

# NIGERIA ON THE BRINK?

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## HEARING

BEFORE THE

SUBCOMMITTEE ON AFRICA, GLOBAL HEALTH,  
GLOBAL HUMAN RIGHTS, AND  
INTERNATIONAL ORGANIZATIONS

OF THE

COMMITTEE ON FOREIGN AFFAIRS  
HOUSE OF REPRESENTATIVES

ONE HUNDRED FOURTEENTH CONGRESS

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## NIGERIA ON THE BRINK?

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TUESDAY, JANUARY 27, 2015

HOUSE OF REPRESENTATIVES,  
SUBCOMMITTEE ON AFRICA, GLOBAL HEALTH,  
GLOBAL HUMAN RIGHTS, AND INTERNATIONAL ORGANIZATIONS,  
COMMITTEE ON FOREIGN AFFAIRS,  
*Washington, DC.*

The subcommittee met, pursuant to notice, at 2:09 p.m., in room 2200, Rayburn House Office Building, Hon. Christopher H. Smith (chairman of the subcommittee) presiding.

Mr. SMITH. The subcommittee will come to order, and let me welcome all of you to our subcommittee hearing today, the first of this new year in a new Congress.

Both Ms. Bass and I were delayed, and I apologize for that. We had a press conference on combating human trafficking. There are 12 bills on the floor between yesterday and today. So we were speaking on that. So, again, I apologize to all of you for the lateness convening the hearing.

Nigeria, as you know, is Africa's most populous nation and it is the continent's largest economy. Unfortunately, Nigeria is beset by various challenges of threatened peace and stability of this African giant. The terrorist group Boko Haram continues its bloody reign of terror, now threatening to establish a caliphate on the model of ISIS. Religious and ethnic discord which predate Boko Haram's emergence continues unabated. Lower oil prices have seriously damaged an economy significantly dependent on oil revenues. Meanwhile, the prospect of a violent repeat of the 2011 post-election scene has ratcheted up tensions in Nigeria even further.

Today's hearing will examine the situation in Nigeria and the United States' efforts to maintain positive relations with the largest U.S. trading partner in Africa and a major ally in international peacekeeping.

U.S.-Nigeria relations were understandably rocky during the military rule of Sani Abacha in the 1990s. However, the advent of democracy with the 1999 elections ushered in an improved atmosphere of cooperation. Nigeria consistently ranks among the top recipients of U.S. bilateral foreign assistance, and it is the second largest beneficiary of U.S. investment in Africa.

In recent months, though our relations have deteriorated, apparently some in the government of the President feel the U.S. is meddling in their internal affairs, especially when it comes to our noting of deprivation of due process of rights of citizens by the Nigerian military and security forces. Our view is that friends don't let

friends commit human rights abuses, and I think a good relationship can withstand that kind of give and take.

Our subcommittee held a hearing last July 10th to examine the complaints that human rights vetting was a major obstacle to U.S. counterterrorism. What we found was that the State Department estimated that half of Nigerian forces would pass muster through the vetting process, which we found is slowed by too few staff working on these important issues. Still, the Nigerian Government must be more cooperative itself. Some units in larger divisions may have human rights issues, but if replaced by units without such baggage, there would be created an entirely acceptable division for training.

Late last year the Nigerian Government cancelled the counterterrorism training of one of its battalions which now places the entire training program on hold. We are making arrangements for discussions in the near future with Nigerian military officials and Members of Congress and the Obama administration to try to overcome the stalemate and resume the cooperation that is absolutely necessary to meet the challenge posed by Boko Haram.

As we all know, this terrorist group has wreaked havoc on the people of Nigeria, particularly in the northeast. It is estimated that more than 5,500 people were killed in Boko Haram attacks in last year alone, representing more than 60 percent of the more than 9,000 deaths caused by this group in the past 5 years. As many as 2,000 people may have perished in the Boko Haram attack on the town of Baga and nearby villages earlier this month. More than 1 million Nigerians have been displaced internally by the violence and tens of thousands of others are now refugees in neighboring countries. Clearly Boko Haram violence is escalating dramatically.

Boko Haram has become part of the global jihadist movement and threatens not only Nigeria but also Cameroon, Chad, and Niger. While the terrorist group may not be an official affiliate of al-Qaeda or ISIS, they appear to be trying to create an Islamic caliphate in Nigeria. Various press reports estimate that the group has seized as much as 70 percent of Borno State, with additional territory under its control in neighboring Yobe and Adamawa States. In fact, Reuters calculated by that by mid-January of this year, Boko Haram was in control of more than 30,000 square kilometers, an area the size of the State of Maryland.

For approximately 2 years I pressed the administration to designate Boko Haram as a Foreign Terrorist Organization. I argue that like cancer, early intervention can mitigate its spread, severity, and duration.

I traveled to Nigeria twice and convened three hearings during the last Congress on why an FTO designation might help, only to be told by then-Assistant Secretary of State Johnnie Carson that, “. . . the phenomena of Boko Haram is one of discrediting the Central Government in power for its failure to deliver services to people.” On the very day of our hearing to consider a bill on FTO designation, the State Department, led by Secretary of State Kerry, announced that Boko Haram was being designated a Foreign Terrorist Organization.

I would ask, Mr. Jackson, if you could, during the course of your testimony or answers, give us some insights as to what has hap-

pened with that designation. Has it helped? Was it too late? If you could touch on that, I know I and others would appreciate it.

Meanwhile, Nigeria faces the prospects of post-election violence after Presidential voting on February 14th. The race, as we all know, pits President Jonathan against former military Nigerian leader General Buhari in a rerun of the 2011 elections. This time, however, Buhari's All Progressives Congress is a coalition of major opposition political parties, and includes defectors from President Jonathan's People's Democratic Party, such as the Speaker of the National Assembly.

Some PDP officials have referred to their opponents as Nigeria's Muslim Brotherhood, while APC officials accuse the Jonathan administration of representing only Christian southerners. Party spokesmen on both sides have warned of potential violence, and remember some 700 churches were torched in the immediate aftermath of the 2011 elections, and our hope is, especially with the Abuja Accord that was agreed to, that we will not see a repeat of that loss of life and of property.

Let me just conclude that today's hearing is just the beginning of our renewed efforts to help Nigeria address the problems that threaten its stability. We must be honest with Nigerians and ourselves about the difficulties we both face. That is why we have asked our witnesses to give their honest assessments of where we are in the various situations that Nigeria is encountering and to suggest actions our Government can and should take to be most helpful.

I would like to yield to my good friend and colleague, Ms. Bass for any opening comments she might have.

Ms. BASS. Thank you, Chairman Smith, and I want to thank Chairman Royce over there, both of you for your leadership and for calling today's hearing to give us an opportunity to examine the critical issues of governance, security, and stability in Nigeria in the midst of Boko Haram and in the lead-up to the national elections in just a few weeks.

I would also like to thank our distinguished witnesses for today, including Ambassador Robert Jackson from the State Department, as well as several Nigerian experts and civil society advocates. I look forward to hearing your perspectives, not only on the challenges facing Nigeria, but also on how the U.S., along with other regional partners, can provide support at this critical juncture and how your agencies or organizations are promoting concrete solutions.

The hearing title, "Nigeria on the Brink?," begs the question: On the brink of what? While the challenges facing Nigeria have been well-publicized during the previous year and might lead some to expect the worst, it is my hope that today's hearing will be solution-oriented and not resigned to simply impending doom in Nigeria.

In recent weeks, the terrorist group Boko Haram has escalated its violent attacks in a pattern that has become all too familiar over the past several years. The latest atrocity was the massacre of a reported 2,000 men, women, and children in the town of Baga in northeast Nigeria. A troubling tactic, a tragic tactic of Boko Haram which has emerged of late, is the use of children in so-

called suicide bombing attacks, and, really, the children are being used as bombs because it is absolutely incorrect to consider children as suicide bombers.

In addition, I remain deeply disturbed that the nearly 300 girls that Boko Haram kidnapped from their schools in mid-2014, as well as countless others who have not received the same media coverage, are still being kept from their families. By some estimates, more than 5,500 people were killed in 2014, with over 1 million Nigerians internally displaced by violence, and Nigerian refugee numbers in neighboring countries continuing to rise.

