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CIVILIAN PROTECTION AND HUMAN RIGHTS ETHICS IN NIGERIA'S FIGHT AGAINST BOKO HARAM

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ABSTRACT
The Boko Haram insurgency in northeastern Nigeria has generated a prolonged security and humanitarian crisis characterised by civilian casualties, displacement, arbitrary detention, and destruction of livelihoods. This study examines human rights violations and civilian protection in counterinsurgency operations, focusing on the ethical implications of state and non-state conduct. It assesses the development of the insurgency, patterns of human rights violations, civilian protection under international humanitarian law, the application of proportionality and necessity, and accountability mechanisms. The study adopted a qualitative research approach based on documentary content analysis of relevant scholarly works, institutional reports, and legal documents, purposively selected for their relevance to Boko Haram, counterinsurgency, civilian protection, and ethical conduct. Thematic analysis was employed to interpret the evidence through Just War Theory and relevant principles of international humanitarian and human-rights law. Findings reveal recurring civilian harm, arbitrary arrest and prolonged detention, large-scale displacement and humanitarian vulnerability, inconsistent application of proportionality and necessity, and weaknesses in accountability mechanisms. The study recommends stronger civilian-harm documentation, improved intelligence, enhanced legal oversight of detention, continuous training in international humanitarian law, and closer humanitarian-military coordination. It concludes that civilian protection is integral to the ethical legitimacy and sustainable effectiveness of counterinsurgency operations.

Keywords: Just War Theory; Proportionality; Arbitrary Detention; Counterinsurgency; International Humanitarian Law

Introduction

The conflict between state security operations and the protection of civilian rights in northeastern Nigeria presents a morally charged landscape where legality and lived experience often diverge. Armed confrontations with Boko Haram have stretched across Borno, Yobe, and Adamawa States, leaving communities caught between insurgent violence and military countermeasures. In principle, international humanitarian law requires that even in asymmetric warfare, civilians must remain protected from harm and indiscriminate force. Yet reports from humanitarian monitors suggest that this expectation has been repeatedly strained in practice, with civilian populations experiencing displacement, detention, and unintended casualties during counterterrorism operations (Human Rights Watch 45; Amnesty International 38). The gap between normative protection and operational realities frames the ethical tension examined in this study.

The Boko Haram insurgency, which intensified after 2009, has reshaped everyday life in the northeast through attacks on villages, abductions of schoolchildren, and destruction of public infrastructure. Military responses have involved large-scale deployments, curfews, and security cordons designed to regain territorial control. While such measures respond to an urgent security threat, accounts from affected communities indicate that some operations have resulted in arbitrary arrests and excessive force, particularly in densely populated rural settlements (International Crisis Group 62). Civilian experiences in internally displaced persons' camps also reveal ongoing concerns around safety, dignity, and access to basic services, suggesting that protection gaps extend beyond active conflict zones into humanitarian spaces.

The ethical dilemma arises from the contrast between the ideal of restrained force and the reality of counterinsurgency under conditions of uncertainty. Military actors are often required to make rapid decisions with incomplete intelligence, a situation that increases the risk of misidentifying civilians as combatants. Scholars of conflict ethics argue that proportionality and distinction remain central principles, even when adversaries operate without clear uniforms or territorial boundaries (Odom 101). In northeastern Nigeria, however, repeated allegations of excessive force and collective punishment complicate the moral legitimacy of operations intended to restore order. Consequences of these practices include deepened mistrust between civilians and security institutions, as well as prolonged instability in affected communities.

Although existing studies and reports have extensively documented the historical development and violent activities of Boko Haram (Walker 6; Thurston 97; Zenn 112), human rights violations and civilian harm associated with counterinsurgency operations (Amnesty International 44; Human Rights Watch 88), and the humanitarian consequences of displacement and insecurity (International Crisis Group 34; UNOCHA 19), these strands of evidence are often addressed separately. Similarly, ethical and legal principles such as distinction, proportionality, and necessity provide established standards for evaluating conduct during armed conflict (Henckaerts and Doswald-Beck 3–5; Odom 101; Walzer 136). However, the existing literature cited in this study provides limited integrated analysis of how these ethical and humanitarian principles operate together in assessing civilian protection and accountability within Nigeria's counterinsurgency response to Boko Haram. This study addresses this gap by bringing the human rights, humanitarian, legal, and ethical dimensions together to evaluate the conduct of state and non-state actors and their implications for civilian welfare in northeastern Nigeria.

Historical Background of the Boko Haram Insurgency in Northeastern Nigeria

The roots of the Boko Haram insurgency can be traced to a complex mix of religious revivalism, socio-economic deprivation, and political instability in northern Nigeria. The group

emerged in the early 2000s in Maiduguri, Borno State, under the leadership of Mohammed Yusuf, whose teachings rejected Western-style education and governance while advocating a return to what he framed as a purer Islamic order. His sermons drew large followings among disaffected youths, many of whom faced unemployment and limited access to formal education. Northern Nigeria at the time was already grappling with deep structural inequalities, and such conditions created fertile ground for radical ideologies to gain traction (Walker 6; Thurston 21). Early activities of the group remained largely non-violent, focusing on religious instruction and the establishment of a separatist community.

Tensions escalated in 2009 when confrontations between Boko Haram members and Nigerian security forces intensified into open violence. A crackdown in Maiduguri led to the arrest and subsequent extrajudicial killing of Mohammed Yusuf while in police custody, an event that marked a turning point in the movement's trajectory. The National Human Rights Commission similarly identifies 2009 as a critical point in the development of Boko Haram violence, noting that the conflict following Yusuf's death resulted in extensive loss of life and subsequently spread beyond Borno State to other parts of northern Nigeria (National Human Rights Commission 138). What began as a fringe religious sect transformed into an armed insurgency with a more aggressive posture against the Nigerian state. Retaliatory attacks followed, targeting police stations, government buildings, and civilian spaces. The killing of Yusuf not only radicalised the group's leadership but also deepened grievances among its followers, many of whom interpreted the incident as evidence of systemic injustice (International Crisis Group 9; Zenn 48).

