anticipated civilian harm, take feasible measures to minimize incidental harm, and cancel or suspend attacks where the relevant conditions for lawful attack cease to exist ([International, 2021a](#)). Civilian Harm Mitigation (CHM) consequently represents more than a humanitarian aspiration because it provides an institutional approach through which legal obligations concerning civilian protection are translated into operational planning, decision-making, post-operation assessment, investigation, and remedial mechanisms.

The contemporary concept of CHM has developed beyond the narrow proposition that military forces should avoid unlawful attacks. It encompasses a broader system for identifying foreseeable risks to civilians, incorporating those risks into operational planning, reducing avoidable harm, recording incidents, investigating allegations, learning from patterns of civilian harm, and responding to affected communities. Recent military-policy scholarship describes CHM as a continuous process linking prevention, mitigation, and response rather than an activity that begins only after civilians have been harmed ([Stigall & Williams, 2022](#)). [De and Gelot \(2026\)](#) observe that CHM has evolved into a distinct mode of governance involving military institutions, legal experts, civilian authorities, civil society, and affected communities. Comparable developments in other military systems demonstrate that CHM can be institutionalized through dedicated boards, casualty-tracking mechanisms, specialist advisory structures, after-action reviews, and formal response procedures. These developments are particularly relevant to Nigeria because its security environment combines armed conflict, terrorism, banditry, communal violence, and other forms of insecurity, making a single undifferentiated use-of-force framework legally and operationally inadequate.

Nigeria counter-insurgency environment has placed the Armed Forces in sustained operational contact with Boko Haram, Islamic State West Africa Province (ISWAP), and other armed groups, particularly in the North-East ([Udeh, 2024](#)). The Nigerian military has increasingly incorporated airpower into joint operations, including intelligence, surveillance and reconnaissance capabilities and strike operations. Academic studies have identified airpower as an important component of Nigeria counter-insurgency strategy while also documenting recurring incidents involving civilian casualties ([Omeni, 2018](#)). [Okoli, Olaniyan, and Ayegbusi \(2024\)](#) argue that repeated mis-targeted counter-insurgency airstrikes should not be examined merely as isolated operational errors but in relation to broader limitations involving airpower, intelligence, and command capabilities. [Ogbozor \(2025\)](#) similarly highlights recurring concerns regarding intelligence failure, target identification, civilian harm, and accountability. These studies do not establish that every reported civilian casualty resulted from an unlawful attack, but they demonstrate the importance of systematic legal and institutional assessment rather than treating each incident solely as an operational accident.

The legal context is particularly important because not every Nigerian security operation automatically falls within the same legal regime. Where the intensity and organization of violence meet the applicable threshold for a non-international armed conflict, IHL governs the conduct of hostilities alongside applicable domestic and human rights law ([Babatunde & Abdulsalam, 2021](#)). Where military personnel perform domestic law-enforcement functions outside an armed-conflict

framework, human-rights standards governing the use of force assume greater importance. This distinction has direct consequences for the legality of airpower because an airstrike conducted during armed conflict must comply with the principles of distinction, proportionality, and precautions in attack, whereas the use of lethal force for law-enforcement purposes is subject to stricter necessity and proportionality requirements. Therefore, the legal assessment of military air operations must begin with the applicable operational and legal context rather than assuming that all responses to insecurity are governed by identical standards ([Osadare & Olagunju, 2025](#)).

Nigeria nevertheless possesses an established domestic institutional framework for regulating military conduct. The Constitution of the Federal Republic of Nigeria establishes the Armed Forces and defines their constitutional functions, while the Armed Forces Act provides the principal statutory framework for military organization, discipline, and administration. These formal structures are supplemented by Rules of Engagement, operational directives, codes of conduct, human-rights mechanisms, and civil-military structures ([Babatunde, 2019](#)). Nigerian Government reporting to United Nations human-rights mechanisms has indicated that the Armed Forces have revised and circulated Rules of Engagement and Codes of Conduct, while military structures including human-rights desks, civil-military affairs directorates, and advisory mechanisms have been established to promote compliance during internal-security operations. The Ministry of Defence has also emphasized that Nigerian theatre commands operate under Rules of Engagement and a Code of Conduct, with civilian harm reduction, protection of vulnerable groups, and accountability incorporated into operational planning. The central issue is therefore not whether Nigeria recognizes civilian protection in principle, but whether existing arrangements are sufficiently integrated, consistently implemented, independently reviewed, and accessible to affected civilians ([Obikaeze, Nwokoye, Manasseh, & Efanodor-Obeten, 2023](#)).

