

Joint Civil Society Statement on Nigeria ahead of United States' Summit for Democracy

December 9, 2021

The undersigned organizations welcome the Biden-Harris Administration's Summit for Democracy for leaders of governments, civil society and private sector to set forth an "affirmative agenda for democratic renewal and to tackle the greatest threats faced by democracies today through collective action". We acknowledge the key themes of the Summit: defending against authoritarianism; addressing and fighting corruption; and promoting respect for human rights, and recognize the participation at the Summit of government delegations including the Federal Republic of Nigeria.

In Nigeria, the last two-decades of democratic rule have seen the establishment of critical state institutions with clear mandates to uphold the rule of law, facilitate sustainable development, transparency and accountability. In this period, the government enacted legislation such as the Freedom of Information Act (2011) and amendments to the electoral laws in order to enhance citizens' participation in their government. In addition, the country experienced the transfer of political power between the two main political parties as well as support for peaceful transition of power in other West African countries

Notwithstanding the foregoing, Nigeria is a country of concern with respect to the observance of democratic principles. The Nigerian government continues to exhibit authoritarian tendencies, brazenly violates human rights, and has failed to tackle widespread corruption in the country. In the past six years the government has violently repressed peaceful assemblies leading to fatalities including the Lekki Massacre during the 2020 #ENDSARS protest against police brutality and impunity in the country. In addition, the government has systematically targeted critics and human rights defenders including through arbitrary arrests, detention and freezing their bank accounts.

Further, there has been a concerning rise in attacks on free expression and association in Nigeria through repressive legislative proposals. In 2015, the *Frivolous Petitions (Prohibition) Bill* was introduced in the National Assembly to further restrict freedom of information, especially in the fight against corruption. Later, the *Cybercrimes Act* was passed, providing a legal basis to target activists and the media perceived to be critical of the government. In 2019, Nigeria's House of Representatives introduced the *Protection from Internet Falsehood and Manipulation Bill (Social Media Bill)*. The Bill sought to enable the government to unilaterally shut down social media sites for content perceived to endanger public and national security. Other proposed pieces of legislation include the bill for the

establishment of the Civil Society Regulatory Commission and for Committed Purposes (CSO Regulation Bill); and proposed amendments to the Press Council Act which are all part of a systematic authoritarian campaign by government actors to undermine democracy and human rights. Recently, the government unilaterally restricted access to Twitter for all Nigerians with no regard to due process and blacked telecommunications services in parts of the country.

On anti-corruption, the Nigerian government has fared poorly. Nigeria's poor performance on the Corruption Perception Index (CPI) continues to undermine democratic norms and opportunity for economic growth. In the last three years, the country's performance on the global ranking has been abysmal. The Financial Action Task Force mutual evaluation conducted recently in Nigeria also clearly shows that Nigeria's anti-money laundering systems are ineffective.

Nigeria is an ally of the United States and continues to benefit from that relationship with respect to arms sales, military training and coordination. This creates a moral responsibility for the United States to promote the respect for human rights, transparency, accountability and sustainable development in Nigeria.

Therefore, we urge the United States Government,

On defending against authoritarianism, to:

1. Sustain and strengthen the practice of implementing sanctions including travel bans against Nigerian officials guilty of electoral malpractices and abuse of office.

On addressing and fighting corruption, to:

2. Use the Summit to provide leadership and support for the effective implementation of the UNGASS Political Commitments with regards to tackling grand corruption and also use the Global Forum on Asset Recovery (GFAR) Principles as a framework to embed transparency and accountability in the Asset recovery process.
3. Support the effective implementation of the United Nations Convention against Corruption (UNCAC) framework in Nigeria and the UNGASS Political Declaration. In the engagement with Nigeria's anti-corruption framework, the US government should continue to support effective implementation of UNCAC which is the global framework for anti-corruption, essentially, chapter 5 which deals with asset recovery. The Global Forum on Asset Recovery (GFAR) provides the framework for ensuring financial accountability.

4. Press the Nigerian government on the implementation of the Nigerian Extractive Transparency Initiative (NEITI) Act and the Global Forum on Asset Recovery (GFAR) Principles; US companies operating in the oil and gas sector in Nigeria should comply with Foreign Corrupt Practice Act (FCPA) and the OECD Anti-Bribery Act.
5. Provide support for anti-corruption multi-stakeholder initiatives in Nigeria that will help strengthen governance institutions like the Nigeria Extractive Industries Transparency Initiatives (NEITI) and the Open Government Partnership (OGP). NEITI's ground breaking work on beneficial ownership and extractive industries disclosures deserve the full support of the US government.
6. Scale up support for Nigerian Civil Society through USAID and provide opportunity for participation in the US-Nigeria Bilateral Commission. Civil Society participation and engagement will strengthen anti-corruption policy and implementation.

