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Statement for USCIRF Hearing “Religious Freedom in Nigeria,” June 9, 2021

Many thanks to the Commission for the invitation to join this discussion on religious freedom in Nigeria. As requested, I will focus my attention on non-state threats to religious freedom, selected U.S. responses, and potential considerations for U.S. policymakers.

## **Introduction**

Successive Administrations have described the U.S. relationship with Nigeria as among the most important in Africa: Nigeria is a key economic, security, and development partner in the region, and routinely ranks among the top annual recipients of U.S. foreign assistance globally. Nevertheless, U.S. policymakers have long expressed concern over threats to religious freedom in Nigeria—particularly in the predominately Muslim north, and in the religiously and ethnically diverse “Middle Belt” region, which lies between the north and the majority Christian south.<sup>1</sup> In recent years, U.S. officials have focused attention on two trends regarding threats to religious freedom by non-state actors:

- Boko Haram and Islamic State West Africa Province (IS-WA) attacks in the northeast targeting Muslim and Christian individuals, ceremonies, and houses of worship;<sup>2</sup> and
- Disputes in the Middle Belt between predominately Christian farmers and mainly Muslim pastoralists, which—while generally not primarily driven by religious ideology, according to various analyses—can assume religious dimensions and spur violence along sectarian lines.<sup>3</sup>

Security responses generally have proven insufficient to protect local civilians from these threats. In the northeast, the government has periodically reasserted control over contested territory. Security gains often have been short-lived, however, and security services have been implicated in extensive abuses.<sup>4</sup> In the Middle Belt, farmer-herder clashes and related violence often have outstripped responses by military and law enforcement, and observers have accused security services of committing abuses, ignoring warnings of attacks, abandoning villages before the onset of violence, and failing to prosecute assailants.<sup>5</sup>

Several factors arguably have constrained the government’s responses to insecurity. Defense sector corruption has reportedly impaired security force effectiveness: a 2018 study by the Carnegie Endowment for International Peace assessed that “decades of unchecked corruption have hollowed out the Nigerian military and security services and rendered them unable to effectively combat Boko Haram or address

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<sup>1</sup> The Middle Belt is an unofficial, variously defined region generally understood to include Nigeria’s North Central geopolitical zone and adjacent areas of the North East and North West.

<sup>2</sup> See also CRS In Focus IF10173, *Boko Haram and the Islamic State’s West Africa Province*, by Tomás F. Husted.

<sup>3</sup> A 2020 literature review of research on herder-farmer conflicts in Africa by Search for Common Ground (SFCG), a U.S. non-governmental organization (NGO) engaged in conflict prevention efforts in the Middle Belt, found “broad consensus that while religious divisions are a contributing source of conflict between pastoralist and non-pastoralist ethnic groups [in Nigeria], they are not the sole or primary cause.” (Leif Brottem and Andrew McDonnell, *Pastoralism and Conflict in the Sudano-Sahel: A Review of the Literature*, SFCG, 2020.) The International Crisis Group (ICG), a research and advocacy NGO that has produced various studies on herder-farmer violence in Nigeria, has similarly concluded that the conflict “is fundamentally a land-use contest between farmers and herders across the country’s Middle Belt [that] has taken on dangerous religious and ethnic dimensions.” (ICG, *Stopping Nigeria’s Spiralling Farmer-Herder Violence*, 2018.) Local surveys by Mercy Corps, a U.S. humanitarian and conflict prevention NGO, between 2014 and 2016 found that “most participants did not identify religion as a direct trigger for conflict”—which they perceived as stemming from disputes over land and other resources—but that violence “spreads and intensifies along religious and ethnic lines.” (Mercy Corps, *Role of Religion and Religious Leaders in Farmer-Pastoralist Conflict in Plateau State: An Inter-Religious Peacebuilding in Northern Nigeria Qualitative Research Report*, 2016.)

<sup>4</sup> See State Department, *2020 Country Reports on Human Rights Practices: Nigeria*, 2021, and previous annual reports; Amnesty International (AI), *“We Dried Our Tears”: Addressing the Toll on Children of Northeast Nigeria’s Conflict*, 2020; and AI, *Stars on Their Shoulders. Blood on their Hands. War Crimes Committed by the Nigerian Military*, 2015.