The practical importance of this issue has become visible through several military airstrike incidents. Events such as the 2017 Rann airstrike, the 2022 Mutumji incident, the 2023 Doma incident, and the 2023 Tudun Biri incident generated significant concerns regarding target verification, intelligence processes, precautionary measures, civilian-harm recording, and accountability mechanisms. These incidents demonstrate that civilian protection challenges cannot be addressed solely through post-incident responses but require institutional systems capable of preventing harm, assessing risks, investigating allegations, and incorporating lessons into future operations. Differences in reported casualty figures and continuing public concerns regarding transparency further highlight the importance of reliable civilian-harm documentation and credible accountability mechanisms.

At the same time, it would be incomplete to portray Nigeria military institutions as having no CHM architecture. Important institutional developments have occurred, including civilian-protection programs, policy initiatives, and the establishment of Civilian Harm Mitigation and Response mechanisms within the Nigerian Air Force. These developments indicate increasing recognition that civilian protection should extend beyond individual incidents and become part of operational planning, assessment, and institutional learning. However, the central challenge remains whether CHM has been institutionalized as a consistent Armed Forces-wide legal and operational system with clear responsibilities before, during, and after military operations. An effective CHM framework requires integration among operational planning, intelligence assessment, Rules of Engagement, command responsibility, military education, civilian-harm tracking, investigation procedures, local engagement, and remedial mechanisms ([Egbujiobi, 2025](#)).

The local dimension is equally important because civilian harm is experienced within communities, while investigations are often conducted through military or governmental structures that affected populations may perceive as distant. Communities may possess valuable information regarding victims, local conditions, armed-group activities, warnings, and the consequences of incidents. Therefore, a credible CHM architecture should recognize communities not only as beneficiaries of protection but also as legitimate sources of operational information and post-incident evidence. Comparative experiences demonstrate that casualty tracking, operational planning, after-action reviews, reporting mechanisms, and accountability systems can be strengthened through engagement

with local and external actors. Nigeria can adapt these principles while considering its own institutional, legal, and operational context ([Okafor, Adebisi, Opara, & Okafor, 2020](#)).

The central research problem lies in the gap between Nigeria existing legal commitments and the extent to which civilian-harm mitigation has become a predictable, transparent, and enforceable component of military decision-making. The repeated occurrence of airstrike-related civilian casualties does not automatically establish that Nigeria Rules of Engagement are legally inadequate, as individual incidents require specific investigation and operational ROE are not fully publicly disclosed. However, these developments justify examining whether existing CHM mechanisms adequately address target verification, precaution, proportionality assessment, command review, civilian-harm tracking, post-strike investigation, local complaints, and remedies. Accordingly, this study examines the legal foundations governing civilian protection and Rules of Engagement in Nigeria counter-insurgency operations, assesses the adequacy of existing safeguards for preventing and responding to civilian harm, evaluates institutional and local accountability mechanisms, and proposes a framework for institutionalizing CHM across Nigeria counter-insurgency operations.

2. Literature Review

2.1 Civilian Harm Mitigation

Civilian Harm Mitigation (CHM) refers to an institutional process through which military organizations identify, prevent, reduce, monitor, investigate, and respond to harm experienced by civilians during military operations. Unlike a narrow interpretation that focuses only on avoiding unlawful attacks, CHM incorporates a broader cycle involving risk assessment, operational planning, intelligence integration, casualty recording, post-operation review, accountability, and institutional learning. Contemporary military approaches increasingly recognize CHM as a capability that connects legal obligations with operational effectiveness because civilian protection can influence mission legitimacy, public trust, and long-term security outcomes. Therefore, CHM should not be viewed merely as a compliance requirement but as an organizational mechanism for improving decision-making under complex operational conditions ([Stigall & Williams, 2022](#)).