From 2010 onwards, Boko Haram adopted increasingly violent tactics, including suicide bombings, mass abductions, and coordinated assaults on towns and villages across the northeast. Notable incidents such as the bombing of the United Nations building in Abuja in 2011 and the abduction of schoolgirls from Chibok in 2014 drew global attention to the scale of the crisis. Rural communities in Borno and neighbouring states experienced repeated attacks that resulted in widespread displacement and destruction of livelihoods. Markets, schools, and places of worship became frequent targets, eroding social cohesion and disrupting everyday life. The Nigerian government responded with intensified military operations, including the declaration of a state of emergency in affected states, yet insecurity persisted despite these efforts (Thurston 97; Amnesty International 52).

Fragmentation within Boko Haram further complicated the conflict landscape, particularly after 2015 when a faction pledged allegiance to the Islamic State and became known as the Islamic State West Africa Province (ISWAP). This split introduced new dynamics, including shifts in operational strategy and territorial control. ISWAP at times adopted a more calculated approach towards civilian populations, contrasting with the indiscriminate violence often associated with the original faction (International Crisis Group 27; Walker 18). Despite these internal divisions, both groups continued to pose significant threats to civilian safety and regional stability. The protracted nature of the insurgency has left millions displaced and has strained humanitarian systems across northeastern Nigeria, with long-term implications for governance, development, and social trust.

Conceptual Clarification

Human Rights Violations in Armed Conflict: Human rights violations in armed conflict refer to actions that infringe upon the fundamental rights and freedoms guaranteed to individuals under international law, particularly during periods of violence and instability. Legal instruments such as the Universal Declaration of Human Rights and the Geneva Conventions provide a normative foundation, defining rights to life, dignity, and fair treatment even in wartime

conditions. Scholars such as Jack Donnelly describe human rights as universal entitlements grounded in human dignity, though critics argue that such universality often encounters resistance in conflict zones where state sovereignty and security priorities dominate (10–12). Armed conflict tends to expose the fragility of these rights, especially where enforcement mechanisms remain weak.

In practical terms, violations take multiple forms, including extrajudicial killings, torture, arbitrary detention, and forced displacement. Northern Nigeria presents a stark example, where both insurgent groups and state forces have been accused of abuses. Reports of mass detentions of suspected insurgents without trial, alongside civilian casualties during military raids, complicate the narrative of protection and security (Amnesty International 44). The definition of human rights violations also raises questions about intent and proportionality; harm caused during military operations may be framed as collateral damage, yet repeated patterns of such harm challenge that justification. A critical reading suggests that labelling certain actions as "unintended" can obscure systemic issues in military conduct and accountability structures.

Scholarly and institutional accounts differ, however, in their interpretation of the sources and character of civilian harm in northeastern Nigeria. Amnesty International and Human Rights Watch emphasise abuses associated with counterinsurgency operations, including arbitrary detention, civilian casualties, and other violations attributed to security forces, thereby drawing attention to state responsibility alongside the insurgent threat (Amnesty International 44; Human Rights Watch 88). In contrast, accounts by Thurston and Zenn place greater emphasis on the deliberate targeting of civilians by Boko Haram and the broader patterns of insurgent violence, suggesting that civilian vulnerability cannot be understood solely through the conduct of state forces (Thurston 112; Zenn 112). The International Crisis Group presents a more contextual position, linking civilian harm to the interaction between insurgent violence, military responses, displacement, and weaknesses in governance and accountability (34). These perspectives suggest that civilian harm in northeastern Nigeria is multidimensional, requiring analysis of both deliberate violence by non-state actors and the unintended or unlawful consequences of state counterinsurgency measures.

Civilian Protection under International Humanitarian Law

Civilian protection under international humanitarian law (IHL) centres on the principle that individuals not participating in hostilities must be shielded from the effects of armed conflict. The Geneva Conventions and their Additional Protocols establish rules concerning distinction, proportionality, and precaution, requiring parties to differentiate between combatants and civilians during hostilities (Henckaerts and Doswald-Beck 3–5). While these principles appear clear in legal texts, their application in asymmetric warfare often proves far more complicated. Insurgent groups rarely wear identifiable uniforms, and civilian populations sometimes live in close proximity to combatants, making distinction difficult in practice.

These international obligations operate alongside Nigeria's domestic constitutional framework, particularly Chapter IV of the Constitution of the Federal Republic of Nigeria, which guarantees rights to life, dignity of the human person, personal liberty, and fair hearing, among other fundamental rights. The constitutional protection of life and dignity is particularly relevant to the conduct of security operations, while the protection of personal liberty provides a domestic legal basis for scrutinising arbitrary arrest and detention. Nigeria is also bound at the regional level by the African Union Convention for the Protection and Assistance of Internally Displaced Persons in Africa (Kampala Convention), which it ratified in 2014; the Convention requires states to protect

internally displaced persons from arbitrary displacement and violations of human rights and humanitarian law and to provide protection and assistance in conditions of safety and dignity.

The northeastern Nigerian context illustrates these challenges vividly. Military operations against Boko Haram have at times involved aerial bombardments or ground assaults in areas where civilians remain present, raising concerns about proportionality. Internally displaced persons' camps, which should serve as safe havens, have also faced issues such as overcrowding, sexual exploitation, and inadequate access to basic services (UNOCHA 14). These conditions demonstrate that civilian protection cannot be assessed solely in terms of compliance with international legal rules; it must also be evaluated against Nigeria's constitutional guarantees and regional commitments concerning human dignity, security, and protection from arbitrary displacement.

Critics argue that the concept of civilian protection within IHL can prioritise formal legal compliance over lived realities, where protection may exist more in principle than in experience. Such tension calls for an approach that integrates international humanitarian law with Nigeria's domestic human-rights obligations and African regional standards. In the context of the Boko Haram conflict, this integrated framework provides a stronger basis for evaluating the ethical conduct of counterinsurgency operations and assessing the adequacy of existing civilian-protection mechanisms.