<sup>5</sup> AI, *Harvest of Death: Three Years of Bloody Clashes Between Farmers and Herders in Nigeria*, 2018; Chom Bagu and Katie Smith, *Past is Prologue: Criminality & Reprisal Attacks in Nigeria’s Middle Belt*, SFCG, 2017.

ethno-religious and communal conflict.”<sup>6</sup> According to the State Department’s 2020 human rights report on Nigeria, “insufficient capacity and staffing of domestic law enforcement agencies” also have inhibited security efforts and resulted in a reliance on the military to respond to internal security threats.<sup>7</sup>

Meanwhile, many observers contend that efforts to stabilize conflict-affected zones and address core drivers of insecurity have been slow and inadequate. In the northeast, corruption, poor coordination, low political commitment, and human rights abuses have been seen to hinder Nigerian and donor efforts to build trust in the government, improve service delivery, reintegrate former combatants, and foster social cohesion.<sup>8</sup> Attempts to develop enduring solutions to farmer-herder conflicts in the Middle Belt also have faced challenges, as implementation of a ten-year National Livestock Transformation Plan intended to help address resource access disputes has experienced delays, resource shortages, and opposition from both farmers and pastoralists.<sup>9</sup>

## U.S. Responses and Considerations for U.S. Policy

U.S. foreign aid programs in Nigeria have sought to help mitigate intercommunal tensions, address the causes of militant recruitment, and respond to insecurity. In the north and Middle Belt, for instance, the United States has funded programs focused on preventing violence and supporting intercommunal and interfaith dialogue.<sup>10</sup> The United States also has provided security assistance to help strengthen Nigeria’s counterterrorism responses and civilian law enforcement capacity in the northeast.

The State Department also has publicly expressed concern with the government’s insufficient action to protect religious freedom. In 2019, it placed Nigeria on a “Special Watch List” under the International Religious Freedom Act (IRFA, P.L. 105-292, as amended) and in 2020 downgraded Nigeria to a Country of Particular Concern, or CPC, for “having engaged in or tolerated particularly severe violations of religious freedom.”<sup>11</sup> The specific grounds for Nigeria’s CPC designation were not made public; in addition to the non-state threats I have discussed, recent State Department annual reports on religious freedom conditions in Nigeria also have highlighted state repression of the minority Shi’a community and arrests for blasphemy under the Sharia legal system in the north, among other issues.<sup>12</sup> Designation as a CPC can result in various punitive measures, subject to a presidential waiver; the Trump Administration waived these for Nigeria, citing the “important national interest of the United States.”<sup>13</sup> Some

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<sup>6</sup> Matthew Page, *A New Taxonomy for Corruption in Nigeria*, Carnegie Endowment for International Peace (CEIP), 2018.

<sup>7</sup> State Department, *2020 Country Reports on Human Rights Practices: Nigeria*.

<sup>8</sup> Saskia Brechenmacher, *Stabilizing Northeast Nigeria After Boko Haram*, CEIP Working Paper, 2019; International Crisis Group (ICG), *An Exit from Boko Haram? Assessing Nigeria’s Operation Safe Corridor*, 2021.

<sup>9</sup> International Crisis Group, *Ending Nigeria’s Herder-Farmer Crisis: The Livestock Reform Plan*, 2021.

<sup>10</sup> USAID has administered a number of related programs in recent years. These include a 2012-2017 project to promote interfaith exchanges and reduce conflict in the north, implemented by the Nigeria-based Interfaith Mediation Center; a 2015-2018 project to promote nonviolent conflict resolution among farmers and herders in the north and Middle Belt, implemented by SFCG; and a 2015-2019 project to strengthen local dispute resolution mechanisms and foster intercommunal dialogue in the north and Middle Belt, implemented by Mercy Corps. For detail, visit USAID’s Development Experience Clearinghouse.