The effectiveness of CHM depends on the extent to which civilian protection principles are embedded within military institutions. This requires integration between legal advisers, commanders, intelligence personnel, operational planners, training institutions, and accountability mechanisms. A military organization may possess formal commitments to civilian protection, but these commitments will have limited practical impact without clear procedures for target verification, proportionality assessment, civilian-harm tracking, investigation, and remedial action. Consequently, CHM represents a continuous institutional learning process in which operational experiences are analyzed and transformed into improved policies, doctrine, and future practices ([Grigoli, 2025](#)).

2.2 Rules of Engagement

Rules of Engagement (ROE) are authoritative directives that establish the circumstances, conditions, limitations, and procedures governing the use of force by military personnel. ROE serve as the operational bridge between legal obligations and battlefield decision-making by translating international humanitarian law, human rights standards, national policy, and mission requirements into practical instructions. Although ROE do not replace international legal obligations, they provide commanders and personnel with operational guidance for applying legal principles within specific missions and environments. In many cases, ROE may impose restrictions that are more detailed or stringent than the minimum requirements established by international law ([Frost-Nielsen, 2018](#)).

In counter-insurgency operations, effective ROE are particularly important because military forces operate within complex environments where distinguishing combatants from civilians is challenging. The quality of ROE implementation depends not only on the content of written directives but also on training, intelligence availability, command supervision, legal review, and operational discipline.

Weak implementation mechanisms may create gaps between legal standards and operational practice, particularly in situations involving airstrikes, intelligence uncertainty, and rapidly changing battlefield conditions. Therefore, ROE effectiveness should be assessed not only as a legal instrument but also as an institutional process supported by organizational capability and accountability mechanisms ([Podder & Manzillo, 2021](#)).

2.3 Civilian Casualties and Civilian Harm Assessment

Civilian casualties refer to deaths, injuries, or other forms of harm experienced by individuals who are not directly participating in hostilities and who are affected by military operations. Within the framework of CHM, civilian casualties should be understood beyond the narrow question of whether a specific incident constitutes a violation of international humanitarian law. A comprehensive mitigation system must record, analyze, and learn from civilian harm regardless of whether the harm resulted from unlawful conduct, operational uncertainty, intelligence limitations, or unavoidable consequences of lawful military action. This broader understanding enables military institutions to identify patterns, improve procedures, and reduce future risks ([Farhat, Nurdin, & Basir, 2022](#)).

Accurate civilian casualty assessment is therefore a critical component of operational accountability and institutional learning. Reliable mechanisms for documenting incidents, verifying information, conducting investigations, and communicating findings contribute to transparency and public confidence. In asymmetric conflicts, where military operations often occur among civilian populations, failure to properly assess and address civilian harm may generate distrust, reduce community cooperation, and create conditions that benefit armed groups. Consequently, civilian casualty assessment is not only a humanitarian obligation but also a strategic requirement for sustaining effective counter-insurgency operations ([Khorram-Manesh, Burkle, Goniewicz, & Robinson, 2021](#)).

2.4 Local Accountability and Community Engagement

Local accountability refers to mechanisms that enable affected communities to report incidents, provide relevant information, participate in fact-finding processes, receive appropriate communication regarding investigations, and engage with security institutions concerning preventive measures. In counter-insurgency environments, local communities often possess contextual knowledge regarding civilian presence, armed-group activities, and the consequences of military operations. Incorporating such knowledge into accountability processes can improve incident verification, strengthen institutional transparency, and enhance the quality of operational learning ([Maza, Yorgancioglu, Ilemore, & Bakyl, 2024](#)).

However, local accountability does not imply transferring military decision-making authority to civilian actors. Instead, it establishes structured channels through which civilian experiences contribute to lawful oversight, investigation, and institutional improvement. Effective community engagement requires trust, accessibility, transparency, and appropriate safeguards to protect sensitive information. When integrated into CHM frameworks, local accountability can reduce information gaps between security institutions and communities while strengthening legitimacy and cooperation in complex security environments ([Bhattacharjee, Sharma, & Tiwari, 2025](#)).