This is why I am concerned about the government-to-government relationship between the U.S. and Nigeria, particularly the ways in which mistrust have hindered the kind of affective cooperation necessary to end the scourge of Boko Haram and to help set the stage for improved security, particularly in the lead-up to elections.

During Secretary Kerry's visit to Nigeria this past weekend, he reiterated the U.S. condemnation of Boko Haram's attacks and stressed the need for credibility and transparency. The Secretary also praised some of Nigeria's Independent National Electoral Commission staff for taking concrete steps to achieve just that end. In meetings with both President Jonathan and his leading opponent, General Buhari, the Secretary committed U.S. support for both security and election assistance, and received commitments from each candidate to administer issue-based campaigns free of violence. In the lead-up to the February 14th elections, my hope is that those commitments will be met by all sides for the best outcome of Nigeria's citizens.

Lastly, the Secretary praised regional nations such as Niger, who hosted a regional security ministerial last week, as well as noting President Obama's international Summit on Countering Violent Extremism planned to take place in Washington next month.

While it is vital that these commitments to peace, security, and credible and transparent elections be made, it is now up to each of us to ensure effective coordination, improved diplomatic relations, and the transfer of the expertise and resources to realize these ends.

I am looking forward to working with my Congressional colleagues, African regional bodies, and members of the diplomatic corps to ensure that our continued focus is on sustainable solutions for peace and security in Nigeria.

Thank you. I yield back my time.

Mr. SMITH. Thank you very much.

I would like yield to the full committee chairman, Ed Royce, gentleman from California.

Mr. ROYCE. Thank you, Mr. Chairman. Thank you for holding this hearing, and I thank you and I thank Karen Bass as well for your trips to Nigeria.

One of the realities here is this is a satellite image of the town of Baga before and after the attack, and reportedly as many as 2,000 people were slaughtered in this assault.

Now, I remember conversations that I had some years ago in our trips to Nigeria. There was in northern Nigeria a governor who told us, a Muslim governor in the north, that because Gulf state money was coming in and establishing a new madrasa across the street



from the madrasa where he grew up, he said, "You know, it is 10 times the size. It has 100 times the budget, but apparently in all of these agreements there is one thing that comes with it: A Gulf state imam who is changing our culture, changing our indigenous culture, and radicalizing our youth," and I said, "What do you mean by radicalizing?" He said, "If you went into that madrasa, you would find a bin Laden T-shirt on some of those young men." And he said, "You know, I have a feeling that here in the north it is only going to be a matter of time before they come for me, and then they will come for my people, and then the slaughter will start.

And I think today about the warnings this governor from an area near where Boko Haram operates gave us. I think of Deborah who testified before our committee, one of the survivors from the village, both of her parents were massacred. Now she is in hiding. She can't go back to Nigeria, and it took a real push, and, yes, Chairman Smith is right, it took a push to convince the administration to put Boko Haram on this list, on this terrorist list.

But, frankly, Boko Haram is the ISIS of Africa. If you look at the political ideology, tell me the difference between what Boko Haram believes and what ISIS believes, and this is not an indigenous movement. To go back to the point the governor made, this is something introduced into society where children were radicalized and now we are to the point where children are being used, you know, putting suicide vests on them and pushing them into a marketplace.

This has to be confronted, and, yes, it is going to be a tense political environment over there. Myself and Don Payne, who used to serve on this subcommittee with us, and Colin Powell, we cochaired an election observer team that went over to Nigeria for a prior election. I know how tough this election is going to be given the fact that Boko Haram is operational in the north as they try to conduct this election, but I will tell you right now, we have absolutely no alternative but to engage with Nigeria with the assets that we have to go after Boko Haram. There is no other possibility here to end this violence.

And the Nigerian Military, despite its faults, it is the only feasible resource for defeating Boko Haram. We don't have another recourse except to use that resource that is their military, and we have a situation today where we have tied our hands. We have tied our hands so that we cannot use special ops and put on the ground with the type of expertise and connection to satellite technology and tracking abilities that our special operations forces have to go with the Nigerian Military and track down, and we should have done it immediately when those 300 girls were captured.

We should have tracked them. We should have assisted with our capabilities. No, our special ops forces don't have to be involved in an attack, but they can certainly, with all they know about how to free people from captivity, help plan an attack, help strategize, help key this thing up. My friends, it is long since time to lift the Leahy restrictions in the face of what confronts not just Nigeria anymore but Chad and Cameroon and other neighboring countries.

This is the region now that we see engulfed in this, and those of us who have the capacity, the capability of coming in and assist-

ing, we should assist these countries in confronting this challenge, and that is why I very much appreciate the fact that the chairman of this subcommittee and Congresswoman Karen Bass, the ranking member, have been engaged in this issue, and I hope they will push for more U.S. engagement.

Frankly, our military is unmatched in its technical and capacity building capabilities, and it is a travesty not to have them fully engaged in supporting the Nigerians to combat Boko Haram.

Thank you.

Mr. SMITH. Thank you very much Chairman Royce.

I would like to now yield to Mr. Cicilline.

Mr. CICILLINE. Thank you, Mr. Chairman. I want to thank you and Ranking Member Bass for holding today's hearing on this very critical issue.

It is clear that Nigeria is in a very precarious situation as it faces its upcoming elections, increased threats of violence and instability from Boko Haram, and continued and serious human rights concerns.

Because Nigeria is an important trading partner of the United States and an influential political power in Africa, its issues are of concern to the entire world.

First, the continued terrorization and intimidation by Boko Haram is unacceptable and cannot be tolerated. The United States must continue to help fight the threat of Boko Haram and work to promote stability.

But in our relationship with Nigeria, we must also enforce our expectations that the Nigerian Government is honest, fair, and not corrupt. We will closely monitor and must closely monitor the upcoming elections in the hopes that they will accurately reflect the will of the Nigerian people.

And, finally, the United States must be more vigilant in protecting the human rights of all individuals around the world.

Nigeria recently enacted a discriminatory law against lesbian, gay, bisexual, and transgendered individuals, and since then we continue to receive reports of escalated violence, police and government oppression, and censorship. We cannot continue to ignore these developments either.

I look forward to hearing from the witness regarding the U.S.-Nigerian bilateral relationship.

And with that I yield back, Mr. Chairman.

Mr. SMITH. Thank you.

Mr. Emmer.

Mr. EMMER. Thank you. I look forward to hearing the testimony. I want to thank the subcommittee chair and the ranking member for having this hearing.

I am looking forward to being a member of this subcommittee and doing some important work, and I echo the statements of the full committee chair on the problem that is Boko Haram.

I look forward to your testimony today, sir, and hopefully seeing the United States get engaged in this important issue.

Mr. ROYCE. Will the gentleman yield for just a moment in his opening statement?

Mr. EMMER. Yes.

Mr. ROYCE. This subcommittee hearing complements the full committee closed briefing that we have scheduled tomorrow with the Intelligence Community, and I just wanted to share that with the members on Nigeria and Boko Haram. So thank you.

Mr. EMMER. Thank you. I yield back.

Mr. SMITH. Thank you, Mr. Emmer, and welcome aboard.

Mr. EMMER. Thank you, sir.

Mr. SMITH. I would like to now introduce our first witness, the Honorable Robert P. Jackson. Ambassador Jackson is currently the Principal Deputy Assistant Secretary in the Bureau of African Affairs. He previously served as Ambassador to Cameroon, as well as Deputy Chief of Mission and Charge at the U.S. Embassies in Morocco and Senegal. He has also served U.S. Embassies in Burundi, Zimbabwe, Portugal, and Canada.

At the State Department headquarters, he has worked in commercial and consular sections and conducted officer training. He also performed oversight work in the Office for the Promotion of Democracy and Human Rights after 9/11.

Ambassador Jackson has appeared before this subcommittee many times, and we welcome him—and the floor is yours.

**STATEMENT OF THE HONORABLE ROBERT P. JACKSON, PRINCIPAL DEPUTY ASSISTANT SECRETARY, BUREAU OF AFRICAN AFFAIRS, U.S. DEPARTMENT OF STATE**

Mr. JACKSON. Thank you very much, Mr. Chairman, and thank you for holding this subcommittee hearing.

Ranking Member Bass, other members of the subcommittee, I want to thank all of you for the opportunity to discuss U.S. policy and relations with Nigeria, one of our most important African partners.