<sup>11</sup> The Act defines “particularly severe violations of religious freedom” as systematic, ongoing, and egregious violations, including violations such as “torture or cruel, inhuman, or degrading treatment or punishment,” “prolonged detention without charges,” “causing the disappearance of persons by the abduction or clandestine detention of those portions,” or “other flagrant denial of the right to life, liberty, or the security of persons.”

<sup>12</sup> See State Department, *2020 Report on International Religious Freedom: Nigeria*, 2021 and previous reports.

<sup>13</sup> State Department, “Secretary of State’s Determinations under the International Religious Freedom Act of 1998 and Frank R. Wolf International Religious Freedom Act of 2016,” January 13, 2021. IRFA suggests sanctions of varying severity for CPCs, including suspension of foreign assistance, trade restrictions, or loan prohibitions. However, the law provides the executive branch significant discretion in determining which, if any, punitive actions to take. Administrations can apply “commensurate substitute action” in lieu of IRFA’s suggested measures, exempt a country from new sanctions by referring to human rights-related sanctions already in place, or waive sanctions by citing U.S. national interest. In practice, Administrations have generally either referred to sanctions already in place against CPC countries or issued waivers instead of implementing new sanctions under IRFA. See CRS In Focus IF10803, *Global Human Rights: International Religious Freedom Policy*, by Michael A. Weber.

policymakers and advocates have supported Nigeria's CPC designation and have called for further punitive actions, such as the imposition of sanctions.<sup>14</sup>

Several considerations may shape U.S. responses to religious freedom concerns in Nigeria. Where violations of religious freedom stem from intercommunal violence, as in the Middle Belt, several factors may precipitate or stoke conflict. These include religious tensions as well as competition for political and economic power, disputes over access to resources, and impunity for past violence that gives rise to reprisal killings. The State Department attributes farmer-herder conflicts in the Middle Belt to "land disputes, competition over dwindling resources, ethnic differences, and settler-indigene tensions," while assessing that "ethnocultural and religious affiliation ... contributed to and exacerbated some local conflicts."<sup>15</sup> Some non-governmental organizations have described ethnic or religious motivations as a central driver of such violence.<sup>16</sup> U.S. policymakers may debate the role of ethno-religious divisions vis-à-vis other factors, and the suitability of viewing such conflicts as primarily ethnic or sectarian in nature.

More broadly, U.S. policymakers may debate the relative merit of various policy tools for reducing threats to religious freedom in Nigeria. Punitive measures targeting the Nigerian government (such as aid restrictions or targeted sanctions on Nigerian officials) could publicly reinforce U.S. concern about such threats and enact a cost on those perceived as responsible. Such measures also could impede pursuit of other U.S. policy goals, such as counterterrorism cooperation, military professionalization efforts, or diplomatic access and influence in other arenas. Increased U.S. security assistance might help Nigerian authorities restore security in the north and Middle Belt, but may come into conflict with U.S. concerns over human rights abuses by Nigerian security personnel, which have constrained past U.S. security cooperation.<sup>17</sup> Policymakers may continue to debate whether U.S. engagement reflects an appropriate mix of approaches and balance of resources for reducing threats to religious freedom in Nigeria.

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<sup>14</sup> In a 2020 Tom Lantos Human Rights Commission (TLHRC) hearing on the Middle Belt, Representative Chris Smith remarked that "a whole set of sanctions potentially could be levied against the [Nigerian] government for its egregious behavior vis-à-vis religious freedom." See TLHRC, *Conflict in the Middle Belt*, hearing, 116<sup>th</sup> Cong., 2<sup>nd</sup> sess., December 17, 2020.

<sup>15</sup> State Department, *2020 Country Reports on Human Rights Practices: Nigeria*, 2021.

<sup>16</sup> According to the State Department, "some domestic and international Christian groups stated that Muslim [ethnic] Fulani herdsman were targeting Christian farmers because of their religion. Local Muslim and herder organizations said unaffiliated Fulani were the targets of Christian revenge killings." See State Department, *2020 Country Reports on Human Rights Practices*.

<sup>17</sup> See CRS Report RL33964, *Nigeria: Current Issues and U.S. Policy*, by Tomás F. Husted and Lauren Ploch Blanchard.