2.5 Theoretical Framework

2.5.1 Human Security Theory

This study is primarily informed by Human Security Theory, which expands the traditional understanding of security from state protection toward the protection of individuals and communities from threats to survival, livelihood, dignity, and well-being. The theory is relevant to CHM because military effectiveness cannot be evaluated solely through the destruction or suppression of armed groups. The protection of civilians, preservation of community stability, maintenance of public

confidence, and prevention of avoidable harm represent important dimensions of sustainable security outcomes.

Within Nigeria counter-insurgency context, Human Security Theory provides a framework for understanding why civilian protection should be integrated into military doctrine and operational practice. Operations that successfully target armed groups but produce excessive civilian harm may generate displacement, resentment, reduced trust, and decreased cooperation with security institutions. CHM therefore does not contradict military effectiveness; rather, it supports sustainable operational outcomes by ensuring that the use of force remains legally compliant, strategically responsible, and socially legitimate.

2.5.2 Legal Institutionalism

The study is also informed by Legal Institutionalism, which emphasizes that legal rules become effective when they are embedded within institutions, procedures, and organizational practices. This perspective is particularly relevant to the implementation of ROE and civilian protection standards because formal legal commitments alone do not guarantee effective compliance. The practical application of principles such as distinction, proportionality, and precaution depends on institutional capacities, including personnel training, intelligence processes, command responsibility, reporting systems, and investigation mechanisms.

Legal Institutionalism therefore explains why CHM requires more than the existence of laws, policies, or operational directives. Legal norms must be transformed into repeatable institutional practices that guide planning, execution, review, and adaptation. From this perspective, civilian protection becomes an organizational capability developed through continuous interaction between legal frameworks, military procedures, accountability structures, and operational experience.

3. Research Methodology

The study adopted a qualitative doctrinal and documentary research design. Primary sources included the Constitution of the Federal Republic of Nigeria, the Armed Forces Act, relevant Nigerian military policy documents, Rules of Engagement principles, international humanitarian-law instruments, customary IHL rules and human-rights standards. Secondary materials included peer-reviewed journal articles, institutional reports, official statements, policy papers and credible documentation concerning civilian-harm incidents in Nigeria ([Mackieson, Shlonsky, & Connolly, 2019](#)).

The study employed purposive case selection, focusing particularly on airstrike incidents that generated significant questions concerning civilian protection and accountability, including Rann, Mutumji, Kwatiri/Rukubi, Tudun Biri and the 2026 Jilili incident. These cases were not treated as proof of identical legal violations. Rather, they were examined as policy and accountability events that reveal recurring institutional questions concerning intelligence, target identification, civilian presence, post-strike investigation, casualty recording and community engagement ([Campbell, Greenwood, & Prior, 2020](#)).

The analysis was thematic, concentrating on four principal dimensions: the legal basis of ROE and civilian protection; airstrike protocols and precautionary obligations; institutional and local accountability; and mechanisms for institutionalizing CHM. Comparative evidence from the G5 Sahel Joint Force and contemporary international military CHM practices was used cautiously to identify transferable institutional principles rather than prescribe foreign models for direct adoption ([Plümper, Troeger, & Neumayer, 2019](#)).

4. Results and Discussions

4.1 Legal Framework Governing Civilian Protection in Nigeria's Counter-Insurgency Operations

Nigeria legal framework for military operations is derived from constitutional, statutory, international and operational sources. The Constitution establishes the Armed Forces and defines their constitutional role, while the Armed Forces Act regulates military organisation and discipline. These domestic provisions operate alongside Nigeria international legal obligations. Where IHL applies, the principles of distinction, proportionality and precaution regulate the conduct of hostilities. Where military force is used in a law-enforcement context, human-rights law provides the principal framework governing necessity, proportionality and accountability.

The distinction between IHL and human-rights law should not be understood as creating a legal vacuum between armed conflict and ordinary policing. Contemporary Nigerian security operations frequently involve overlapping contexts, including counter-insurgency, counter-terrorism, banditry suppression and assistance to civil authorities. Each operation therefore requires legal classification and appropriate operational guidance. A single ROE template cannot adequately substitute for context-specific legal analysis.

Nigeria own military practice recognizes the importance of this framework. Government reporting has indicated that Rules of Engagement and Codes of Conduct have been revised and circulated to military formations and that human-rights structures exist within the Armed Forces. The Ministry of Defence similarly states that theatre commands operate under ROE and a Code of Conduct and that civilian harm reduction is incorporated into operational planning ([Federal Republic of Nigeria, 2019](#); [Ministry of Defence, 2026](#)). The legal foundation is therefore present, although questions remain concerning uniformity, transparency, implementation and independent oversight.