With Africa's largest population, biggest economy, vibrant culture, vigorous democracy, and current service on both the U.N. Security Council and the U.N. Human Rights Council, Nigeria's success is important to us, to Africa, and to the world.

This is especially true as Nigeria prepares to hold complicated and closely contested elections against the unwelcome backdrop of escalating bloodshed at the hands of the violent Boko Haram extremists in the northeast, and the pressures on the country's currency and fiscal balance stemming from falling oil prices.

Last year I testified to your counterparts in the Senate saying that, in part, a peaceful and stable Nigeria is crucially important to the future of Africa, and we cannot stay on the sidelines if it stumbles.

Today, more than ever, the United States is committed to our strong relationship with Nigeria, and we are engaged with Nigeria and its neighbors in the fight against Boko Haram. As Secretary Kerry said in the Lagos 2 days ago, "The United States stands ready to work with Nigeria and its people, helping Nigeria combat insecurity in the northeast, and addressing its root causes, including expanding economic opportunity for all Nigerians and dealing with the other enduring challenges that will remain on our agenda."

Before delving further into those challenges, I would first like to discuss the general elections, now just 18 days away, because even

in the face of horrifying attacks, terrorist organizations like Boko Haram must not distract Nigeria from carrying out credible and peaceful elections that reflect the will of the Nigerian people.

The United States has focused significant diplomatic and programmatic effort on civic and political engagement preventing electoral violence and improving electoral administration. Our goal is to minimize violence, increase transparency, and boost credibility so that whoever wins has the legitimacy to lead Nigeria to address its serious challenges.

Presidential and National Assembly elections February 14th will be followed by gubernatorial and state assembly elections on February 28th. Many of these elections will be closely contested because the consolidated opposition party, the All Progressives Congress, has chosen former military head of state Major General Muhammadu Buhari to run against incumbent President Goodluck Jonathan, who heads the People's Democratic Party.

Nigeria's elections are among the earliest of many across the continent in 2015, and can serve as an example to other countries. Organizing elections for over 69 million voters at more than 120,000 polling stations is no easy task. The Secretary's trip to Nigeria just weeks ahead of the election to meet with the candidates was intended to send a strong signal that we appreciate the enormity of the challenge and are invested in its peaceful outcome.

We are working closely with Nigeria's independent election commission, INEC, on processes to ensure as many eligible voters as possible are free to exercise their civic duty safely. We are doing everything we can to support the efforts of INEC and its respected chairman, Attahiru Jega, as they distribute voter registration cards and electronic card readers, develop a communications plan, and prepare plans for dispute resolution and violence mitigation.

To increase the transparency of the electoral process and our ability to assess its credibility, the United States Government is funding and fielding complementary election observation missions across the country. USAID has had a program to strengthen Nigeria's capacity to observe its own elections.

Over 3,000 locally recruited U.S. Government funded election observers in all 774 local government areas in the 36 states and the Federal Capital Territory are already working hard gathering data and monitoring for early warning signs of electoral violence. We are also funding a 36-member international electoral observer mission conducted in tandem by the National Democratic Institute and the International Republican Institute.

On top of this, Assistant Secretary of State for African Affairs, Linda Thomas-Greenfield, will lead our diplomatic election observation on February 14th, and election observation missions based within the U.S. Mission in Nigeria will field observation teams throughout the country during these general elections.

Moreover, a U.S. Government security expert will soon make a third trip to Nigeria joining two long-term U.S. security and strategic communications advisors who are supporting INEC.

Following the 2011 elections, 800 people died during 3 days of protests. Ambassador James Entwistle and his team have led an aggressive campaign to persuade Nigerian candidates, political

party leaders, and opinion makers to pledge publicly to condemn violence.

During his visit, Secretary Kerry reiterated to both President Jonathan and General Buhari that the world is watching Nigeria's elections and prevailed upon them to encourage their followers to commit to nonviolence. He welcomed the signing by both of the January 14th Abuja Accord, as it is called, on nonviolence and their agreement to accept the results of the election.

Allow me to turn to Boko Haram. A peaceful and smooth transition is equally essential so that whoever is elected can quickly turn his focus to confronting and defeating Boko Haram. The threat is, unfortunately, not new, but attacks have increased in intensity and impact, as well as expanding to threaten Cameroon, Chad, and Niger. Recent estimates are that some 1 million Nigerians have been displaced internally, and more than 200,000 have sought refuge in neighboring countries. We are appalled by the accelerated pace and brutality of Boko Haram's attacks. This unchecked killing must stop.

We agree that Boko Haram has killed more than 5,000 people in 2014, doubling in 1 year all of its killing since 2009. The trend of attacks has continued unabated this month. The satellite images from the destruction in Baga in early January demonstrate the rampage, and have indeed gone viral.

An unwitting 10-year-old girl was blown in half when the device around her waist detonated the edge of a market in Maiduguri on January 10th, killing 19 other people. The next day two other young female suicide bombers struck Potiskum, killing at least six others. Just last week on January 20th, Boko Haram's leader, Abubakar Shekau, claimed responsibility for the attack on Baga, and warned, "This was just the beginning of the killings," and threatened to wage war on neighboring Cameroon, Chad, and Niger.

We are often asked why Nigeria has been unable to curb Boko Haram's advances. The answer is a complex mix of reasons. Public critics and Nigerian Military sources have cited pervasive corruption that prevents the Nigerian Armed Forces from properly equipping front line soldiers. Government officials have responded to criticism by highlighting the tremendously difficult task of fighting a well-armed insurgency that hides within local communities and noting that their forces have not been trained in counterterrorism.

Last week one of Nigeria's top security officials called Nigerian forces cowardly. Most recently Nigeria's failure to send a senior official to Niamey, Niger for a January 20th ministerial on Boko Haram hindered the ability of all of the affected countries to craft an effective regional approach to the problem. The United States, however, was in Niamey, and we will continue to support Nigeria and its neighbors as they address the violence caused by Boko Haram.

At the same time, Nigeria must commit to a comprehensive holistic strategy for countering Boko Haram that protects civilians, respects human rights, and addresses the underlying causes of the conflict by bringing both civilian and security tools to the fight. We are supporting Nigeria and its neighbors to counter Boko Haram.

U.S. assistance includes information sharing and technical assistance. We have provided commercial satellite imagery and are flying intelligence, surveillance, and reconnaissance aircraft over Nigeria and immediately sharing the results of those missions with Nigerian authorities on an almost daily basis.

We have also helped establish a program to provide care, counseling, and education to the victims of Boko Haram, and are providing humanitarian assistance to conflict-affected and internally displaced populations in the northeast, as well as to Nigerian refugees who fled to neighboring countries, including Cameroon, Chad, and Niger.

Boko Haram is not just a Nigerian problem. It is a regional problem. Most recently Boko Haram kidnapped 80 people on January 18th, 30 adults and 50 young girls and boys, in a cross-border attack in Cameroon. Although the Cameroonian forces were subsequently able to repel the attackers and free 24 of the hostages, Boko Haram's largely unchecked success in seizing territory and expanding the reach of its attacks underscores the need for a robust coordinated regional approach, a fully realized multi-national task force to fight Boko Haram.

Last week Chad sent more than 2,000 soldiers, 400 trucks, and attack helicopters to reinforce Cameroon. At last week's ministerial meeting in Niger, Assistant Secretary Thomas-Greenfield called on Nigeria and its neighbors to make the multinational task force into a force that can better fight Boko Haram. At the African Union summit in Addis Ababa this week, we will continue to encourage other partners to redouble their efforts and press for meaningful African Union political support for the task force and the Lake Chad Basin Commission to cooperate to defeat Boko Haram.

As Assistant Secretary Thomas-Greenfield told this subcommittee in November 2013, Boko Haram's activities call our attention not just to violence but also to poverty and inequality in Nigeria. Achieving and sustaining peace in the northeast of Nigeria will require the Nigerian Government to address legitimate concerns about government corruption, unfairness, accountability, and impunity that alienate the population and provide grievances used to radicalize disaffected youth.

Finally, let me say just a word about the economy. Nigeria has the largest economy in Africa, and it is diversified. Eighty-three percent of that economy is in non-extracted industries. Agriculture, services, and manufacturing are driving economic growth which was 6.1 percent in the third quarter of last year and is expected to be 4.8 percent in 2015.

