

Nigeria: Elections and Human Rights

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Introduction

Co-Chairmen McGovern and Hultgren, Members of the Tom Lantos Human Rights Commission, distinguished fellow panelists and guests, thank you for the opportunity to testify before you today on the issues surrounding Nigeria's 2019 elections and the country's complex human rights challenges. It is an honor to be here today with such a distinguished group of expert panelists and an audience of activists, policymakers, and citizens committed to seeing a more democratic Nigeria. I also commend the Lantos Commission for holding this discussion at this important time --just over 10 weeks to the first of two rounds of elections in February 2019-- and shining a spotlight on the complex electoral, security and human rights challenges that will impact this vote.

As the Africa Regional Director at the nonpartisan, nongovernmental International Republican Institute (IRI), I oversee programs in more than 17 Sub-Saharan African countries. Our mission is to encourage democracy in places where it is absent, help democracy become more effective where it is in danger, and share best practices where democracy is flourishing. IRI has monitored more than 200 elections in more than 50 countries through international observation missions and assessments. The Institute conducts its monitoring work in accordance with the Declaration of Principles for International Election Observation and the Code of Conduct adopted by the United Nations in 2005, earning itself an international reputation for impartiality and professionalism.

IRI has worked in Nigeria since 1998, providing capacity-building support to political parties, the government, and civil society, and has observed every general election since the country's 1999 transition from military rule. In recent years, IRI has played a direct role in supporting national peacebuilding efforts through its political party work around elections by promoting platforms for dialogue, strengthening internal party democracy, and helping to connect political parties with civil society and local communities. A major theme that runs through all of IRI's work in Nigeria is its emphasis on empowering traditionally marginalized groups like women, youth and persons with disabilities (PWDs) to participate in their country's political and electoral processes.

Prospects for Democratic Elections in Nigeria

As Africa's most populous nation moves closer to its sixth quadrennial elections since 1999, Nigeria's democratic institutions will face yet another defining moment. The 2015 presidential elections were marked by a tense campaign period and a historic outcome in which incumbent president Goodluck Jonathan of the People's Democratic Party (PDP) conceded defeat to Muhammadu Buhari of the All Progressives Congress (APC). This electoral outcome represented the first peaceful, democratic transition of power from ruling to opposition party in Nigeria's history. Although the 2015 elections represented an important democratic milestone and ushered in a new era of optimism among Nigerians, major deficiencies remain within the

country's political system and democratic institutions. Additionally, the country's security and human rights challenges continued to grow in complexity since 2015.

Nigeria's 2019 elections (Presidential and National Assembly elections are scheduled for February 16 and Gubernatorial and State Assembly elections slated for March 2) will be yet another stress test for this young and developing democracy. If Nigeria can hold peaceful, credible and fair elections in 2019, the country will further consolidate recent democratic gains and continue to serve as a major democratic anchor for the West Africa region. On balance, if the elections lack credibility or are marred by violence, this will likely harm one of Africa's largest economies, would mark the democratic decline of a major U.S. ally on the continent, and reverse a recent trend of positive electoral and democratic developments in West Africa.

Many Nigerians believe that the upcoming polls will be highly contentious with the potential for violence. The two major political parties are fractured and other political parties and actors are emerging. The presidential and national assembly races will be closely watched and several gubernatorial and state assembly elections will be highly competitive, raising the prospect for localized violence. This highlights the need for the country's security and electoral institutions to be engaged everywhere—not just in Abuja or major state capitals. In addition, a plethora of non-state actors, including the terrorist group Boko Haram, are continuing to spread insecurity in the country with the high potential of disrupting the electoral process. It is crucial, therefore, that Nigeria have credible elections in 2019 to curb the possibility of large-scale violence and the overall worsening security and human rights situation in the country.

IRI and the National Democratic Institute (NDI) will deploy a joint international delegation to observe the upcoming elections, and have already conducted two joint pre-election assessment missions in July and September and will organize a third this December. We timed the first two pre-election assessments to correspond with the off-cycle gubernatorial elections in Ekiti and Osun states in July and September respectively.

Watching the election process in Ekiti and Osun states allowed the assessment missions to examine firsthand the impact of electoral reforms enacted since the 2015 elections. For example, the Independent National Electoral Commission (INEC) transmitted election results electronically from the polling units to collation centers in both Ekiti and Osun states. This change in results transmission aimed to reduce vulnerabilities to errors and fraud that may occur when physically transmitting results. INEC also posted results within the polling unit at the end of voting. Two other important enhancements include the option for voters to re-register their fingerprints on the spot if the biometric verification technology is unable to read their fingerprints at the polling station, and the restructuring of ballots to accommodate the growing number of political parties participating in elections.

Both pre-election assessment missions determined that Nigeria's electoral stakeholders have made significant progress since 2015 to improve the prospects of free, fair, and credible elections in 2019. INEC published the electoral calendar well in advance of the election dates to reduce the level of uncertainty surrounding elections and to manage expectations for election preparations.

Also during this cycle, INEC instituted continuous voter registration to increase the number of registered voters for the 2019 elections. Furthermore, the commission has invested in significant enhancements to biometric verification technology to reduce technological malfunctions on Election Day with the ultimate aim of fewer voters being turned away from the polls.

Civil society is also playing an important role in the areas of conflict mitigation, inclusion, voter and civic education, and domestic observation. The Access Nigeria Campaign and Centre for Citizens with Disabilities are leading advocacy initiatives for better inclusion of PWDs on Election Day, which has resulted in the adoption of INEC's Framework on Access and Participation of Persons Living with Disabilities. INEC implemented some of these measures in the Ekiti and Osun state elections, such as the use of a Braille Ballot Guide and a form that counts voters with disabilities. Efforts by the International Federation of Women Lawyers to mitigate violence against women have the potential to increase women's participation in the electoral process and deter psychological and physical violence that too often curtails their participation.

Even with the above improvements, many obstacles, if left unaddressed, could limit the ability of Nigerians to experience a fully participatory and credible process. In the spirit of international cooperation, IRI and NDI's joint assessment delegations offered multiple recommendations to electoral stakeholders in Nigeria as a means of enhancing citizen confidence and participation in elections and mitigating violence during and after the polls.¹ With 72 days left to the elections, the following issues must be addressed urgently:

Despite consensus among electoral stakeholders on the approved amendments to the Electoral Act of 2010, President Buhari has yet to sign them into law. Delays in the amendment's ascent have prompted many Nigerians to question whether INEC will have enough time to implement the prescribed reforms in time for the 2019 elections, undermining citizen confidence in the credibility of the vote. Furthermore, the National Assembly approved INEC's budget months ago but the President has yet to sign the legislation, potentially delaying certain aspects of the electoral process requiring advance funding.

There continues to be a lack of robust investigation and, where merited, prosecution of alleged vote buying, despite numerous instances reported by civil society groups. Improvements to electoral administration and procedure and a higher number of political parties vying for elected positions have enhanced political competition and narrowed margins of victory. Tighter political competition heightens the risk of political parties relying more intensively on unethical and illegal means to secure victory, including inappropriate voter inducement schemes and vote buying. Political parties are responsible for their campaigns and are obligated to follow the law. There is neither sufficient will nor incentive to remedy these issues, and thus vote buying will be a major issue, which could significantly erode the credibility of Nigeria's 2019 elections.

¹ For the full list of recommendations issued by the pre-election assessment missions, see the joint pre-election assessment mission statements by NDI and IRI | July 2018: http://www.iri.org/sites/default/files/2018-7-20_ndi-iri_nigeria_peam_statement.pdf; September 2018: https://www.iri.org/sites/default/files/2018.9.28_joint_peam_statement.pdf

In the pre-election period, political parties and other social influencers (including civil society) continue to use inflammatory language, which can manipulate public perceptions and heighten tensions. Much of this rhetoric contains false or unverified information or hate speech. For example, following the Osun election, social media was rife with false election results, which contributed to heightened tensions during and following the results announcement process. If political elites and the media do not make a concerted effort to prevent and condemn disinformation and use of hate speech, the possibility of election-related violence will increase. I commend recent efforts by some Nigerian media houses to establish a means of fact-checking and publishing verified news stories. This initiative, however, will only address just one part of a much broader challenge of disinformation in Nigeria's elections requiring a more concerted effort on the part of all electoral stakeholders.

Nigeria's persistent insecurity challenges, particularly in the Middle Belt and North East, in the pre-election environment is also a major concern for the 2019 elections. Many Nigerians believe that security forces intervening to resolve security problems could be motivated by political agendas. Insecurity, combined with heightened political tensions, is raising the likelihood of political and/or communal violence, which would disproportionately affect vulnerable populations such as internally displaced persons (IDPs). Should existing conflicts remain unresolved and/or the threat of violence intensify, this could deter enthusiasm or prevent citizens from participating in the election.

In light of these complex and difficult circumstances, it is incumbent on security services in Nigeria to ensure a safe and secure environment for citizens to exercise their right to vote and to contribute to public confidence in the overall electoral process. INEC should also expedite the review of the 2015 IDP voting framework to accommodate the rising number of IDPs, to prevent their disenfranchisement in the 2019 elections.

With sufficient political will and through coordinated efforts by all stakeholders—including the international community—many of the challenges outlined above can be addressed in a manner that enhances citizen confidence and participation in elections and mitigates electoral violence. Ultimately, the most important consideration should be the Nigerian people, who expect to have the opportunity to select their leader in a free, fair, credible and violence-free process.

The United States has played a constructive and necessary role in previous elections to support its ally through a complex process fraught with technical and political challenges, including many potential trigger points for violence. Now is the time for the U.S. to re-double its efforts to engage the Nigerian government on these issues and to demonstrate to the Nigerian people that the U.S. stands with them as they approach yet another important general election.

Thank you again for the opportunity to appear before you today. I look forward to your questions.

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