Methodology of the Study

This study adopted a qualitative research approach based on documentary content analysis. Relevant secondary materials, including scholarly books, journal articles, reports of Amnesty International and Human Rights Watch, publications of the International Crisis Group, United Nations reports, Nigerian government and human-rights documents, and relevant international and regional legal instruments, were purposively selected according to their relevance to Boko Haram, counterinsurgency operations, human rights violations, civilian protection, and ethical conduct in armed conflict. The selected documents were subjected to thematic analysis, with evidence organised around recurring themes including civilian casualties, arbitrary arrest and detention, displacement and humanitarian vulnerability, proportionality and necessity, and accountability mechanisms. The findings were interpreted through the principles of Just War Theory, particularly distinction, proportionality, necessity, and moral responsibility, alongside relevant principles of international humanitarian and human-rights law. As a desk-based study, the analysis relied on documented evidence rather than primary field interviews or surveys, and the conclusions were drawn from patterns and convergences identified across the selected documentary sources.

Theoretical Framework: Just War Theory

This study is anchored in Just War Theory, a moral framework for evaluating the justification and conduct of armed conflict. The theory provides criteria for determining whether the resort to force is morally justified (*jus ad bellum*) and whether force is employed in an ethically permissible manner during conflict (*jus in bello*). Its relevance to the Boko Haram insurgency lies in the need to assess not only the legitimacy of Nigeria's efforts to protect its citizens and territorial integrity but also the manner in which military operations are conducted and their consequences for civilian populations.

The *jus ad bellum* dimension concerns the moral justification for entering or sustaining armed conflict. Relevant considerations include just cause, legitimate authority, right intention, proportionality of ends, and reasonable prospect of success. In the Nigerian context, the threat posed by Boko Haram to civilian life, public institutions, and territorial security provides a basis

for examining the legitimacy of state action against the insurgency. However, the existence of a legitimate security objective does not automatically justify every method employed in pursuing it.

The *jus in bello* dimension is particularly important to this study because it regulates conduct during armed conflict. Its central principles include distinction, proportionality, and necessity. Distinction requires parties to differentiate between combatants and civilians, while proportionality requires that anticipated military advantage be weighed against expected civilian harm. Necessity restricts the use of force to measures required to achieve legitimate military objectives. These principles remain applicable even where insurgent groups operate among civilian populations and conventional distinctions between combatants and non-combatants become difficult to maintain (Henckaerts and Doswald-Beck 3–5).

Michael Walzer argues that moral judgement does not cease during war and that combatants remain accountable for the means they employ (136). This principle is particularly relevant to counterinsurgency, where uncertainty, incomplete intelligence, and the blending of insurgents with civilian populations may create operational difficulties without removing the obligation to exercise restraint. From this perspective, civilian casualties, arbitrary detention, collective punishment, and destruction of civilian property require ethical scrutiny even when they occur within operations directed at legitimate security objectives.

Just War Theory therefore provides the analytical framework for evaluating the conduct of both state and non-state actors in the Boko Haram conflict. Boko Haram's deliberate attacks on civilians, including bombings and abductions, constitute serious violations of the principle of distinction (Zenn 112; Thurston 128). At the same time, Nigeria's security forces remain subject to ethical and legal obligations concerning the protection of civilians. Allegations of excessive force, arbitrary arrests, destruction of civilian property, and inadequate accountability must consequently be examined against the principles of distinction, proportionality, necessity, and moral responsibility.

The framework also provides a basis for examining the relationship between military effectiveness and civilian protection. A counterinsurgency campaign may possess a legitimate security objective while particular methods used in its implementation remain ethically questionable. Walzer's argument that a just cause does not excuse unjust conduct is therefore central to this study (145). The framework enables the study to assess whether counterinsurgency practices in northeastern Nigeria preserve the moral limits of warfare, protect non-combatants, and maintain accountability while pursuing legitimate security objectives.

Patterns of Human Rights Violations in Counter-Boko Haram Operations

Military Conduct and Civilian Casualties: Military operations in the fight against Boko Haram have frequently been framed as necessary responses to an entrenched insurgency, yet patterns of civilian harm raise difficult ethical and legal questions. Counterinsurgency campaigns in northeastern Nigeria have involved aerial bombardments, ground assaults, and cordon-and-search tactics, sometimes carried out in densely populated or poorly mapped areas. Such operations have generated concerns about whether adequate precautions are taken to distinguish military objectives from civilian populations and whether anticipated military advantages are proportionate to the risks imposed on non-combatants (Amnesty International 57; Human Rights Watch 73).

A particularly significant example occurred on 17 January 2017, when a Nigerian Air Force aircraft mistakenly struck a settlement for internally displaced persons in Rann, Kala-Balge Local Government Area of Borno State, during an operation reportedly intended to target Boko Haram fighters. Human Rights Watch reported that the strike killed at least 70 people, including nine

humanitarian workers, and injured more than 120 others, while satellite imagery confirmed the destruction of at least 35 structures, including shelters occupied by displaced persons. Amnesty International subsequently reported a higher civilian death toll of at least 167. The military acknowledged that the strike was accidental and attributed it to faulty intelligence, raising serious questions concerning distinction, precaution, proportionality, and operational planning (Human Rights Watch; Amnesty International).

The Rann incident illustrates how errors in intelligence and target identification can produce substantial civilian harm even where the intended objective is a legitimate military target. Although the incident was described as accidental rather than deliberate, the scale of civilian casualties demonstrates why the principle of proportionality requires more than the identification of a legitimate military objective; it also requires feasible measures to minimise foreseeable harm to civilians. Human Rights Watch further noted that the military's investigation and accountability measures raised concerns about whether victims and their families received adequate redress.

Testimonies from affected communities further complicate official narratives of precision and restraint. Survivors of certain operations in Borno State have described sudden attacks on villages suspected of harbouring insurgents, where entire compounds were destroyed and livestock lost, leaving residents without shelter or means of livelihood. Such experiences blur the line between legitimate military action and excessive use of force. Thurston argues that repeated civilian casualties, even when framed as unintended, can indicate systemic weaknesses in intelligence gathering and operational planning (142). Continued exposure to such risks contributes to a climate of fear in which civilians remain uncertain whether security operations will provide protection or expose them to further danger.