Although the country is a global petroleum powerhouse, corruption is pervasive, and 60 percent of Nigeria's population lives in poverty. The impact of a more than 50 percent drop in oil prices since last summer has posed major fiscal and monetary challenges and is contributing to the slowdown in economic growth. The Central Bank has thus devalued the Naira and raised interest rates. Over 70 percent of government revenue comes from petroleum exports. So the government has been forced to revise its budget, cut government spending, and look for ways to increase revenues.

The administration that is elected next month may well face greater challenges with fewer resources to govern. Improving gov-

ernance, implementing economic reforms, and committing to transparency would help secure Nigeria's long-term stability and the welfare of its people.

In closing, Nigeria's success is important to us and critical to Africa. As Secretary Kerry declared in Lagos last Sunday, our hope is that Nigeria will set a remarkable example for the world in this election.

On the Foreign Terrorist Organization designations, Mr. Chairman, we are not aware of any assets that have been blocked, but we do feel that these designations have been potentially useful in preventing Boko Haram from accessing U.S. financial institutions.

And I do want to emphasize as far as the search for the girls is concerned, we continue to provide intelligence. We still have a multi-disciplinary team in Abuja advising the Nigerians, meeting with them, and the FBI continues to assist with investigations and we are assisting with countering IEDs.

We appreciate the committee's interest in these issues. I hope that you and the other members will remain engaged, and I invite you to lend your voices by making statements and talking to social media in calling for peaceful and credible elections next month.

Thank you, and I welcome your questions.

Mr. SMITH. Thank you, Mr. Jackson.

[The prepared statement of Mr. Jackson follows:]

**Testimony of Ambassador Robert P. Jackson,  
Acting Assistant Secretary of State for African Affairs,  
*before the*  
House Foreign Affairs Committee  
Subcommittee on Africa, Global Health, Human Rights,  
and International Organizations  
*“Nigeria on the Brink?”*  
January 27, 2015, 2:00 PM**

Chairman Smith, Ranking Member Bass, and Members of the Committee, thank you for the opportunity to discuss U.S. policy and relations with Nigeria, one of our most important African partners. With Africa’s largest population, biggest economy, vibrant culture, vigorous democracy, and current service on the UN Security Council and its Human Rights Council, Nigeria’s success is important to us, to Africa, and to the world. This is especially true as Nigeria prepares to hold complicated and closely contested elections, against the unwelcome backdrop of escalating bloodshed at the hands of violent Boko Haram extremists in the Northeast, and the pressures on the country’s currency and fiscal balance stemming from falling oil prices.

Last year, I testified to your counterparts in the Senate, saying in part, “A peaceful and stable Nigeria is crucially important to the future of Africa, and we cannot stay on the sidelines if it stumbles.” Now more than ever, the United States is committed to our strong bilateral relationship with Nigeria, and we are engaged with Nigeria and its neighbors in the fight against Boko Haram. As Secretary Kerry said in Lagos two days ago, the United States stands ready to work with Nigeria and its people. Helping Nigeria combat insecurity in the Northeast and address its root causes – including expanding economic opportunity to all Nigerians – are enduring challenges that will remain on our agenda.

**Nigerian Elections**

Before delving further into those challenges, I would like first to discuss the **general elections**, now just 18 days away. Because even in the face of horrifying attacks, terrorist organizations like Boko Haram must not distract Nigeria from carrying out credible and peaceful elections that reflect the will of the Nigerian people. The United States has focused significant diplomatic and programmatic effort on civic and political engagement, preventing electoral violence, and improving electoral administration. Our goal is to minimize violence, increase



transparency, and boost credibility, so that whoever wins has the legitimacy to lead Nigeria to address its serious challenges.

Presidential and national assembly elections February 14 will be followed by gubernatorial and state legislative elections on February 28. These upcoming elections present exciting opportunities for Nigerians to choose candidates who will govern well. During my visit to Abuja and Lagos last October, I was again struck by Nigeria's dynamism. Many of these elections, particularly the presidential poll, will be closely contested, because a consolidated opposition party, the All Progressives Congress, is backing one candidate, former military head of state Major General (Retired) Muhammadu Buhari, against incumbent President Goodluck Jonathan, who heads the People's Democratic Party. Nigeria's elections are among the earliest of many across the continent in 2015 and can serve as an example to other countries.

Organizing elections for 69 million voters at more than 120,000 polling stations is no easy task. The Secretary's trip to Nigeria just weeks ahead of the elections to meet with the candidates was intended to send a strong signal that we appreciate the enormity of the challenge and are invested in its peaceful outcome. As part of our broad support to Nigeria's election, we are working closely with Nigeria's Independent National Electoral Commission (INEC) on processes to ensure as many eligible voters as possible are free to exercise their civic duty safely. We're doing everything we can to support the efforts of INEC and respected INEC Chairman Attahiru Jega as they distribute voter registration cards (PVCs) and electronic card readers, develop a communications plan, and prepare plans for dispute resolution and violence mitigation.

To increase the transparency of the electoral process and our ability to assess its credibility, the U.S. government is funding and fielding complementary election observation missions across the country. USAID has had a program to strengthen Nigerians' capacity to observe their own elections. Over 3,000 locally recruited U.S. Government-funded election observers (in all 774 local government areas in the 36 states and Federal Capital Territory of Nigeria) are already hard at work gathering data and monitoring for early warning signs of electoral violence. We are also funding a 36-member international electoral observer mission conducted in tandem by the National Democratic Institute (NDI) and the International Republican Institute (IRI). On top of this, Assistant Secretary of State for African Affairs Linda Thomas-Greenfield will lead our diplomatic elections observation in Abuja on February 14, while an elections observation mission based within U.S.

Mission Nigeria will field observation teams throughout the country during the general elections.

A U.S. Government electoral security expert returned last week from Nigeria, where he provided direct support to INEC. He also visited Nigeria last fall, has consulted with Nigerian counterparts in the intervening months on both security and strategic communications, will continue to liaise with INEC, and will return to Nigeria during the presidential election to lend more support. This is in addition to two long-term Security and Strategic Communications advisors we deployed in December 2014 to support INEC throughout the elections period.

It is vitally important that the elections in Nigeria are not only credible, but that Nigerians see the elections as credible. Following 2011 elections, 800 people died during three days of protests – despite those polls being deemed by international observers as the most credible since Nigeria’s return to civilian leadership. Ambassador Entwistle has led an aggressive campaign to persuade Nigerian candidates, political party leaders, and opinion makers to pledge publicly to condemn violence. During his visit, Secretary Kerry reiterated to both President Jonathan and General Buhari that the world is watching Nigeria’s elections, and prevailed upon them to encourage their followers to commit to nonviolence. He welcomed the signing by both on January 14 of the “Abuja Accord” on nonviolence and their agreement to accept the results of the election. This committee and other Members can help by further emphasizing the need for a credible, non-violent election, which would amplify other high-level outreach that we are pursuing. At the end of the day, of course, it is the responsibility of Nigeria’s political elite and security institutions to ensure that the coming elections are peaceful.

### **Boko Haram**

A peaceful and smooth transition is equally essential, so that whoever is elected can quickly turn his focus to **confronting and defeating Boko Haram**. The threat is unfortunately not new, but attacks have increased in intensity and impact, as well as expanding to threaten Cameroon, Chad, and Niger. Recent estimates are that some one million Nigerians have been displaced internally and more than 200,000 have sought refuge in neighboring countries. We are appalled by the accelerated pace and brutality of Boko Haram’s attacks. This unchecked killing must stop.

We estimate that Boko Haram killed more than 5,000 people last year– doubling in one year all of its killings since 2009. The trend of attacks has continued unabated

this month. Satellite images of destruction from the early January rampage in and around Baga have gone viral. An unwitting 10-year-old girl was blown in half when the device around her waist detonated at the edge of a market in Maiduguri January 10, killing 19 others. The next day, two other young female suicide bombers struck Potiskum, killing at least six others. Just last week (January 20) Boko Haram's leader, Abubakar Shekau, claimed responsibility for the attack on Baga, warned "this [was] just the beginning of the killings," and threatened to wage war on neighboring Cameroon, Chad, and Niger.