The customary IHL principles governing attacks provide the substantive core of CHM. Distinction requires attacks to be directed only against military objectives. Proportionality prohibits attacks expected to cause incidental civilian harm that would be excessive in relation to the concrete and direct military advantage anticipated. Precautions require parties to take all feasible measures to verify targets, choose means and methods that reduce civilian harm, assess anticipated consequences and cancel or suspend attacks when relevant conditions change ([International, 2021a](#)). These obligations are particularly important for air operations because the consequences of errors can be extensive.

Command responsibility provides an additional accountability dimension. Under IHL, superiors may incur individual responsibility where they fail to take necessary and reasonable measures to prevent or repress serious violations by subordinates within their effective command and control. For Nigeria, this means that CHM should not focus exclusively on the individual who physically executes an air operation. Accountability should also examine command decisions, intelligence assessment, approval processes, compliance systems and failures to act on known risks.

4.2 Rules of Engagement and the Legal Architecture of Airstrike Protocols

Rules of Engagement should be understood as the operational bridge between law and military action. Their purpose is not to replace IHL or human-rights law but to ensure that personnel can apply legal standards within operational circumstances. For air operations, ROE should therefore incorporate a comprehensive civilian-protection architecture covering the stages before, during and after an operation.

The pre-operation stage should focus on legal characterization, target validation, assessment of civilian presence, identification of protected objects, consideration of feasible alternatives and assessment of potential civilian harm. The relevant question is not simply whether intelligence identifies an armed-group presence. It is whether the information is sufficiently reliable, current and corroborated for the proposed operation and whether circumstances may have changed between initial

identification and execution. The legal duty of precaution requires continuous attention to civilian risk rather than a one-time assumption that a target remains unchanged.

The operational stage should incorporate continuous assessment. Circumstances may change rapidly, particularly where civilians move into an area, where intelligence becomes uncertain or where the character of a location changes. The legal principle that attacks should be cancelled or suspended where the target is no longer a military objective or anticipated civilian harm becomes excessive is therefore highly relevant to dynamic operations.

The post-operation stage is equally important. Every significant air operation should generate a structured combat assessment capable of identifying civilian presence, damage to civilian objects, possible casualties and discrepancies between anticipated and actual effects. Where civilian harm is alleged, the matter should move into a CHM investigation process rather than being treated automatically as an operational error or dismissed without verification.

This three-stage structure is consistent with contemporary CHM practice. The United States Department of Defense Civilian Harm Mitigation and Response Action Plan, for example, established a framework for preventing, mitigating and responding to civilian harm through institutional processes rather than treating civilian casualties exclusively as individual incidents ([Department, 2022](#)). The G5 Sahel compliance framework similarly integrates protection into training, operational planning, after-action review, monitoring, reporting and accountability.

For Nigeria, the principal legal-policy challenge is not necessarily to disclose operationally sensitive ROE but to ensure that their civilian-protection components are legally coherent, consistently trained and subject to appropriate review. Operational secrecy and accountability are not inherently incompatible. Information concerning sensitive intelligence, capabilities and targeting methods can remain protected while institutions disclose the existence of procedures, investigation outcomes, aggregate civilian-harm data and remedial measures.

4.3 Civilian Casualties and the Challenge of Airpower

Airpower creates particular CHM challenges because aerial operations can combine high operational reach with limited direct interaction between the force and the civilian environment. Intelligence errors, misidentification, outdated information, inaccurate geolocation, changing civilian patterns and communication failures can therefore have serious consequences. The recurring Nigerian cases examined in this study indicate that the risk is not purely technological. It is also organizational.

The Rann incident illustrated the consequences of an intelligence and identification failure in an area containing displaced civilians and humanitarian actors. The Doma/Kwatiri incident raised questions concerning target verification and the assessment of civilian presence. Tudun Biri demonstrated the consequences of misinterpreting a civilian religious gathering during an operation. Jilili in 2026 again generated questions concerning the identification of the intended target and the presence of civilians. Academic analysis of these incidents has increasingly shifted from describing them simply as accidental airstrikes towards examining systemic relationships between intelligence, command, airpower and civilian protection ([Okoli et al., 2024](#); [Ogbozor, 2025](#)).