On promoting respect for human rights in Nigeria, to:

7. Make human rights the centerpiece of United States foreign relations with Nigeria and attach human rights conditions to arms deals and military collaboration.
8. Support the release and review of stringent bail conditions for human rights activists and political dissidents in Nigeria including permanent residents of the United States such as Omoyele Sowore.

We strongly urge the Nigerian Government:

On promoting democratic values, to:

1. Ensure the protection of lives and properties of Nigerians including by refraining from the lengthy deployment of the Nigerian military for internal security/law enforcement purposes within the country.
2. Sign the electoral bill into law in order to facilitate a clear roadmap for the 2022 gubernatorial elections and the 2023 general elections. In addition, the government should support all efforts geared towards peaceful, free, fair and credible elections.
3. Protect democratic institutions including the Judiciary and investigate all attacks on judicial officers in the country.
4. Respect the rule of law including by implementing orders and judgments of domestic and international courts and mechanisms.
5. Ensure the independence of the state assemblies and local governments from their control by governors nationwide by ensuring that federal allocations are released directly to the state assemblies and local governments as required by the Constitution,

and also ensure that all governor-appointed illegal caretaker local governments are immediately replaced with elected councils, as also required by the Constitution.

On transparency and accountability, to:

6. Ensure sustainable budgeting and transparent use of public funds including by collaborating with civil society to monitor budget implementation across the country.
7. Establish effective modalities for efficient, transparent and equitable use of looted public funds repatriated to Nigeria.
8. Reform the operations, welfare and accountability system for law enforcement and prioritize the implementation of recommendation of police reforms in Nigeria.

On respecting and promoting human rights, to:

9. Guarantee the protection of human rights defenders, whistleblowers and witnesses of human rights violations and investigate all allegations of reprisals against them.
10. Implement the findings of the Judicial Panels of Inquiry investigating the human rights abuses of the Special Anti-Robbery Squad and the attacks by the security agents during the ENDSARS protests and ensure prosecution of erring officers as well as payment of reparations to the victims.
11. Support a free press and rescind all punitive sanctions of the government against media organizations in order to encourage open dialogue with citizens and civil society through social and mass media.
12. Support free access to the internet and telecommunication service, and rescind all internet shutdowns in the country including the Twitter ban.
13. Guarantee freedom of religion or belief by providing protection for individuals to practice their religion and provide assistance to rebuild houses of worship destroyed by terrorist attacks.
14. Refrain from sponsoring legislation that limits the right to freedom of association and take steps towards supporting a thriving civil society for the benefit of Nigerians.
15. Guarantee the protection of schools, teachers and students especially in North Eastern Nigeria and investigated the incessant attacks and kidnapping of students.

Signatures:

1. Africa Network for Environment and Economic Justice (ANEEJ)
2. African Public Affairs Committee
3. Canada Africa Partnership Network
4. Center for Democracy and Development (CDD West Africa)
5. Center for International Policy (Africa Program)
6. Centre for Transparency Advocacy
7. Centre for Citizens Rights
8. Civil Empowerment and Rule of Law Support Initiative (CERLSI)
9. Community Alliance for Good Governance
10. Connected Advocacy For Empowerment and Youth Development Initiative
11. Corporate Accountability and Public Participation Africa
12. DHSP
13. Edo Women's Development Initiative
14. Global Initiative for Advocacy & Development, GIA
15. Initiative for Social Development in Africa (iSODAF)
16. International Peace and Civic Responsibility Centre (IPCRC)
17. Iyabo Obasanjo, College of William and Mary
18. Leah FOUNDATION
19. New Apostolic Church Centre for Development, NCD.
20. Network on Police Reform in Nigeria
21. ONE Campaign (Nigeria)
22. Office of Peacebuilding and Policy, Church of the Brethren
23. Peace Studies and Conflict Resolution Network (PS&CRN)
24. PEN America
25. Policy Alert
26. Professor Darren Kew, UMass Boston Center for Peace, Democracy, and Development
27. Robert F Kennedy Human Rights
28. Rule of Law and Accountability Advocacy Centre (RULAAC)
29. Scott Morgan, Chair Africa Working Group IRF Caucus Roundtable
30. Socio Economic Research and Development Centre (SERDEC)
31. Stefanos Foundation
32. YIAGA Africa
33. Youth Emancipation & Rehabilitation Foundation (YERF)
34. Youths and Environmental Advocacy Centre (YEAC)
35. 21st Century Community Empowerment for Youth and Women Initiative