We are often asked why Nigeria has been unable to curb Boko Haram's advances. The answer is a complex mix of reasons. Public critics and Nigerian military sources have cited the pervasive corruption that prevents the Nigerian Armed Forces from properly equipping front-line soldiers. Government officials respond to criticism by highlighting the tremendously difficult task of fighting a well-armed insurgency that hides within local communities and noting that their forces have not been trained in counterterrorism. Last week one of Nigeria's top security officials called Nigerian forces cowardly. Most recently, Nigeria's failure to send a senior official to Niamey, Niger for a January 20 ministerial on Boko Haram hindered the ability of all the affected countries to craft an effective regional approach to the problem, which we believe is integral to countering Boko Haram.

The United States **was** in Niamey, and we will continue to support Nigeria and its neighbors as they address the violence caused by Boko Haram. At the same time, Nigeria must commit to a comprehensive, holistic strategy for countering Boko Haram that protects civilians, respects human rights, and addresses the underlying causes of the conflict by bringing both civilian and security tools to the fight.

We are supporting Nigeria to help it counter Boko Haram. U.S. assistance includes information sharing and technical assistance. We have provided commercial satellite imagery and are flying intelligence, surveillance, and reconnaissance aircraft over Nigeria, and we immediately share the results of those missions with Nigerian authorities. We have also helped establish a program to provide care, counseling, and education to victims of Boko Haram and are providing humanitarian assistance to conflict-affected and internally displaced populations in the Northeast, as well as to Nigerian refugees who have fled to neighboring Cameroon, Chad, and Niger.

Boko Haram is not just a Nigerian problem; it's a regional security problem. Most recently, Boko Haram kidnapped 80 people on January 18 (30 adults, and 50 young girls and boys) in a cross-border attack in Cameroon. Although

Cameroonian forces were subsequently able to repel the attackers and free 24 hostages, Boko Haram's largely unchecked success in seizing territory and the expanding reach of its attacks underscores the need for a robust coordinated regional approach, a fully realized Multi-National Task Force (MNTF) to fight Boko Haram. Last week, Chad sent more than 2,000 soldiers, 400 trucks, and attack helicopters to reinforce Cameroon. At last week's ministerial meeting in Niger, Assistant Secretary Thomas-Greenfield called on Nigeria and its neighbors to make the MNTF into a force that can better fight Boko Haram. At the African Union Summit in Addis Ababa this week, we will encourage other partners to redouble their efforts and press for meaningful AU political support to the MNTF and the Lake Chad Basin Commission's efforts to cooperate to defeat Boko Haram.

As Assistant Secretary Thomas-Greenfield told this committee in November 2013, "Boko Haram's activities call our attention not just to violence, but also to poverty and inequality in Nigeria." Achieving and sustaining peace in the Northeast of Nigeria will require the Nigerian government to address legitimate concerns about government corruption, unfairness, accountability, and impunity that alienate the population and provide grievances used to radicalize disaffected youth.

### **Economic Challenges**

Nigeria has the largest **economy** in Africa, and it is diversified. Eighty-five percent of the economy is in non-extractive industries. Agriculture, services, and manufacturing are driving economic growth, which was 6.1 percent in the third quarter of 2014 and expected to be 4.8 percent in 2015. Although the country is a global petroleum powerhouse, corruption is pervasive, and 60 percent of Nigeria's population lives in poverty. The impact of a more than 50 percent drop in oil prices since last summer has posed major fiscal and monetary challenges and is contributing to the slowdown in economic growth. The central bank has devalued the naira and raised interest rates. Over 70 percent of government revenue comes from petroleum exports; so the government has been forced to revise its budget, cut government spending, and look for ways to increase revenues. **The administration that is elected next month may well face greater challenges with fewer resources to govern.** Improving governance, implementing economic reforms, and committing to transparency would help secure Nigeria's long-term stability and the welfare of its people.

In closing, Nigeria's success is important to us and critical to Africa. As Secretary Kerry declared in Lagos last Sunday, "our hope is that Nigeria will set a remarkable example for the world in this election ...".

We appreciate the Committee's interest in these issues. I hope that you and other Members will remain engaged, and I invite you to lend your voices – including by making statements or taking to social media – in calling for peaceful, credible elections next month.

Thank you and I look forward to your questions.

Mr. SMITH. And I will collapse all of my questions into one question, if you wouldn't mind, just because of time. We have votes coming up very shortly. We think 3:15 to 3:30.

Let me ask you if I could, on the Chibok girls, do we have information about them? I have met Chibok girls, one in Abuja when I was on a trip there. I met several who escaped, the lucky ones. Are we any closer to reclaiming their freedom?

Secondly, if I could, on the FTO progress, if you could tell us how many people are actually working it. Is it really getting a high priority? We know that the weapons cache of Boko Haram is growing, maybe even exponentially. Some of it they steal, some of it they buy from robbing banks, but some of it may be coming from places in the Middle East. If you could touch on that.

We are all very pleased and happy that Secretary Kerry did meet with President Jonathan. I read both the President's and the Secretary's statements, and there was talk about the multinational task force, the Lake Chad Basin Commission, and about more and more cooperation.

Let me ask you this. Is it time for a U.S.-Nigeria task force? I was struck when I was at the fusion center that intelligence that we might provide that was actionable may not have been followed up on. You know, you need a quick deployment of troops if you find something that needs action, and it seems to me that, and on the Leahy amendment, why not have a joint working group to focus on vetting Nigerian security forces?

Some of the pushback has been a well-earned pride in the Nigerian Military. They are tremendous peacekeepers. I saw them when I was in Sarajevo. I saw them again in Darfur. They have gone all over and have done yeoman's on peacekeeping, but, again, it is a very special skill set required to combat a terrorist insurgency like this with Boko Haram. Why not have a joint working group on the vetting as well so they have buy-in. Is that something you are thinking about?

And again on IDPs, more money I think needs to be provided. Yes, Nigeria is a rich country, but it does have a problem, as we all know, with those drop in oil prices.

And, finally, Abubakar Shekau has said, "Nobody can stop us and live in peace except if you accept Islam and live by Sharia law." He has said, "We will kill anyone who stands against the will of Allah by opposing Sharia," and that they are fighting a religious war against Christians, these are all quotes, and that by Allah whoever practices democracy we will kill.

Will the administration really brand them for what they are, a radical Islamist movement? I met so many Muslims who have lost loved ones in Nigeria, many more Christians, because they are targeting Christians. They are a horrific brand of Islam, a radical brand. I think we need to call it for what it is, and, again, I know Buhari has signed, as well as President Jonathan, the Abuja Accord, but let's not forget after 2011, 700 churches, 3,100 Christian-operated business and schools were burned, over 3,400 Christian homes were destroyed.

How enforceable, how real, do you think he and his followers are in living up to that accord so that there is not post-election violence? And that is critical, I think. Anybody can sign a piece of paper in

the run-up to election. Do you have confidence that he will adhere to it?

I yield.

Mr. JACKSON. So Mr. Chairman, thank you for those questions.

On the Foreign Terrorist Organization designation, I am going to have to get back to you on the numbers of people at the Treasury Department and the Justice Department who are working on this because I don't have those figures immediately available.

WRITTEN RESPONSE RECEIVED FROM THE HONORABLE ROBERT P. JACKSON TO QUESTION ASKED DURING THE HEARING BY THE HONORABLE CHRISTOPHER H. SMITH

An FTO designation, once complete, provides the legal basis for the Departments of Justice and Treasury to ensure that U.S. citizens are prohibited from providing material support to Boko Haram and that the organization is blocked from using the U.S. formal financial system. Numerous staff in many agencies across the U.S. Government work to develop and implement designations. Countering Boko Haram is a foreign policy priority and we are constantly working with a host of key allies to counter the group's influence in Africa.

We have offered up to \$7 million from our Rewards for Justice Program to bring Boko Haram's current leader to justice. To the extent that groups like Boko Haram are funneling the financing for their barbarous acts through U.S. financial institutions, we are prepared to freeze their assets. As you rightly point out Boko Haram's funding streams are much less formal—derived primarily from the proceeds of looting and kidnapping innocent civilians for ransom.

Mr. JACKSON. As far as a joint task force, I think you visited the center of a joint task force, and I want to note that France is working with Nigeria's neighbors to establish a coordination cell in N'Djamena that we believe will be very useful in this fight, and it is already showing promise in coordinating the activities of Cameroon and Chad as they work together in this activity.

