

EMBRAER A-29 SUPER TUCANOS TO NIGERIA¹: A CASE OF MISALIGNED CAPABILITIES AND RISK

On August 3, 2017, DoD issued a press release announcing the approval of the sale to Nigeria of twelve Embraer A-29 Super Tucano aircraft and weapons, valued at an estimated \$593 million.² Super Tucanos are armed with two wing-mounted machine guns and can carry up to 1,550 kg (3,417 pounds) of munitions and ordnance.³ The public announcement was made 198 days after the Nigerian Air Force killed an estimated 115 civilians in the errant bombing of a refugee camp in Rann, Borno State on January 17, 2017.⁴ The Nigerian Air Force insisted that the strike was an accident and set up two boards of inquiry to investigate after the event, at least partly in response to international criticism. Nigerian Air Commodore Adesanya, Director of Public Relations and Information for the Nigerian Air Force, released a statement on July 24, 2017 acknowledging military responsibility for the incident;⁵ however, no investigation results have been made public at the time of writing, and concerns about the lack of transparency and accountability for those involved persist.⁶

Three months prior to the announcement of the sale, several prominent human rights organizations expressed concerns about the sale in a letter to Congress, citing the “lack of adequate safeguards and accountability mechanisms to ensure that the Tucano aircraft would be used consistently with international human rights and humanitarian law by the Nigerian military.”⁷ The Rann bombing was one of a succession of similar incidents that led to civilian casualties, and the letter echoed concerns the organizations had raised in a separate letter a year prior. According to Human Rights Watch, bombings conducted on two prior occasions by the Nigerian Air Force killed up

to 30 civilians in two separate villages.⁸ On June 8, Senators Corey Booker and Rand Paul sent a letter to Secretary of State Rex Tillerson in which they too expressed concerns over the possible sale, warning that the “decision to proceed with this sale will empower the government to backtrack even further on its commitments to human rights, accountability, and upholding international humanitarian law, which in turn could spur greater unrest and violence, particularly in the northeastern part of the country.”⁹

To address the concerns raised by Congress and NGOs, as well as many in the US government itself regarding the Nigerian armed forces’ competence and willingness to reduce the risk of future accidents and civilian casualties, DSCA noted in its release that the sale would be accompanied by “special training on the law of armed conflict and human rights, and air-to-ground integration to minimize civilian harm in air operations.”¹⁰ This public commitment to customize training on the basis of risk may signal a welcome change to the status quo of arms sales.

The sale of the Super Tucanos raises additional questions given the real counterterrorism needs of the Nigerian military. As observed by Matthew Page, until recently the State Department’s top expert on Nigeria:

[The Super Tucano] is devastatingly effective in the right operational context [...] Boko Haram, however, is a more slippery target than the Taliban, FARC, or narcotraffickers’ Amazonian airstrips. The Super Tucano’s unique capabilities might have been handy two years ago, when Boko Haram controlled large parts of three northeastern states. Even then,

1 The Center for Civilians in Conflict has active programs in Nigeria.

2 United States Defense Security Cooperation Agency, News Release: “Government of Nigeria – A-29 Super Tucano Aircraft, Weapons, and Associated Support,” August 3, 2017. Accessed October 22, 2017. <http://www.dscamilitary.com/major-arms-sales/government-nigeria-29-super-tucano-aircraft-weapons-and-associated-support>

3 Phil Stewart and Warren Strobel, “Exclusive: U.S. seeks to approve attack aircraft for Nigeria in Boko Haram Fight,” Reuters, May 5, 2016. Accessed October 22, 2017. <http://www.reuters.com/article/us-usa-nigeria-arms-idUSKCN0XX09M>

4 “Nigeria air strike dead ‘rises to 115’ in Rann,” BBC, January 24, 2017. Accessed October 22, 2017. <http://www.bbc.com/news/world-africa-38730741>

5 Nigerian Air Force, Press Release, July 24, 2017. Accessed on October 22, 2017 through Reference Nigeria: <http://www.referencenigeria.com/nigerian-air-force-deeply-regrets-rann-bombing-incident/>

6 Keenan, Marla, “CIVIC Statement: Nigerians Deserve Answers from NAF in IDP Camp Bombing,” Center for Civilians in Conflict, July 25, 2017. Accessed October 22, 2017. <https://civiliansinconflict.org/press-releases/nigerians-deserve-answers-idp-camp-bombing/>

7 <http://jubileecampaign.org/wp-content/uploads/2017/05/Joint-NGO-letter-on-sale-of-Super-Tucano-aircraft-to-Nigeria-FINAL.pdf>

8 Human Rights Watch, “Nigeria Satellite Imagery Shows Strikes on Settlement” <https://www.hrw.org/news/2017/01/19/nigeria-satellite-imagery-shows-strikes-settlement>

9 https://www.booker.senate.gov/?p=press_release&id=609

10 <http://www.dscamilitary.com/major-arms-sales/government-nigeria-29-super-tucano-aircraft-weapons-and-associated-support>

however, terrorist-held towns and villages housed many civilians. Experts agree that new warplanes will be less effective now that the group has dispersed and is once again operating clandestinely and conducting asymmetric attacks. Boko Haram fighters no longer operate en masse and many have taken refuge in remote communities in the Mandara Mountains or on the islands of Lake Chad. Even the Sambisa Forest—the group’s traditional stronghold—is not well suited to aerial bombardment.... hundreds of camp followers—mostly women and children—live among the terrorists sheltering there.¹¹

Page also noted the staggering cost of the aircraft relative to Nigeria’s resources, which amounts to “roughly half of Nigeria’s 2016 defense budget and over twice as much as the Nigerian Army’s entire annual salary bill,” funds that could “address long-term drivers of conflict like chronic underdevelopment, poverty, and food insecurity.”¹²

While allocating Nigeria’s budget is not the responsibility of the US government, US officials are responsible for working with partner governments to match desired items with legitimate defense needs and real capabilities, as described in the Pre-Case Development and Evaluation phases of the FMS process. The sale therefore calls into question how

the Departments of State and Defense arrived at the conclusion that the Super Tucanos corresponded strongly enough with a legitimate security need to warrant approval of the sale in light of the risks involved.

Given the overwhelming arguments against the sale, political “spoilers” may account for this discrepancy. Although our research team is not privy to the sensitive or classified discussions that led to the sale’s approval, as noted in the Part 3, numerous current and former US government officials confirmed in interviews that actors with political interests in stake—for example, Ambassadors or Senior State Department staff focused on improving a bilateral relationship—may intervene to push forward an otherwise questionable sale. More transparent documentation of differing opinions and dissent within the executive branch could help to make the process more objective and accountable.

Domestic industry interests could offer another part of the answer. Though built by Brazilian company Embraer, the A-29 Super Tucanos are assembled in Jacksonville, Florida. According to Embraer’s executive vice president of defense and security, current A-29 orders would run through the end of 2017, and the sale to Nigeria could guarantee the continuation of the operations in Jacksonville.

11 Page, Matthew. “Five Reasons Washington Should Rethink Selling Warplanes to Nigeria.” War On The Rocks. November 8, 2016. Accessed August 28, 2017. <https://warontherocks.com/2016/11/five-reasons-washington-should-rethink-selling-warplanes-to-nigeria>.

12 *ibid.*