

Written evidence submitted by War Child (IRN0025)

Question relevant for War Child

How should the FCDO take account of and mitigate potential inhibiting factors to investment (such as corruption, security, human rights abuses)?

Background

War Child is a registered charity established in 1993 which helps children in areas experiencing and recovering from conflict with the aim to reach children as early as possible when conflict breaks out and to stay to support them through their recovery. The organisation provides education, protection and support with food security and livelihoods to children, their families and communities. War Child also campaigns for changes to policies and practices to support children in conflict.

In 2020, War Child UK produced a report – *‘Being A Force for Good’* - examining in detail the UK’s record with regards to children’s rights in conflict and providing recommendations to increase UK political commitment to this agenda. War Child is currently in the process of finalising another piece of research which assesses the risks of UK overseas defence engagement contributing to grave violations against children in situations of armed conflict and features Nigeria as a case study. The initial findings and recommendations of that report – due to be launched later in the year - are contained in this submission.

Introduction

Nigeria has had a longstanding historical connection with the UK and is undoubtedly one of its key strategic partners. Currently Nigeria is the UK’s second largest trade partner in sub-Saharan Africa with exports and imports value of over £2million each.¹ We have seen UK military assistance to Nigeria steadily increase over recent years - in particular since 2014 - as the British Government has sought to support and enable the Nigerian government-led opposition to Boko Haram and related violent extremism in the north-east of the country.²

The UK has licensed £43 million worth of arms exports to Nigeria since 2015, including £1 million of small arms,³ and deployed personnel in support of the Nigerian Government and counter Boko Haram operations.⁴ Between 2019 and 2020, the Ministry of Defence reported having trained 2,000 Nigerian “personnel”, adding to the over 30,000 or so troops trained in previous years.⁵ It is also important to note that the UK is Nigeria’s second largest humanitarian donor and has provided £240m in aid to Nigeria, of which £100m goes to the north-east, providing the UK with serious leverage and influence in what happens in the region.⁶

The UK has on multiple occasions emphasised the importance of adherence to human rights and international humanitarian law as well as raised human rights concerns relating to national security forces operations in the north-east at the highest levels with the Nigerian government.⁷ While this is

¹ Select Committee on International Relations and Defence, 1st Report of Session 2019–21, The UK and Sub-Saharan Africa: prosperity, peace and development co-operation,

<https://publications.parliament.uk/pa/ld5801/ldselect/ldintrel/88/88.pdf>, page 87, 10 July 2020

² UK and Nigeria step up cooperation to end Boko Haram threat”, <https://www.gov.uk/government/news/uk-and-nigeria-step-up-cooperation-to-end-boko-haram-threat>, 29 August 2018.

³ CAAT – Nigeria, <https://caat.org.uk/data/countries/nigeria/>

⁴ UK Defence in Numbers 2019,

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/919361/20200227_C_H_UK_Defence_in_Numbers_2019.pdf

⁵ MoD, Annual Report and Accounts 2019 to 2020; and FCDO, “UK backs Nigeria in fight against extremism”, <https://www.gov.uk/government/news/foreign-secretary-uk-backs-nigeria-in-fight-against-extremism>, 1 May 2019.

⁶ UK could boost military support to help Nigeria defeat Boko Haram | Nigeria | The Guardian, <https://www.theguardian.com/world/2019/may/01/uk-could-boost-military-support-to-help-nigeria-defeat-boko-haram>

to be commended, much more needs to be done based on the poor levels of human rights compliance. As the UK strengthens its military and security partnerships with Nigeria, as outlined in the Integrated Review,⁸ further measures must be put in place to protect civilians, uphold human rights obligations and to ensure that the UK is identifying all opportunities available in its collaboration to prevent and respond to violations. This includes the continuous assessment of partner conduct and the conditioning of military/security assistance to partner forces' commitment to (and performance in) protecting civilians.⁹

Human rights violations

Security forces in Nigeria have been plagued by accusations of corruption, ineffectiveness and of widespread human rights violations.¹⁰ A preliminary investigation by the International Criminal Court recently concluded that *“there is a reasonable basis to conclude”* that war crimes and crimes against community have been committed by the Nigerian Security Forces in the context of operations against Boko Haram including crimes involving children.¹¹ The UN's annual report on children and armed conflict¹² which details grave violations and the worst breaches in children's rights (including killing, maiming and recruitment into armed groups) verified 5,741 grave violations against children in north-east Nigeria.¹³ While the main perpetrators were Boko Haram (responsible for 3,179 violations), the Nigerian Security Forces were found to have committed 329 violations and the Civilian Joint Task Force (CJTF) were found to have committed 51 violations.¹⁴ Cases of recruitment were also attributed to the Nigerian Security Forces involving the use of 13 children.

Among the most egregious human rights violations recorded in Nigeria are the mass arrests of individuals allegedly associated with Boko Haram, among whom there are thousands of girls and boys - reportedly at least 3,600 between January 2013 and March 2019.¹⁵ Held in appalling conditions in military detention facilities without charge or trial, children are also reported to be among an estimated 10,000 people who have died in military custody in recent years.¹⁶ UN child protection experts are not permitted access to these facilities and Nigeria has also yet to adopt a handover protocol, first called for by the UN Security Council Working Group on Children and Armed Conflict (CAAC) in 2017, to ensure the swift transfer of children to civilian child protection authorities for reintegration.¹⁷ It is important to highlight that Nigeria's counter-terrorism and counter-insurgency efforts – which have frequently been indiscriminate and resulted in children being

⁷ For example, HMG, United Kingdom Strategic Export Controls Annual Report 2018, https://www.sipri.org/sites/default/files/2019-12/uk_18.pdf, July 2019.