Mr. SMITH. But, I mean, across all sectors.

Mr. JACKSON. I understand.

Mr. SMITH. The entire military complex, not just intelligence. Strategy as well.

Mr. JACKSON. Right. But our Justice Department is represented in Lagos as part of the interdisciplinary team. The FBI is there. We have people who can advise on hostage negotiations and humanitarian assistance. I believe that the team is robust and of the disciplines necessary to address these issues.

As far as Leahy issues are concerned, I note that the 7th Division, which has had primary responsibility for combating Boko Haram, has a new commander. So we will be looking at how we can work with Nigerian units. As you know, we vetted over 100 units and individuals last year who were found capable of working with us and qualified to receive U.S. assistance and—

Mr. SMITH. Mr. Jackson, they need thousands, and they are very capable troops. They can be human rights vetted. The State Department has said 50 percent or more tomorrow could be vetted and found to be free of human rights abuses. They need that training and they need it now. We are fighting the ISIS of Africa. So bring that urgency back if you would.

Mr. JACKSON. I will take that back, Mr. Chairman, and you asked about branding Boko Haram. I would note that Daesh and al-Qaeda in the lands of the Islamic Maghreb have disassociated themselves from Boko Haram because they consider it such an extreme organization.

Mr. SMITH. Ms. Bass.

Ms. BASS. I will yield my time to Representative Wilson to make her statement.

Ms. WILSON. Thank you, Chairman Smith and Ranking Member Bass, and thank you to our witnesses for being here today to discuss this very important issue.

Last April I was horrified when hundreds of girls were kidnapped by Boko Haram because they attended school. These precious girls reminded me of my own daughters and granddaughter, and I couldn't sit idly by.

To this day, Boko Haram continues their reign of terror. There have been more kidnappings. They are using young children as human bombs. They continue murdering and terrorizing, and they attack villages and cities throughout Nigeria and bordering countries.

Last June I was part of a bipartisan codel that traveled to Nigeria where I met with the victims of Boko Haram attacks and with the families of the kidnapped girls. I saw firsthand the immeasurable anguish that Boko Haram's heinous attacks have caused. I met with some of the Chibok girls who were fortunate to escape from Boko Haram. These girls thought they were going to be killed and their parents thought they may never see their daughters again.

I met with the organizers of the Bring Back Our Girls campaign who made it their mission to call attention to the atrocities committed by Boko Haram, to call for the return of the kidnapped girls, and to hold Nigerian leaders accountable. They did this despite being intimidated, beaten, and imprisoned for their efforts. They asked us to carry on and spread their work in the U.S. by tweeting "Bring Back Our Girls," which I have been doing every day since leaving Nigeria.

Nigeria has the resources to stop Boko Haram, I believe, but there is a lack of political will to do so or do what is necessary to rescue the schoolgirls.

I will be watching Nigeria's Presidential elections next month. I pray these elections are fair and free from any violence or coercion. Regardless of which candidate wins, we must continue to put pressure on that winner to focus on Boko Haram and to finally eradicate this terrorist group.

Last Congress we passed two resolutions that I sponsored condemning Boko Haram. I thank the committee for their commitment to work with me to accomplish the goal of eradicating Boko Haram.

Today you will hear from Mr. Emmanuel Ogebe. His organization, Jubilee Campaign USA, does amazing work on behalf of the Chibok girls who escaped from Boko Haram, paying for them to come to the United States to continue their education in a safe environment. I look forward to hearing from him as well as our other witness.

Thank you. We must do everything we can to bring back our girls and stop Boko Haram.

Mr. SMITH. Thank you, Ms. Wilson.

Mr. Emmer.

Mr. EMMER. Mine is very short. What is being done about the corruption and what can be done? It seems that you are talking



about pervasive corruption throughout the government and its impacting the military's ability to stifle the activities of Boko Haram. I am just interested to know what is being done and what can be done?

Mr. JACKSON. Thank you, Congressman.

For a number of years we have been working with Nigeria's anti-corruption agencies, and we have seen some successful investigations as a result of that.

A tool that the Secretary talked during his most recent visit to Nigeria that we believe will be very useful is designating people as ineligible for U.S. visas. There has been a lot of attention paid to this in the Nigerian press over the last 2 days, and that indicates to me that this is something we need to explore in greater depth.

Mr. EMMER. And I would like to have more at the appropriate time, but if you could go back, at the beginning of your testimony, in fact I think in your written testimony, it is at the end of page 1, beginning of page 2, where you talk about the upcoming election that is only 18 days away, and specifically I think your words were making sure that it is credible and transparent, et cetera.

It is the violence that I think many of us are most concerned with. You can have election experts, you can have U.S. aid to have the local folks actively engaged, but when the killing starts, how do you allow a true democratic process to go forward, and are steps being taken on the ground to address that potential violence?

Mr. JACKSON. The primary reason for having the Secretary visit Nigeria so close to this election was to emphasize that we are concerned about the conduct of the election and cannot accept violence. And we have been hammering home that message. We have sent the security experts to work with the election commission to identify the areas that we think are most prone to violence.

But I want to underscore that in previous Nigerian elections it hasn't been the elections themselves that have been violent in recent years. It has been after the results were announced, and this is something that we need to remain focused on. This is why we have solicited pledges from the candidates, why we value the Abuja Accord which was signed in the presence of former U.N. Secretary General Kofi Annan, and we will absolutely sanction leaders who exhort their followers to engage in violence.

Mr. EMMER. One more, Mr. Chair.

Just on that note, this is different. I understand that the 800 in the last election were during the protests that followed, but Boko Haram has an incentive to disrupt the election as it occurs, and I guess I am interested if you can give me some specific examples, Mr. Jackson, of things that are being done in anticipation of that to prevent, hopefully prevent the violence on the day of the election?

Mr. JACKSON. Congressman, what I can say is that we have worked with the Nigerian election commission, the security forces, to ensure that the polling proceeds as smoothly and as safely as possible. Clearly in the three states under the state of emergency the voting places will have additional security. Whether that will be sufficient is subject to what Boko Haram does over the period of the election, and we are watching this very carefully. We will

use our intelligence assets to try and predict where violence might break out, but it is not an exact science.

Mr. EMMER. Thank you, Mr. Jackson.

I yield back, Mr. Chairman.

Mr. SMITH. Ms. Bass.

Ms. BASS. Actually, I will yield to Mr. Cicilline.

Mr. CICILLINE. I thank the gentlelady for yielding.

Thank you, Ambassador Jackson. Could you speak a little bit about what efforts are being undertaken to work with state and local officials in light of the kind of tense relationship with the national government to both work on security issues as well as counter-violence strategies.

And also would you speak a little bit about whether there are local organizations or individuals that we are working with to help counter some of the kind of violent ideology and the radicalization.

And then finally if you would speak to the issue of human rights following the passage of anti-LGBT laws in Uganda, the United States engaged in a review that resulted in implementation of several counties relating to gross human rights violations, and I know that the review of Nigeria, if it would occur, would be different, but why aren't we in fact taking the same steps in Nigeria to at least open a review and see what changes could be enacted to send a message to the government there?

And what steps has our Embassy in particular taken to help push back against some of the very serious homophobia and transphobia and to protect LGBT people in Nigeria from serious acts of violence?

Mr. JACKSON. Thank you, Congressman.

First of all, on the violence, we have been working not only with the election commission but with civil society. We have had civil society training programs as part of our \$51 million elections effort over a 4-year period. That, I think, has been useful. We have also had a program financed through our Civilian Stability Operations Bureau and we have worked with imams and other religious leaders in order to encourage them to speak out against the violence.

We have particularly tried to identify religious leaders both Christian and Muslim, and animists in the north who we believe have great influence with the people, and in the south we have worked with some of the most prominent religious leaders, especially with bishops to get out anti-violence messages to their congregations, and that is ongoing.

We also undertook a rather unique anti-violence activity in the delta which was previously a hotbed for violence, and that was to create a film called "Dawn in the Creeks: A Niger Delta Legacy." This film is an ongoing television series as a result of its success, and it advertises how Nigerian youth can find opportunities for employment and a new life outside of oil bunkering. It has been very successful, and we believe it is a model for this kind of activity and something of which the State Department is very proud.

Finally on the LGBT issue, which is a very serious one, we note that Nigerian authorities have generally not enforced the law since its passage. Initially there was some really serious anti-LGBT activity, but that waned very quickly. We are aware that the law's being challenged in the courts as it was in Uganda, and we believe

that pursuing the constitutionality of the law or the lack thereof is a way to address this issue.

We meet with LGBT groups on a regular basis. When I was in Nigeria in October, I met with LGBT activists to get their sense, and I would be happy to talk with you privately about some of the other things we are doing that I would prefer not to discuss in this setting.

Mr. CICILLINE. I appreciate it. Thank you.

I yield back, Mr. Chairman.

Mr. SMITH. Mr. Clawson.

Mr. CLAWSON. Two questions, and thank you for coming today.

Will you go back a little bit to what you said about youth employment and give me a larger picture of this issue of poverty being utilized to radicalize youth and what the Nigerian Government is doing on a larger scale educationally and in the private sector so that folks have something to look forward to and hope as opposed to being radicalized?

And I guess the second question I have, since this is a question of radical Islam, what are the other religious leaders doing in the country to promote peace, to promote tolerance, and especially peace coming up to these elections, and what would you recommend that they do in this respect?

Thank you.

Mr. JACKSON. Thank you, Congressman.

So with an extreme poverty rate of 60 percent of the population, we believe that many Nigerians are disaffected and prone to radicalization, and the rampant corruption, impunity of the security forces and accountability for actions of all government officials, be they security officials or other government officials, pose real challenges and contribute, we think, to Boko Haram's being able to manipulate a small number of Nigerians to follow it.

As for what religious leaders are doing, whether Christian, Muslim, or animist, in general they have played a very important role in preaching messages of nonviolence for the elections and for Nigeria's activities in general, and many of them have spoken out very forcefully against Boko Haram, and I expect they will continue to do so.

Mr. CLAWSON. Yield back.

Mr. SMITH. Thank you. Ms. Bass.

Ms. BASS. Yes. Thank you, Mr. Chairman.

I want to acknowledge that last week I had a long telephone conversation with Finance Minister Okonjo-Iweala, and we talked about what was going on in Nigeria, and there were a lot of concerns expressed that she felt like things were being characterized in too much of an extreme fashion here, especially given the sensitivity of having an election coming up in a couple of weeks, to characterize a hearing as "Nigeria on the Brink?" She just felt it sends a bad signal.

She raised an issue that the United States is blocking Nigeria from purchasing arms because of human rights violations, and so I wanted to ask you about a couple of questions. What specific criteria would the U.S. Government need to see from the Nigerian Government to determine that they are sufficiently working to remedy the human rights violations.

And then also what you feel is the sentiment of northern Nigerian communities toward the Nigerian Army, and is the distrust between them harming the efforts to root out Boko Haram? That is one question. I have a few others.

Mr. JACKSON. Did you want me to respond at this point?

Ms. BASS. I do.

Mr. JACKSON. All right. Thank you.

So when we talk about “Nigeria on the Brink?,” I think another way to look at that is Nigeria on the cusp, and much depends on what it does with the elections. The conduct of the elections and the government that emerges from those elections has real opportunities as well as challenges, and as the Secretary said, we hope they will seize those opportunities and address the challenges.

The arms question is a very good one. While the decision to not approve the sale of American-manufactured Cobra helicopters that the Israeli Government wished to sell to Nigeria was driven by a belief that the Nigerians did not have the capacity to operate them, we have the policy and are in fact providing lethal equipment, and we will look at each request on a case-by-case basis.

But Congresswoman Bass, I really want to underscore, we believe Nigeria has both the financial means and the technical means to procure any weapons that it believes it needs for its self-defense, and our decision to influence certain sales is guided as much by what we believe the capacity to use those weapons is as much as anything else. I want to emphasize that—

Ms. BASS. You don’t think they know how to fly them?

Mr. JACKSON. They do not currently have the capacity to fly Cobra helicopters. It would take at least 6 months for them to do the necessary training, and it would require that about 80 people be trained to maintain them.

However, the Chadians are successfully employing their helicopters, which are armed, against Boko Haram, and it shows that it can be done, and the Nigerians could potentially do it with the right training and weapons.

The problems that the Armed Forces of Nigeria face are in terms of morale, in terms of supply chains. We often hear from soldiers who have entered Cameroon fleeing Boko Haram that they haven’t eaten for days, that they are not well-equipped, and these are challenges for governance and leadership, and we would like to see the military address these challenges, deal with the internal corruption, and we believe that would have as much impact on the fight against Boko Haram as any weapon system possibly could.

Ms. BASS. Will you comment about the north?

Mr. JACKSON. I will.

We have all seen pictures of alleged Nigerian security force abuses. This is why we believe the Leahy vetting process is so important for dealing with the Nigerian security forces, but we have approved, as I said, more than 100 individuals and units. And when we talked about that we were training an entire battalion. We are talking about thousands of people, not just hundreds of people.

When you look at the units, we are talking about having vetted thousands of people, thousands of individuals. So there are plenty of people who are eligible for U.S. security assistance, and yet it

was Nigeria who chose to prematurely end the training of the 143rd in October before we felt they were fully capable, but they had been deployed, and that was a Nigerian sovereign decision.

Ms. BASS. So, I was asking you a question about relationships between those folks that live in the north and the military. I don't know if you want to—

Mr. JACKSON. So, we believe that some people have had excellent relations with the military. Other people feel abandoned by the military, and I think both of those extremes are very real in the three states under state of emergency.

Ms. BASS. So this is an entirely different subject, but, you know, if the general topic here is "Nigeria on the Brink?," I wanted to ask you if you were aware of reports of plans to privatize water in Lagos and across the country, and given how important fulfilling basic human rights can be in reducing the potential for violence, how would the negative effects of water privatization? Are you aware of this, is the U.S., and is there any relationship we have? Is there any concern about this?

Mr. JACKSON. Honestly, Congresswoman, I am going to have to get back to you on the water privatization. We have been following the electricity law and the new efforts to make electricity more available in Nigeria, and Nigeria is a Power Africa country, but I have personally not followed the water issue.

WRITTEN RESPONSE RECEIVED FROM THE HONORABLE ROBERT P. JACKSON TO QUESTION ASKED DURING THE HEARING BY THE HONORABLE KAREN BASS

Water is a hugely politicized issue in Nigeria. Politicians use promises of free water to garner votes. There is some recognition that private sector participation will lead to improved reliability and quality of water. However, Cross Rivers is the only state with a privatized water utility and the only state with 24 hours of water available a day. Other states, such as Rivers, are considering such reform, but resistance is strong. Five years ago, Lagos had a failed experience privatizing its water sector. We have supported efforts to increase privatization of water and will continue to do so.

With respect to privatization, a strong regulatory framework is critical, as well as a transparent and competitive tender process. Currently, the poor, unlike the wealthy in Nigeria, do not have connections to subsidized water and must buy their water from local vendors.

Nigeria is a Tier 1 country for our Sustainable Water for All initiative and will see an increase in resources to promote water privatization in Nigeria. Over the past five years, we have worked with a modest budget in Bauchi, Ebonyi and Rivers state to: (1) revise state water laws; (2) strengthen the operational capacity of state water boards (billing, maintenance, and investment); (3) conduct public outreach campaigns on the necessity of paying water bills, and; (4) advise stakeholders and decision makers on various institutional models for better managing the water sector.

Ms. BASS. Okay. Thank you.

I will yield back my time.

Mr. SMITH. Mr. Pittenger.

Mr. PITTENGER. Thank you for giving me this time.

Mr. Jackson, thank you for your service and dedication.

Since declaring Boko Haram as a Foreign Terrorist Organization, has there been any evidence or progress in this investigation of uncovering those who are providing aid and abetting this terrorist group?

Mr. JACKSON. To date, Congressman, we have not found any U.S. individuals or financial institutions that are aiding Boko Haram or

allowing Boko Haram finances to flow through our financial system.

Mr. PITTENGER. Thank you.

Has the administration found any connection between the use of the girls unwittingly suicide efforts that have been kidnapped by Boko Haram, and do you believe that any Chibok girls may have been used in this manner?

Mr. JACKSON. There has been a lot of speculation about this, but I don't think we have confirmed that any of the children who participated in the suicide bombings, certainly involuntarily, were from Chibok.

I would note that there are four Chibok girls who are now resident in the United States, and we have certainly talked with them about their experience and we make an effort to debrief people who have been in Boko Haram activity.

Cameroon has done a great job of debriefing hostages, and we encourage the Nigerians to follow suit.

Mr. PITTENGER. Thank you. I yield back.

Mr. SMITH. Thank you.

If I could, just for clarification, Mr. Jackson. As you know, there are fundamental differences in the United States over the whole LGBT issue. I am a strong believer in traditional marriage and do not construe homosexual rights as human rights. Others have a different view, and I certainly respect them. But I want to know, has the administration, and I would ask for a clarification on this, has the administration's view on LGBT affected in any way or in any way hindered U.S. support to Nigeria to combat Boko Haram?

And, secondly, when it comes to humanitarian aid and money for IDPs and money for health issues, has the administration held back or in any way affected funding to the faith community, whether it be Muslim or Christian, in the dissemination of those funds to combat malaria or any other problems faced by Nigerians?

Mr. JACKSON. Mr. Chairman, to my knowledge there has been no impact to the same sex marriage prohibition bill on any of our activities, be it financial assistance, humanitarian assistance, or what organizations we work with in Nigeria.

Mr. SMITH. I appreciate that. Could you also, I know that is your reasoned opinion, but get back to us if there is anything that would contradict that?

Mr. JACKSON. I will be happy to inquire, but I feel quite clear, since I see all of our assistance numbers, but I would have to check on whether we have decided not to work with any specific organizations. But I will get back to you.

WRITTEN RESPONSE RECEIVED FROM THE HONORABLE ROBERT P. JACKSON TO QUESTION ASKED DURING THE HEARING BY THE HONORABLE CHRISTOPHER H. SMITH

Christian and Muslim institutions and groups are key partners in addressing health problems in Nigeria. For example, the President's Malaria Initiative works very closely with the Nigerian Interfaith Action Association (NIFAA)—a collaborative initiative of the Christian Association of Nigeria and the Sultan of Sokoto (as head of Islamic community in Nigeria)—to promote awareness in their communities on how to fight malaria and other health risks. No funding has been withheld or redirected as a result of the passage of the Same Sex Marriage (Prohibition) Act.

Mr. SMITH. Good.

And finally, again on the U.S.-Nigeria task force idea, if you could follow up and get to us on that as well. This would be a multidimensional approach to get complete and full buy-in from the Nigerians. I think for whatever reason, there was a cessation of the training of their military. That needs to be resumed. We have got to find out what it was that encumbered that and get back so that hopefully thousands of Leahy-vetted Nigerian soldiers and officer corps can get the training they need to vanquish Boko Haram.

Mr. JACKSON. Mr. Chairman, I will get back to you. As the Secretary noted, we believe that having peaceful and credible elections is a condition for greater engagement, and we want to get through that step first.

WRITTEN RESPONSE RECEIVED FROM THE HONORABLE ROBERT P. JACKSON TO QUESTION ASKED DURING THE HEARING BY THE HONORABLE CHRISTOPHER H. SMITH

In addition to our daily interactions with the Nigerian government, often at quite high levels, the United States engages regularly with Nigeria via the U.S.-Nigeria Bi-National Commission (BNC). Launched in 2010 with four specific working groups, the commission now encompasses five lines of effort: good governance and transparency; energy and investment; agriculture and food security; and the Niger Delta and Regional Security Working Group, which was subsequently split into two components. Assistant Secretary of State for African Affairs Linda Thomas-Greenfield led the U.S. delegation to the meeting of the BNC's Regional Security Working Group in September 2014.

Nonetheless, we were disappointed last November when the Nigerian government cancelled the training by the U.S. government of a Nigerian Army battalion. Citing differences over timelines and pre-requisites such as equipment, the Nigerian government prematurely terminated the third phase of a training of a Nigerian Army battalion (the 600-strong 143rd) designed to strengthen the Nigerian Army's capacity to counter Boko Haram. The first two phases of training were conducted between April and late August 2014, giving personnel basic soldiering skills. The canceled third iteration of training was to develop a unit with advanced infantry skills. The cancellation, while regrettable, does not affect the ability of the U.S. government to continue other aspects of our bilateral security relationship, as well as all other assistance programs, with Nigeria. The U.S. government is committed to the long tradition of partnership with Nigeria and will continue to engage future requests for cooperation and training. We continue to seek other opportunities to help Nigeria and its neighbors to counter Boko Haram.

As Secretary Kerry said in Lagos on January 25, however, "We don't believe that the level of support provided by the United States or the international community is the limiting factor in the Nigerian Government's ability to fight Boko Haram."

Mr. SMITH. Thank you so much, Mr. Jackson.

I would like to now, because we are under a little bit of a time crunch, welcome our second panel, and I thank you, Mr. Jackson, for your testimony.

Beginning with Dr. Peter Pham, who is the director of the Africa Center at the Atlantic Council in Washington, DC. He is the incumbent vice president of the Association for the Study of the Middle East and Africa, an academic organization which represents more than 1,000 scholars, and is editor in chief of the organization's *Journal of the Middle East and Africa*.

Dr. Pham was the winner of the 2008 Nelson Mandela International Prize for African Security and Development. He has authored half a dozen book chapters concerning Somali piracy, terrorism, and stabilizing fragile states, as well as more than 80 articles in various journals. He has testified before our subcommittee on several occasions on a number of topics, and we welcome him back.

We will then hear from Mr. Badejo, who is a principal partner of a law firm in Nigeria established in 1987 in which he has acted as legal consultant and company secretary to many blue chip companies and orthodox religious bodies in Nigeria.

Between 1981 and 1987 he worked with the firm Burke and Company in Lagos where he was the head of chambers between 1985 and 1987. He was awarded the rank of senior advocate of Nigeria by the Legal Practitioners Privileges Committee in 2010. This title is conferred only to a very select group of very senior attorneys in Nigeria.

We will then hear from Mr. Emmanuel Ogebe, who is the manager of the Peaceful Polls 2015 Project, and an experienced attorney specializing in international matters of focusing on Nigeria.

Exiled to the United States after becoming a political detainee during the brutal years of Nigeria's military dictatorship, Mr. Ogebe has played a role in shaping U.S. policy toward Nigeria in its quest for democracy. His is experienced in managing, designing, and implementing complex international programs and projects in Nigeria.

Then we will hear finally from Mr. Chris Fomunyoh, who is senior associate and regional director for central and west Africa at the National Democratic Institute. He has organized and advised international election observation missions and designed and supervised country-specific democracy programs and civic organizations, political parties, and legislative bodies throughout central and west Africa.

He recently designed and helped launch the African Statesman Initiative, a program aimed at facilitating political transitions in Africa by encouraging former democratic heads of state. He is also the adjunct faculty at the African Center for Strategic Studies and former adjunct professor of African politics at Georgetown.

Dr. Pham.

**STATEMENT OF J. PETER PHAM, PH.D., DIRECTOR, AFRICA  
CENTER, ATLANTIC COUNCIL**

Mr. PHAM. Thank you, Mr. Chairman.

Mr. Chairman, Ranking Member Bass, distinguished members of the subcommittee, thank you not only for the opportunity to come before you today to discuss the present situation in the Federal Republic of Nigeria, but also for the sustained attention which the subcommittee has consistently dedicated to west Africa as a whole and to Nigeria in particular, as well as for its solicitude for the challenges facing that region by the United States and our African and other partners.

I think I speak for many in the policy and advocacy communities in expressing our gratitude for the leadership which the chairman, the ranking member, and members of the subcommittee and its staff have shown, including no fewer than three hearings in the 113th Congress, including the one last June on "The Ongoing Struggle Against Boko Haram" which you accorded me the privilege of testifying at.

It should be acknowledged that the subcommittee was already working on the present hearing well before the new cycle turned to Nigeria once again in the aftermath of the Boko Haram attacks



on Baga 2 weeks ago. With your permission, I will present a summary of my current assessment of Boko Haram and the situation in Nigeria and ask that my prepared statement will be entered into the record of this hearing.

Mr. SMITH. