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Ensuring Civilian Protection in Nigeria's Counterinsurgency Operations: Imperative for Legislative Action

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Executive Summary

Recurring incidents of civilian casualties *resulting* from military airstrikes in Nigeria's North-East and North-West *most notably* the April 2026 Jilili market strike and earlier *occurrences* in Zamfara State *underscore persistent structural weaknesses in the country's counterinsurgency operations. These incidents reveal critical deficiencies in surveillance capabilities, intelligence coordination, and civilian harm mitigation frameworks, while simultaneously eroding public trust in the military and diminishing the overall effectiveness of counterinsurgency efforts. Notwithstanding the constitutional oversight powers vested in the National Assembly under Sections 88 and 89 of the 1999 Constitution (as amended), legislative engagement on civilian protection in military operations remains largely reactive, with no comprehensive statutory framework specifically dedicated to the prevention, monitoring, and accountability of civilian harm in the conduct of military operations.*

To address these challenges, the relevant committees of the National Assembly are urged to:

- (1) Enact a Civilian Harm Mitigation and Protection Law to establish clear operational standards, including pre-risk assessment protocols, civilian harm tracking systems, and enforceable accountability mechanisms.
- (2) Strengthen legislative oversight by instituting mandatory reporting requirements, independent audits, and periodic briefings by security agencies particularly on aerial operations and civilian casualty assessments.
- (3) Legislate a binding requirement for multi-source target verification involving the Air Force, Army, and intelligence agencies before strike authorisation; and
- (4) Convene joint public hearings to investigate airstrike failures, ensure transparency in findings, and enforce appropriate administrative or criminal sanctions against personnel found culpable.

Background

On the 13th of April 2026, reports emerged that a former Senate President publicly criticised the Nigerian Air Force following an airstrike in the Borno–Yobe axis, which reportedly resulted in the



deaths of about 100 civilians at Jilili local market¹. This incident has renewed national attention and concern over the conduct of aerial counterinsurgency operations in North-East, particularly within the context of ongoing military efforts against Boko Haram and other affiliated terrorist groups.

Preceding this event was another widely reported incident in early 2025, in which at least 16 civilians were killed in Zamfara state after a military aircraft reportedly misidentified civilians as members of armed groups in Zurmi and Maradun local government areas². These recurring instances of unintended civilian harm in military air operations point to significant deficiencies in the Air Force's surveillance capabilities, inter-agency intelligence coordination, and the absence of robust civilian harm mitigation frameworks. The persistence of such incidents not only undermines operational effectiveness but also erodes public confidence in the military and weakens the overall counterinsurgency posture of the state³.

The 1999 Constitution of the Federal Republic of Nigeria (as amended) vests the National Assembly with power to legislate on matters of national security and to exercise oversight over the armed forces under Sections 88 and 89⁴. However, legislative engagement on civilian protection in counterinsurgency operations has remained largely reactive. The absence of a comprehensive statutory framework governing civilian harm mitigation particularly in the context of air operations represents a critical gap. This underscores the urgent need for proactive legislative action to strengthen accountability, enhance transparency, and institutionalise civilian protection in Nigeria's counterinsurgency operations.

Issues

The recurring pattern of botched military airstrikes in the North-East depicts fundamental flaws in Nigerian military operational planning, intelligence coordination, and civilian harm mitigation efforts:

1. Recurring Civilian Casualties in Air Operations: Repeated incidents of unintended civilian harm highlight systemic risks in Nigeria's aerial counterinsurgency strategy.

¹ Ogundipe, S. (2026, April 13). *Ex-Senate president slams NAF over Borno–Yobe airstrike, demands probe*. Punch Newspapers. [Ex-Senate president demands probe of Borno-Yobe airstrike](#)

² BBC News. (2025, January 13). *Nigeria military kills 16 civilians in air strike 'mistake'*. <https://www.bbc.com/news/articles/cn0y30766kjo>

³ Ogbozor, E. (2025). Counterinsurgency airstrike mishap, intelligence failure and civilian harm in northern Nigeria—2014 to 2024. *Journal of Policing, Intelligence and Counter Terrorism*, 20(2), 193-208.

⁴ *Constitution of the Federal Republic of Nigeria* (1999, as amended), Section 88–89.



2. Deficiencies in Intelligence and Targeting Systems: Weak surveillance capabilities and poor inter-agency intelligence coordination contribute to misidentification of targets.
3. Erosion of Public Trust: Consistently high civilian casualties undermine confidence in the military and weaken the State's overall counterinsurgency posture.
4. Absence of a Comprehensive Legal Framework: The lack of proactive legislation on civilian harm mitigation limits accountability, transparency, and effective oversight by the National Assembly.

Recommendations

In light of the issues identified above, the relevant committees of the Nigerian National Assembly are urged to consider the following:

1. Enact a Civilian Harm Mitigation and Protection Law: Develop and pass comprehensive legislation that sets clear standards for targeting, mandates civilian risk assessments before air operations, and establishes accountability mechanisms for violations.
2. Strengthen Legislative Oversight of Military Operations: Institutionalise regular reporting requirements from the armed forces on airstrike operations, including civilian casualty assessments, and empower relevant committees to conduct periodic audits and investigations.
3. Enact a statutory requirement for multi-source target verification involving the Air Force, Army, and national security and intelligence agencies before strike authorisation.
4. Convene Public Hearings and Enforce Accountability Measures: Initiate public legislative hearings to investigate the causes of recurring airstrike failures, identify lapses, and ensure that appropriate sanctions are imposed on personnel found culpable.

Conclusion

The recurrence of civilian casualties in aerial counterinsurgency operations in Nigeria's North-East highlights critical gaps in operational planning, intelligence coordination, and civilian protection frameworks. These challenges are further compounded by the absence of a comprehensive statutory regime governing civilian harm mitigation and limited legislative oversight of military operations. Addressing these deficiencies requires urgent institutional and legal reforms to strengthen accountability, improve inter-agency coordination, and enhance transparency in the use of force. A more proactive role by the National Assembly is essential to ensure that



counterinsurgency operations are both effective and consistent with the protection of civilian lives and democratic governance principles.

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