The appropriate legal response should not be to presume unlawful conduct whenever civilian casualties occur. IHL recognises the possibility of incidental civilian harm in lawful attacks. Nor should every civilian casualty be described as unavoidable. The appropriate approach is a structured assessment of the facts, including the nature of the target, information available to decision-makers, foreseeable civilian presence, feasible precautions, proportionality assessment, changes in circumstances and post-incident conduct. This distinction is essential for both military legitimacy and civilian rights.

Civilian casualty recording is therefore fundamental. Without reliable data, military institutions cannot identify recurring patterns, determine whether particular locations or operational methods create elevated risks, evaluate the effectiveness of mitigation measures or provide credible information to

victims and oversight institutions. The G5 Sahel experience demonstrates how casualty tracking can support both operational learning and accountability. Nigeria NAF CHMR Board has already announced a civilian-harm data and assessment function, providing an institutional foundation upon which a more comprehensive national system could be developed ([Nigerian, 2025](#)).

4.4 Institutional Accountability for Civilian Harm

Nigeria existing accountability architecture includes military command structures, military police and disciplinary systems, courts martial, human-rights desks, civil-military affairs directorates, the National Human Rights Commission, civilian courts and legislative oversight. These mechanisms perform different functions and should not be treated as interchangeable.

Internal military accountability is essential because military institutions possess operational knowledge and disciplinary authority. Where personnel violate ROE or applicable law, command and disciplinary mechanisms must be capable of initiating prompt investigation. However, internal accountability should be accompanied by safeguards that promote impartiality, especially in cases involving substantial civilian casualties or allegations against senior personnel ([Mukhlis, Fahmi, & Umayasari, 2026](#)).

The National Human Rights Commission provides an additional civilian-facing accountability mechanism. Its monitoring role and engagement with the security sector can help bridge the distance between affected communities and military institutions. The Commission 2026 response to the Jilili incident, calling for thorough, transparent and independent investigation, illustrates the relevance of civilian oversight in major incidents.

Legislative oversight also has an important role. The National Assembly possesses constitutional oversight powers over public institutions, including the Armed Forces through relevant constitutional provisions. Legislative oversight should not intrude into legitimate operational command, but it can examine recurring patterns of civilian harm, adequacy of legal frameworks, funding for CHM, reporting practices and implementation of institutional reforms. Recent legislative research has similarly proposed stronger reporting and oversight mechanisms concerning civilian casualties and air operations ([Nwosu, Obalum, & Ananti, 2024](#)).

Judicial accountability remains important where alleged conduct engages criminal or constitutional rights. Victims should retain access to judicial remedies, while military personnel accused of offences should receive due process. The objective is neither automatic condemnation of military personnel nor institutional immunity. It is credible determination of responsibility based on evidence and law.

4.5 Local Accountability and Community-Based CHM

A central weakness in many military accountability systems is the limited institutional role assigned to affected communities. Communities frequently become sources of information only after an incident has occurred, rather than being incorporated systematically into civilian-protection structures. This is problematic because local populations possess unique knowledge concerning population movement, markets, religious gatherings, seasonal activities, community leadership, displacement patterns and local security threats.

A local CHM mechanism should therefore provide structured channels through which communities can communicate civilian-protection concerns before, during and after operations. Such mechanisms could include community liaison officers, civil-military affairs structures, designated civilian-protection focal points, local complaint channels and periodic engagement with traditional, religious, women's and youth representatives. The purpose should be information exchange and accountability rather than disclosure of sensitive operational information.

Post-incident engagement is equally important. Where civilian casualties occur, affected communities should receive timely information about the existence of an investigation, the responsible institution, complaint procedures and available forms of assistance. Community engagement should not prejudice

the outcome of an investigation, but it can prevent information vacuums that encourage misinformation and mistrust.