⁸ HMG, [Global Britain in a competitive age: The Integrated Review of Security, Defence, Development and Foreign Policy](#), March 2021.

⁹ UNSC, Report of the Secretary-General, Protection of civilians in armed conflict, <https://reliefweb.int/sites/reliefweb.int/files/resources/N1812444.pdf>

¹⁰ Chatham House, Expert Comment, Nigeria Struggles with Security Sector Reform, <https://www.chathamhouse.org/2019/04/nigeria-struggles-security-sector-reform>, 2 April 2019.

¹¹ ICC, Statement of the Prosecutor, Fatou Bensouda, on the conclusion of the preliminary examination of the situation in Nigeria, <https://www.icc-cpi.int/Pages/item.aspx?name=201211-prosecutor-statement>, 11 December 2020.

¹² See Report of the Secretary-General on Children and Armed Conflict in Nigeria, 6 July 2020, https://www.un.org/ga/search/view_doc.asp?symbol=S/2020/652&Lang=E&Area=UNDOC.

¹³ These figures are based on UN verified evidence which relies on confirmed sources and as such the real number of violations are likely to be far higher.

¹⁴ CJTF fight alongside the Nigerian Security Forces to protect communities against Boko Haram and are based in Maiduguri, Borno State.

¹⁵ Human Rights Watch, “Nigeria: Stop Jailing Children for Alleged Boko Haram Ties”, <https://www.hrw.org/news/2020/12/14/nigeria-stop-jailing-children-alleged-boko-haram-ties>, 14 December 2020.

¹⁶ Amnesty International (AI) estimates that around 10,000 people have died in military detention during the conflict, including many children. See, AI, “We Dried Our Tears”: Addressing the Toll on Children of Northeast Nigeria's Conflict, https://www.amnesty-international.be/sites/default/files/bijlagen/we_dried_our_tears_-_report.pdf, 2020.

¹⁷ UN Security Council, Working Group on Children and Armed Conflict Conclusions on children and armed conflict in Nigeria, <https://digitallibrary.un.org/record/1327650?ln=en>, UN Doc. S/AC.51/2017/5 (2019).

orphaned or targeted in security operations – has made children more susceptible to being recruited by armed groups.¹⁸

While it is not known what - if any - links there are between UK assistance and military units responsible for violations against children, the British Government admitted in 2020 that UK training and equipment had been provided to the now disbanded police unit, the Special Anti-Robbery Squad (SAR), which had long been accused of human rights violations.¹⁹ These ongoing violations increase the risk that UK military assistance may also be inadvertently enabling security forces to commit human rights violations against children and others.

Conclusion

Nigeria's military has faced numerous allegations of human rights abuses and law of armed conflict violations. Although the Nigerian government set up a commission to investigate alleged rights abuses by the military back in 2017,²⁰ there is still insufficient doctrinal guidance and normative material to guide the Nigerian military on the conduct of operations. It is essential that Nigeria's civilians have trust in, and are protected by, their security forces and that the UK leverages the relationship it has and explores ways to positively influence the conduct of Nigerian forces and to incentivise further reforms.²¹

Recommendations

For the UK government particularly the Foreign, Commonwealth and Development Office (FCDO) and the Ministry of Defense (MOD)

- *Continue pushing for security sector reforms and ensure that military support is contingent on partner forces' commitment and performance in protecting civilians and respect for international law*
 - *Where there are credible allegations of abuses by partner forces against children or other civilians, assistance should be withheld pending effective measures to prevent and end violations*
- *Ensure better integration of child protection into military training and education courses in the UK*
- *Elevate conduct concerns through UK military and diplomatic structures where more formal or senior-level intervention is needed*
- *Support the development of civilian-military cooperation with the Nigerian military to strengthen public confidence and trust in the security forces*
- *Strongly encourage the Government of Nigeria to sign and implement the **Paris principles and guidelines on children associated with armed forces or armed groups**, and to adopt handover protocols to ensure that all children in military custody are handed over to civilian authorities²²*

¹⁸ Money talks: A key reason youths join Boko Haram, <https://frantic.s3-eu-west-1.amazonaws.com/kua-peacebuilders/2016/07/Money-talks-A-key-reason-youth-join-Boko-Haram.pdf>

¹⁹ Independent, "End SARS protests: UK government admits it did train and supply equipment to Nigeria's 'brutal' police unit", <https://www.independent.co.uk/news/uk/politics/sars-nigeria-police-protests-uk-government-training-equipment-b1424447.html>, 30 October 2020.

²⁰ Osinbajo sets up judicial commission to probe human rights abuses by Nigerian military, <https://www.premiumtimesng.com/news/headlines/239297-just-osinbajo-sets-judicial-commission-probe-human-rights-abuses-nigerian-military.html>

²¹ Nigeria Struggles With Security Sector Reform | Chatham House – International Affairs Think Tank

²² What are the Paris Principles and Paris Commitments?, <https://www.diplomatie.gouv.fr/en/french-foreign-policy/human-rights/children-s-rights/protecting-children-from-war-conference-21-february-2017/article/what-are-the-paris-principles-and-paris-commitments>

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