Arbitrary Arrests and Detention Practices

Arbitrary arrest and prolonged detention without trial have emerged as recurring features of counter-Boko Haram operations. Security forces have reportedly relied on mass arrests during raids, particularly targeting young men and boys in communities perceived to be sympathetic to insurgents. Amnesty International reported that at least 20,000 men and boys had been arrested by the Nigerian military in Borno, Yobe, and Adamawa States since 2009, many allegedly on the basis of suspicion rather than adequate evidence of involvement with Boko Haram. The organisation further reported that most detainees were held without being brought before a court and without adequate safeguards against torture and ill-treatment (Amnesty International).

The scale of detention was particularly evident at Giwa Barracks in Maiduguri, where Human Rights Watch reported that the Nigerian military was holding more than 4,900 people in April 2017. Interviews conducted by Human Rights Watch indicated that some children were detained for periods ranging from several weeks to more than a year, while cells designed for far fewer occupants sometimes held 250 or more detainees (Human Rights Watch). These conditions raise serious concerns under both Nigeria’s constitutional protections of personal liberty and international human rights standards, which require lawful detention, due process, and protection against arbitrary deprivation of liberty.

Personal accounts from former detainees further reveal the human cost behind these practices. Amnesty International documented cases of individuals who spent months or years in military detention without clear evidence of involvement in insurgent activities. One former detainee, for example, reported spending 15 months at Giwa Barracks after being arrested during a cordon-and-search operation. Amnesty also documented severe overcrowding, inadequate food and water, disease, torture, and deaths in custody, reporting that more than 7,000 detainees had

died in military detention between 2011 and 2015 as a result of starvation, thirst, severe overcrowding, disease, torture, and inadequate medical care.

The absence of transparent judicial oversight further complicates efforts to distinguish legitimate security measures from violations of basic rights. Although mass detention may be presented as a preventive counterinsurgency measure, indiscriminate arrest based primarily on age, sex, location, or community association risks criminalising entire populations rather than identifying individual perpetrators. Prolonged detention without effective judicial review can also deepen resentment and undermine public confidence in security institutions, thereby complicating the broader objective of preventing violent extremism.

Displacement and Humanitarian Consequences

Displacement stands as one of the most visible consequences of the Boko Haram conflict, resulting from both insurgent violence and counterinsurgency measures. Millions of people have been forced to flee their homes across Borno, Yobe, and Adamawa States, seeking refuge in internally displaced persons' (IDP) camps or host communities. A 2017 report of the United Nations Human Rights Council on the mission of the Special Rapporteur on the human rights of internally displaced persons found that the insurgency and the government's counterinsurgency operations had combined to displace more than two million people internally, the vast majority of them in Borno State (United Nations Human Rights Council 1). Military strategies such as village evacuations and the establishment of designated "secure zones" have also contributed to population movements, sometimes leaving civilians with limited time to gather belongings or protect their livelihoods. Displacement has consequently become prolonged in many areas, transforming temporary shelters into semi-permanent settlements. Pulka, near the Mandara Mountains, illustrates this development: what began as an emergency waystation for fleeing residents had, by 2020, developed into a camp and host-community complex accommodating more than 56,000 displaced people, prompting international agencies to establish permanent quarantine and health infrastructure rather than treating the settlement as transitional (International Organization for Migration).

Conditions within displacement camps reveal another dimension of civilian vulnerability. The same United Nations Special Rapporteur report documented severe levels of malnutrition and food insecurity, particularly among children, alongside incidents of sexual exploitation and violence (United Nations Human Rights Council 1). The precarious nature of camp life was further demonstrated in November 2020 when a fire at a displacement camp in Gajiram, Borno State, destroyed approximately 1,200 tents and left about 7,200 residents without shelter (Al Jazeera). Such conditions expose the limitations of treating displacement camps as secure and sustainable alternatives to conflict-affected communities. Life in these settings often restricts access to education, employment, healthcare, and established social networks, while prolonged dependence on humanitarian assistance can weaken household resilience. For predominantly agrarian populations, separation from farmland, livestock, markets, and other productive assets also undermines economic recovery and increases vulnerability long after the immediate threat of violence has subsided.

The consequences of displacement therefore extend beyond the immediate loss of homes and physical security to affect long-term development, social cohesion, and human dignity. As early as December 2016, the United Nations described the situation in northeastern Nigeria as the largest humanitarian crisis in Africa, reflecting the scale and persistence of humanitarian needs in the region (Al Jazeera). The prolonged displacement of civilian populations demonstrates that humanitarian protection cannot be separated from the methods and consequences of

counterinsurgency operations. Where military strategies result in large-scale population movements without adequate arrangements for safety, livelihood protection, healthcare, education, and durable solutions, displacement can become a secondary crisis that compounds the original conflict. Effective civilian protection must therefore address not only immediate physical safety but also the social, economic, and humanitarian conditions necessary for displaced populations to rebuild their lives.

Proportionality and Necessity in Military Response

Proportionality and necessity are central ethical standards governing the use of military force, requiring security operations to pursue legitimate objectives while minimising avoidable harm to civilians. Proportionality requires a reasonable balance between the anticipated military advantage of an operation and the expected civilian harm, whereas necessity limits the use of force to measures required to achieve a legitimate military objective. In counterinsurgency settings such as northeastern Nigeria, applying these principles is particularly challenging because insurgents may operate within or close to civilian populations. Following major military offensives in 2015, this difficulty was reflected in the mass displacement of civilians to military-run camps in or near army barracks in Bama, Banki, Benisheik, Biu, Damboa, Dikwa, Gambaru, Gwoza, Monguno, and Ngala. The United Nations Special Rapporteur on the human rights of internally displaced persons observed that these movements occurred in the context of military "clearance operations," raising questions about whether civilian protection was adequately integrated into counterinsurgency planning (United Nations Human Rights Council 5).

The application of proportionality and precaution was further tested on 17 January 2017, when a Nigerian Air Force strike intended to target suspected Boko Haram positions instead struck a camp for internally displaced persons in Rann, Kala/Balge Local Government Area of Borno State, near the Cameroon border. According to the United Nations Secretary-General's report on children and armed conflict in Nigeria, the incident resulted in the deaths of 134 children and injuries to 101 others (United Nations Secretary-General 9). The incident illustrates the potentially devastating consequences of failures in target identification and intelligence assessment in an environment where civilians and suspected insurgents may occupy neighbouring areas. Although the strike was reportedly unintended, the scale of civilian harm raises serious ethical questions concerning precaution, proportionality, and the adequacy of procedures for verifying military targets before force is employed. The seriousness of these concerns was reflected in the establishment of two inquiries in 2017—a military national inquiry and a presidential investigative panel—to examine the armed forces' compliance with human rights obligations and rules of engagement. However, the findings were not made public, limiting the ability of affected communities and wider society to determine whether the investigations resulted in accountability or institutional reform (United Nations Secretary-General 2).

The blurring of military and civilian spaces presents another challenge to the principle of necessity. In Gubio Local Government Area, for example, Nigerian security forces reportedly used a primary school as a brigade headquarters for more than a year, while police occupied a nearby secondary school. This arrangement disrupted the education of approximately 6,000 children living alongside an active military installation (United Nations Secretary-General 10). The case raises an ethical question concerning whether the operational advantages gained from occupying civilian educational facilities could justify the associated disruption to children's education and the increased risk of exposing civilian spaces to military activity. Similarly, along the Maiduguri–Ngala corridor, civilians fleeing Boko Haram violence were reportedly screened and detained by security forces for extended periods on suspicion of association with the insurgency rather than

being treated solely as victims of the conflict (United Nations Secretary-General 8, 12). These cases demonstrate that civilian harm can arise not only from direct military attacks but also from operational decisions that transform civilian spaces into extensions of the security environment.

The cumulative effects of such practices extend beyond immediate casualties to include the destruction of homes, food stores, livestock, and other productive assets. Reports from affected communities indicate that military operations conducted amid uncertain intelligence have sometimes exposed civilians to violence and disrupted established livelihoods. These consequences raise questions about whether the scope of military action remains necessary and proportionate when its effects substantially undermine civilian welfare. The International Crisis Group observes that repeated experiences of insecurity and perceived abuses can weaken civilian confidence in state protection mechanisms, particularly in communities already affected by prolonged conflict (41). From an ethical perspective, the legitimacy of a security operation therefore depends not only on the importance of its objective but also on whether feasible measures were taken to reduce foreseeable civilian harm.

An ethical evaluation of military response consequently requires each operation to be assessed according to its particular circumstances rather than justified collectively by the existence of the Boko Haram threat. Legitimate security objectives do not remove the obligation to distinguish between combatants and civilians, take feasible precautions, and minimise foreseeable harm. The principles of proportionality and necessity lose their ethical force when civilian casualties, displacement, destruction of livelihoods, and disruption of essential civilian services become treated as routine costs of counterinsurgency rather than exceptional outcomes requiring investigation and correction. A morally responsible counterinsurgency strategy must therefore integrate civilian protection into intelligence gathering, target verification, operational planning, post-operation review, and accountability mechanisms. Such an approach would strengthen the ethical legitimacy of military operations while contributing to greater civilian trust in state protection.

Accountability Mechanisms

Accountability functions as a foundational requirement for ethical conduct in armed conflict, ensuring that violations are acknowledged, investigated, and addressed in ways that deter recurrence. Established mechanisms such as military tribunals, judicial inquiries, and independent oversight institutions are intended to examine allegations of misconduct and impose sanctions where necessary. Ethical governance in conflict situations depends heavily on the credibility of these structures because their effectiveness determines whether the rule of law retains meaning under conditions of violence. Nigeria's counterinsurgency experience demonstrates the significance of this issue. Amnesty International reported that it shared its findings on military conduct with the Nigerian military and relevant government ministers before publication, but the authorities either redirected the organisation's questions to other arms of government or declined to engage with them (Amnesty International, *They Took Our Husbands* 11). The accountability gap was also evident institutionally: in August 2017, the Nigerian government established a Presidential Panel to Review Compliance of the Armed Forces with Human Rights Obligations and Rules of Engagement to investigate military conduct, yet more than a year later its final report had still not been made public despite repeated requests for its release (Amnesty International, *They Took Our Husbands* 11). These circumstances raise concerns about the transparency, independence, and effectiveness of mechanisms established to address alleged violations.

The human dimension of these institutional weaknesses is particularly evident in the experiences of displaced communities. Amnesty International documented cases across several

satellite camps in Borno State, including Monguno, Banki, Dikwa, Rann, and Benisheikh, where displaced persons reported that relatives had been taken away during security screenings and that families subsequently received little or no official information about their whereabouts (Amnesty International, *They Took Our Husbands* 5). Women interviewed by Amnesty reported that, in some cases, the only information they obtained about detained husbands or relatives came informally from former detainees who had been released, rather than through any formal notification process (Amnesty International, *They Took Our Husbands* 9). Such experiences expose the gap between the formal existence of accountability structures and their practical accessibility to ordinary civilians. The problem extends beyond detention to the difficulty of obtaining effective legal remedies for wrongful killings, destruction of property, or other losses associated with military operations. Where affected families cannot obtain information, challenge official decisions, or secure appropriate remedies, accountability mechanisms risk becoming procedural institutions without meaningful protective value.

Accountability is further complicated by the conduct of non-state actors such as Boko Haram, whose deliberate attacks on civilians, mass abductions, targeted killings, and destruction of communities operate outside recognised state accountability structures (Zenn 118; Thurston 131). The absence of effective internal restraints among insurgent groups does not, however, diminish the obligations of state security forces. Rather, it places a greater responsibility on government institutions to ensure that military personnel comply with legal and ethical standards and that credible mechanisms exist for investigating alleged violations. Ethical evaluation must therefore consider not merely whether accountability institutions exist, but whether they are accessible, transparent, independent, and capable of producing meaningful remedies. Persistent delays in investigations, limited communication with victims, and the non-publication of inquiry findings can weaken civilian confidence in state institutions and discourage cooperation with security agencies. Effective accountability should consequently include timely and impartial investigations, public disclosure of findings where appropriate, access to legal remedies, and sanctions for substantiated violations. Such measures are necessary not only to secure justice for victims but also to strengthen the legitimacy of counterinsurgency operations and contribute to sustainable peace.

Findings and Discussion

The documentary analysis identified five interrelated findings concerning human rights violations and civilian protection in Nigeria's counter-Boko Haram operations: recurring civilian casualties, arbitrary arrest and prolonged detention, large-scale displacement and humanitarian vulnerability, inconsistent application of proportionality and necessity, and weaknesses in accountability mechanisms. These findings emerged from the systematic examination of books, scholarly studies, and reports produced by humanitarian and human rights organisations and United Nations institutions. Taken together, they indicate that the principal challenge is not the absence of formal legal and ethical standards but the difficulty of translating those standards consistently into operational practice. The findings are discussed below in relation to previous studies and the principles of Just War Theory.

Counterinsurgency Operations Have Produced Recurring Civilian Harm: The first finding is that counter-Boko Haram operations have repeatedly exposed civilians to casualties and destruction, particularly where military actions have occurred in or near civilian settlements. The 17 January 2017 Rann incident provides a significant example. A Nigerian Air Force strike intended to target suspected Boko Haram positions instead struck a settlement for internally displaced persons in Kala/Balge Local Government Area of Borno State, causing substantial

civilian casualties. The incident illustrates how weaknesses in intelligence, target identification, and operational planning can expose civilians to severe harm even where the intended military objective is legitimate. The destruction of homes, livestock, food stores, and other civilian property reported in connection with military operations further demonstrates that the consequences of counterinsurgency extend beyond immediate loss of life. This finding is consistent with Amnesty International's documentation of civilian casualties and other abuses associated with Nigerian security operations, as well as Human Rights Watch's reporting on the consequences of military actions in northeastern Nigeria (Amnesty International; Human Rights Watch). It also corresponds with Thurston's observation that the conduct of the conflict has generated significant civilian suffering alongside the violence perpetrated by Boko Haram (142). The evidence therefore suggests that civilian harm cannot be understood exclusively as the inevitable consequence of insurgent warfare. From the perspective of Just War Theory, the finding raises direct concerns regarding distinction, proportionality, and precaution. The principle of distinction requires combatants to differentiate civilians from legitimate military targets, while proportionality requires consideration of expected civilian harm in relation to anticipated military advantage (Henckaerts and Doswald-Beck 3–5). Walzer similarly argues that a legitimate cause does not justify the use of morally impermissible means (136, 145). The recurrence of civilian harm therefore indicates that the legitimacy of the objective of defeating Boko Haram must be accompanied by adequate safeguards for non-combatants.

Arbitrary Arrest and Prolonged Detention Have Created Significant Human Rights Concerns: The second finding is that mass arrest, prolonged detention, and inadequate judicial oversight have constituted significant features of the counterinsurgency response. The documentary evidence indicates that security forces detained large numbers of men, boys, and other persons suspected of association with Boko Haram, with some reportedly held for extended periods without trial or adequate procedural safeguards. Conditions reported at Giwa Barracks, including severe overcrowding, inadequate food and water, disease, torture, and deaths in custody, indicate that the problem extends beyond deprivation of liberty to questions of human dignity and humane treatment. This finding is consistent with Amnesty International's documentation of mass arrests and prolonged detention in northeastern Nigeria and Human Rights Watch's reporting on conditions at Giwa Barracks (Amnesty International; Human Rights Watch). The evidence also supports the concern that security measures can become problematic when suspicion based on age, gender, location, or community association substitutes for individual evidence of involvement in insurgent activity. Donnelly's conception of human rights as universal entitlements grounded in human dignity is particularly relevant because security concerns do not inherently remove an individual's claim to basic rights and humane treatment (10–12). Within Just War Theory, such practices raise questions concerning **necessity** and moral restraint. Military necessity requires measures to remain connected to legitimate security objectives rather than permitting indiscriminate restrictions on civilian populations. The detention of individuals without adequate evidence or effective judicial review may therefore exceed what is reasonably necessary to achieve the legitimate objective of countering Boko Haram. The finding suggests that the pursuit of security has, in some instances, produced practices that are difficult to reconcile with the moral requirement to protect persons who have not been established as combatants.

Counterinsurgency and Insurgent Violence Have Combined to Produce Prolonged Displacement and Humanitarian Vulnerability: The third finding is that civilian displacement results from the interaction of insurgent violence, counterinsurgency measures, and the conditions under which displaced populations are subsequently accommodated. The documentary evidence

indicates that civilians have been displaced through Boko Haram attacks, military clearance operations, village evacuations, and insecurity surrounding contested areas. The establishment of military-run or military-controlled camps in locations including Bama, Banki, Dikwa, Gwoza, Monguno, and Ngala demonstrates the close relationship between displacement and the wider security response. Conditions within displacement settings, including food insecurity, overcrowding, inadequate services, sexual exploitation, and loss of access to livelihoods, have further exposed displaced populations to prolonged vulnerability. This finding is consistent with the United Nations Human Rights Council's assessment that both insurgent violence and government counterinsurgency operations contributed to large-scale internal displacement in northeastern Nigeria (1). It also corresponds with the International Crisis Group's analysis of the relationship among insecurity, displacement, governance, and humanitarian crisis (34). The finding is significant within Just War Theory because proportionality should not be understood solely in terms of immediate battlefield casualties. The broader foreseeable consequences of military action for civilian welfare must also receive ethical consideration. An operation may produce a military advantage while simultaneously generating extensive displacement, loss of livelihoods, and long-term dependence on humanitarian assistance. The principle of proportionality therefore requires consideration of whether the anticipated military advantage justifies the foreseeable civilian consequences. The evidence indicates that civilian protection must encompass not only survival during military operations but also dignity, livelihood security, and reasonable prospects for recovery after displacement.

Proportionality and Necessity Are Recognised Normatively but Applied Inconsistently in Practice: The fourth finding is that proportionality and necessity are recognised as important standards of military conduct, but their practical application is constrained by intelligence limitations, operational uncertainty, and the difficulty of distinguishing insurgents from civilians. The Rann airstrike, the reported use of schools as military facilities in Gubio, and the screening and detention of civilians fleeing Boko Haram demonstrate different ways in which operational decisions can expose civilian populations to harm. These cases show that civilian protection may be compromised not only through direct attacks but also through decisions that transform civilian spaces or populations into components of the security environment. This finding is consistent with Henckaerts and Doswald-Beck's treatment of distinction, proportionality, and precaution under international humanitarian law (3–5) and with Odom's discussion of proportionality in asymmetric warfare (101). It also supports Walzer's argument that the moral limits of warfare remain relevant even when military actors face difficult operational circumstances (136). Just War Theory is particularly useful here because it establishes that distinction, proportionality, and necessity are interconnected principles. The difficulty of identifying insurgents does not remove the obligation to take feasible precautions; rather, uncertainty increases the importance of careful intelligence assessment and target verification. The Rann incident demonstrates the consequences that can follow when these safeguards fail. Similarly, the occupation of educational facilities for military purposes raises questions concerning whether the operational advantage obtained was proportionate to the disruption and risks imposed on civilians. The finding therefore suggests that military necessity should not be interpreted as a blanket justification for civilian harm. Its ethical legitimacy depends on whether the measure adopted is genuinely required and whether less harmful alternatives were reasonably available.

Formal Accountability Mechanisms Exist, but Their Transparency, Accessibility, and Effectiveness Remain Weak: The fifth finding is that formal accountability mechanisms exist within Nigeria's counterinsurgency framework, but their effectiveness is weakened by limited

transparency, accessibility, and follow-through. The establishment of a Presidential Panel to Review Compliance of the Armed Forces with Human Rights Obligations and Rules of Engagement demonstrates institutional recognition of the need to investigate alleged violations. However, the failure to make the panel's findings publicly available, together with reports of limited communication with families concerning detention and alleged abuses, creates uncertainty regarding whether investigations have resulted in meaningful remedies or institutional reform.

The experiences documented by Amnesty International in displacement locations including Monguno, Banki, Dikwa, Rann, and Benisheikh provide concrete evidence of this accountability gap. Families reportedly received little or no official information concerning relatives taken away during security screenings, while some women obtained information about detained husbands or relatives informally from former detainees rather than through formal notification procedures (Amnesty International, *They Took Our Husbands* 5, 9). Amnesty International also reported that its findings concerning military conduct were presented to Nigerian military authorities and relevant government officials before publication, but the responses were limited or redirected to other government institutions (11). These experiences demonstrate the difference between the formal existence of accountability institutions and their practical accessibility to affected civilians. The finding is consistent with wider concerns raised by Human Rights Watch and Amnesty International regarding accountability for alleged abuses committed during counterinsurgency operations (Amnesty International; Human Rights Watch). It also has particular significance within Just War Theory because moral responsibility does not end when an operation is completed. Walzer's argument that combatants remain morally accountable for the means they employ during war provides a basis for requiring investigation and responsibility where civilian harm occurs (136). The existence of a legitimate security objective cannot, therefore, eliminate the obligation to investigate alleged violations and provide appropriate remedies. Effective accountability requires accessible complaint mechanisms, impartial investigations, transparent outcomes, and appropriate sanctions where violations are established. Weaknesses in these areas may reduce civilian confidence in security institutions and thereby undermine the broader legitimacy of counterinsurgency efforts.

The above revelations show a consistent relationship between civilian vulnerability and weaknesses in the practical implementation of ethical and legal safeguards. The evidence does not establish that every civilian casualty, detention, displacement, or operational error constitutes an intentional human rights violation. Rather, the documentary record identifies recurring patterns that raise serious questions about distinction, precaution, proportionality, necessity, and accountability. This distinction is important because Boko Haram has itself committed deliberate and systematic violence against civilians through bombings, abductions, killings, and attacks on communities (Thurston 128; Zenn 112, 118). The ethical responsibility of the Nigerian state is nevertheless distinct because state security forces are expected to operate within established legal and moral constraints even when confronting an adversary that disregards those constraints.

The findings consequently support the central proposition of Just War Theory that a legitimate cause does not automatically make every method of pursuing that cause morally acceptable. Nigeria has a legitimate responsibility to protect its population from Boko Haram, but that responsibility must be exercised through means that respect distinction, proportionality, necessity, and accountability. The evidence further suggests that civilian protection should not be treated as an auxiliary humanitarian concern but as an integral component of the legitimacy and effectiveness of counterinsurgency. Where civilians experience repeated casualties, arbitrary detention, displacement, loss of livelihoods, or limited access to justice, military effectiveness may

be undermined by declining public trust and reduced cooperation with security institutions. Civilian protection is therefore both an ethical obligation and an important condition for sustaining the legitimacy of state security efforts.

Implications for Civilian Protection Policies

Civilian protection policies in northeastern Nigeria sit at the intersection of legal obligation, military necessity, and humanitarian urgency. The ideal framework assumes that every operational decision prioritises the safety of non-combatants, particularly in environments where insurgents and civilians share the same geographic and social spaces. Reality in conflict-affected areas such as Borno State's Bama, Gwoza, Monguno, and Konduga corridors shows a more complicated picture, where security responses often unfold in conditions of limited intelligence and rapid threat escalation. These conditions expose a persistent gap between policy intention and field-level outcomes, especially where civilian harm continues to accompany counterinsurgency operations (International Crisis Group 36).

Policy implementation in practice reveals structural weaknesses that affect protection outcomes. Early warning systems and civilian safeguarding protocols exist in principle, yet their effectiveness depends heavily on communication networks that are often disrupted during conflict. Communities in rural Borno have reported situations where military operations began without prior evacuation warnings, leaving residents caught in active security zones with limited opportunity to relocate. Such experiences raise ethical concerns about whether existing protection policies adequately reflect the realities of asymmetrical warfare, where time-sensitive decisions can determine survival or displacement (UNOCHA 18).

Examples from displacement settings further illustrate the policy gap. Internally displaced persons' camps in Maiduguri and Monguno have become central to humanitarian response efforts, yet conditions within these camps expose weaknesses in long-term protection planning. Reports of overcrowding, limited access to healthcare, and exposure to exploitation reflect not only resource constraints but also gaps in coordination between security agencies and humanitarian actors. Ethical concerns arise when protection policies focus heavily on containment of displaced populations rather than restoration of dignity and autonomy for affected individuals (Human Rights Watch 89).