The local accountability mechanism should also have an evidence-preservation function. Community testimony, photographs, medical records, burial information, damage assessments and other locally available evidence can contribute to civilian-harm investigations. Such evidence should be collected through appropriate procedures that protect witnesses and preserve evidentiary integrity. The experience of civilian-protection initiatives in Nigeria supports this direction. Earlier EU-supported programming specifically sought to improve civilian protection through government, security-force and community actions and to institutionalize CHM within military educational institutions and deployed units. A more permanent system should build on this experience by connecting community engagement to formal military investigation and accountability structures.

4.6 The Nigerian Air Force Civilian Harm Mitigation and Response Architecture

The Nigerian Air Force 2025 establishment of a Civilian Harm Mitigation and Response Board represents a significant institutional development. According to the NAF, the Board is responsible for overseeing implementation of a Civilian Harm Mitigation and Response Action Plan across NAF operations and joint theatres. Its functions include civilian-harm data collection, harm assessment, pattern analysis and tracking, with inputs expected from military assessments, NGOs, civil society and open sources. The institutional significance of this development lies in its movement away from incident-specific responses towards a standing CHM structure. A dedicated board can facilitate standardization, institutional memory and systematic reporting. It can also help transform lessons from one incident into preventive measures for future operations.

However, the effectiveness of the Board will depend on its integration with the wider Armed Forces. Civilian harm does not always originate exclusively from Air Force operations. Joint operations may involve Army units, intelligence agencies, other security agencies and civilian authorities. A service-specific CHM mechanism therefore needs interoperable standards and reporting procedures across joint theatres. The Ministry of Defence current description of civilian harm reduction as part of theatre-level operational planning provides a basis for such integration ([Ministry of Defence, 2026](#)).

A second consideration is the relationship between internal CHM structures and external accountability. The NAF inclusion of NGO, civil-society and open-source information in its CHM process is important because civilian harm may first become visible through local communities, journalists, humanitarian organizations or civil-society groups. Such information should not automatically be accepted as conclusive, but neither should it be excluded from formal assessment. A mature CHM system should be capable of receiving allegations from multiple sources and subjecting them to evidence-based verification. A third consideration is publication. Operational security requires protection of sensitive information, but CHM also requires sufficient transparency to establish institutional credibility. Aggregate civilian-harm statistics, categories of incidents, investigation status, general findings and remedial measures can often be disclosed without revealing intelligence sources or operational capabilities. Such transparency should become a standard feature of Nigeria CHM architecture.

4.7 From Rules of Engagement to a Whole-of-System CHM Framework

Institutionalizing CHM requires a shift from a narrow conception of ROE towards a whole-of-system approach. ROE should remain central, but they should operate within a broader architecture comprising doctrine, training, intelligence, legal advice, operational planning, civilian engagement, casualty recording, investigation, command accountability and remedies. First, CHM should be integrated into professional military education. Officers responsible for planning and approving operations should receive continuing instruction on civilian protection, legal classification of operations, distinction, proportionality, precaution, civilian-pattern analysis, incident reporting and command responsibility. Training should use lessons from Nigerian incidents rather than rely exclusively on abstract legal instruction. Second, CHM should be integrated into operational planning.

Civilian-protection risks should form part of operational assessments and after-action reviews. The objective should not be to create bureaucratic obstacles to military operations but to ensure that foreseeable civilian risks are identified before force is employed and evaluated afterwards.

Third, CHM should be integrated into intelligence structures. Civilian-protection analysis should be treated as an intelligence requirement because civilian presence, movement and community activities can change the legal and operational character of a proposed action. This does not mean that civilian information should override legitimate military intelligence. It means that civilian-pattern information should form part of the evidence used in operational decision-making. Fourth, CHM should be integrated into command responsibility. Commanders should be required to ensure that applicable ROE are understood, that legal advice is available, that civilian-harm allegations are recorded and that serious incidents receive appropriate review. Failure to establish reasonable preventive and investigative systems should itself become an institutional accountability concern.

Fifth, CHM should be integrated into local civil-military engagement. Civilian communities should have predictable channels for communicating concerns and receiving post-incident information. This is particularly important in counter-insurgency because community trust is itself an operational asset. The 2025 CSIS assessment of Nigeria civil-military relations similarly identified communication, coordination and collaboration between military institutions and civilians as important challenges in building citizen-centred security.

4.8 Discussion

The first finding is that Nigeria possesses a substantial normative foundation for civilian protection, but the architecture remains distributed across constitutional law, military law, IHL, human-rights standards, ROE, military directives and institutional mechanisms. This fragmentation does not necessarily create a legal deficiency, but it creates an implementation challenge. A comprehensive CHM framework should therefore consolidate existing responsibilities rather than create unnecessary parallel institutions. The second finding is that airstrike-related civilian casualties expose the importance of institutionalizing CHM before an operation occurs. The legal principles of precaution and distinction require proactive measures. Investigating civilian deaths after an airstrike is essential, but it cannot substitute for prevention. The recurrence of airstrike incidents identified in recent Nigerian scholarship indicates that institutional learning should become a continuous process rather than an incident-specific exercise ([Okoli et al., 2024](#); [Ogbozor, 2025](#)).

The third finding is that Nigeria emerging CHM structures provide a significant opportunity for reform. The NAF CHMR Board and Action Plan indicate that civilian protection is becoming more explicitly embedded within air operations. The challenge is to ensure that the system becomes integrated across joint operations and connected to independent civilian oversight. The fourth finding is that accountability should operate at multiple levels. Individual responsibility is necessary where personnel commit unlawful acts, but systemic accountability is equally important. Investigations should therefore examine not only the person who executed an action but also relevant decision-making, intelligence, command, legal advice and reporting systems. This is consistent with the broader IHL principle of command responsibility.

The fifth finding is that local accountability should become a formal component of CHM. Communities should not be required to rely exclusively on military channels to report harm caused by military operations. Structured relationships among military civil-military affairs institutions, the National Human Rights Commission, state authorities, traditional institutions, civil society and affected communities can improve information flow and strengthen confidence without compromising legitimate operational secrecy. The sixth finding is that civilian protection and military effectiveness should not be treated as competing objectives. CHM can improve operational effectiveness by reducing avoidable harm, identifying intelligence weaknesses, improving community cooperation, correcting recurring operational errors and increasing institutional legitimacy. Contemporary CHM literature similarly identifies mitigation and accountability as mechanisms that can improve both protection outcomes and the quality of military decision-making ([De Franco & Gelot, 2026](#)).

5. Conclusions

Civilian Harm Mitigation should become a permanent component of Nigeria counter-insurgency architecture rather than remain primarily an incident-response mechanism. The country already possesses significant legal and institutional foundations, including Rules of Engagement, military codes of conduct, human-rights structures, civil-military affairs institutions, National Human Rights Commission oversight and emerging service-level CHM mechanisms. The Nigerian Air Force establishment of a Civilian Harm Mitigation and Response Board in 2025 demonstrates that the institutional direction is increasingly recognised within the security establishment.

Nevertheless, recurring airstrike-related civilian casualties demonstrate the need for a more integrated system. The appropriate response is not to assume that every civilian casualty represents an unlawful attack, nor to treat repeated incidents as unavoidable features of counter-insurgency. Instead, Nigeria requires systematic processes for assessing the legal and operational circumstances of each incident, identifying failures, recording civilian harm, investigating allegations, determining responsibility, engaging affected communities and incorporating lessons into subsequent operations.

The legal principles of distinction, proportionality and precaution provide the foundation. Rules of Engagement translate those principles into operational requirements. CHM provides the institutional architecture through which those requirements can be continuously implemented and evaluated. Local accountability adds the community dimension necessary for credible civilian protection. Together, these elements can transform civilian protection from a general military obligation into an operational culture supported by measurable procedures.

The objective should therefore be the institutionalization of CHM across the Armed Forces rather than the creation of another isolated mechanism. The Nigerian Air Force emerging framework should be connected with the Army, Navy, Defence Headquarters, intelligence institutions, legal departments, National Human Rights Commission, National Assembly and affected communities. A coherent system would allow Nigeria to preserve the legitimate use of military force against armed threats while ensuring that civilian protection, accountability and remedial justice remain integral to the conduct of counter-insurgency operations.

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Conflict of Interest

The author declares that there is no conflict of interest regarding the publication of this article. The research was conducted independently, and no financial, institutional, or personal relationships influenced the research design, data collection, analysis, interpretation of findings, or preparation of the manuscript.

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