Attention to civilian protection also raises questions about the balance between security imperatives and human rights obligations. Military necessity often drives operational urgency, yet repeated incidents of civilian harm suggest that precautionary measures may not always be sufficiently integrated into tactical decision-making. Residents of Konduga and Gwoza have described situations where repeated operations occurred in close succession, creating cycles of displacement and return without long-term stability. These patterns suggest that protection policies may function more as reactive measures rather than preventive frameworks capable of addressing root vulnerabilities.

Civilian protection policy therefore requires a shift that goes beyond formal compliance toward context-sensitive implementation grounded in lived realities. Ethical governance in conflict zones demands continuous review of operational practices, especially where civilian populations remain at risk of repeated exposure to violence. The persistence of harm in communities such as Bama, Monguno, and Gwoza indicates that protection cannot be treated as an auxiliary concern within counterinsurgency strategy. A more coherent approach would integrate humanitarian safeguards directly into military planning, ensuring that security objectives do not inadvertently reproduce the conditions they seek to eliminate.

Recommendations

1. Security agencies should establish a unified civilian-harm documentation and investigation framework that records incidents arising from military operations in real time and provides for independent verification involving civil society and humanitarian actors. This recommendation responds directly to the identified weaknesses in the transparency, accessibility, and effectiveness of accountability mechanisms, including the limited public availability of investigative findings. Publicly accessible summaries of investigations into incidents in areas such as Rann, Bama, Gwoza, and Konduga would improve transparency, strengthen institutional accountability, and help rebuild civilian confidence in security agencies.
2. Operational decisions should rely more heavily on verified and community-informed intelligence rather than broad, suspicion-based targeting. This recommendation responds to the associated civilian harm with weaknesses in intelligence, target identification, precaution, and the practical application of distinction and proportionality. Civilian protection committees at the local-government level, particularly in high-risk areas such as Monguno and Konduga, could support early-warning and information-sharing mechanisms. Such arrangements would help security forces distinguish more accurately between combatants and civilians and reduce the risk of wrongful targeting.
3. All personnel involved in counterinsurgency operations should undergo regular, scenario-based training in international humanitarian law, proportionality, necessity, distinction, and civilian protection. Training should use scenarios drawn from the realities of northeastern Nigeria, including operations around civilian settlements, internally displaced persons' camps, schools, and other protected civilian spaces. Such practical training would strengthen ethical decision-making and improve the integration of civilian-protection considerations into operational planning.
4. Arrest and detention procedures should be restructured to ensure prompt judicial review, access to legal representation, and humane conditions of detention. This recommendation responds directly to identified arbitrary arrest, prolonged detention, inadequate judicial oversight, overcrowding, and other abuses as significant human-rights concerns. Special mobile courts or fast-track judicial panels in Borno, Yobe, and Adamawa States could help reduce prolonged detention without trial, while strengthened independent oversight of detention facilities could improve compliance with constitutional and human-rights safeguards. These measures would also address the ethical concern arising from the use of necessity as a justification for detention without sufficient individual evidence or effective judicial review.
5. Military operations should be systematically coordinated with humanitarian agencies to minimise displacement and protect the welfare of displaced populations. This recommendation follows that insurgent violence and counterinsurgency measures have contributed to prolonged displacement and humanitarian vulnerability. Pre-operation evacuation protocols, safe movement arrangements, protection of essential civilian infrastructure, and post-operation resettlement or return plans should therefore form part of counterinsurgency planning. Greater coordination among the Nigerian Armed Forces, the National Emergency Management Agency, humanitarian organisations, and other relevant partners would help address the food insecurity, inadequate services, livelihood disruption, and prolonged displacement identified in the study, particularly in areas such as Maiduguri and Monguno.

Conclusion

This study demonstrates that the central ethical problem in Nigeria's fight against Boko Haram is not the legitimacy of the state's responsibility to protect its population, but the conditions under which that responsibility is exercised. The documentary evidence shows that civilian protection can be weakened when military operations are conducted amid inadequate intelligence, prolonged detention, displacement, and limited institutional accountability. The Rann airstrike, detention practices at Giwa Barracks, displacement associated with military clearance operations, and the limited transparency surrounding investigations illustrate different dimensions of the same problem: legitimate security objectives do not by themselves make every method of pursuing those objectives ethically acceptable. From the perspective of Just War Theory, the conduct of counterinsurgency must therefore be judged continuously against the requirements of distinction, proportionality, necessity, and moral responsibility. The study further demonstrates that civilian protection should be understood as a measure of the quality and legitimacy of counterinsurgency rather than as a constraint external to military effectiveness. Boko Haram's deliberate attacks on civilians constitute serious violations of fundamental moral and humanitarian norms, but such violations do not release state security forces from their own legal and ethical obligations. Indeed, the state's legitimacy is strengthened when it responds to insurgent violence through disciplined force, transparent accountability, and effective protection of civilian life and dignity. The evidence consequently suggests that sustained civilian trust depends not only on the reduction of insurgent attacks but also on whether affected communities can see that security institutions distinguish between combatants and civilians, minimise avoidable harm, subject alleged abuses to credible investigation, and provide meaningful remedies where violations occur.

The study therefore concludes that a sustainable counterinsurgency strategy requires the integration of civilian protection into the entire security process, from intelligence gathering and target selection to detention, displacement management, post-operation review, and accountability. Such integration would give practical expression to the ethical principles underpinning Just War Theory and the legal obligations established under international humanitarian and human-rights law. Civilian protection is consequently not merely a humanitarian objective but a condition for the moral credibility, institutional legitimacy, and longer-term effectiveness of Nigeria's response to Boko Haram.

Limitations of the Study

This study is limited by its reliance on documentary and secondary sources rather than primary field data. Its analysis draws principally on scholarly publications, institutional reports, and human-rights documentation, which may reflect the methodological priorities, evidentiary standards, and perspectives of their respective authors and organisations. The study therefore cannot independently verify every reported incident or fully capture the current experiences of civilians, military personnel, humanitarian workers, and other actors in conflict-affected communities. Future research should complement documentary analysis with field-based qualitative studies, including interviews with affected civilians, security personnel, humanitarian actors, legal practitioners, and community leaders, while observing appropriate ethical and security safeguards. Comparative research across Borno, Yobe, and Adamawa States could also provide further evidence on how variations in military practice, accountability, and humanitarian coordination affect civilian protection outcomes.

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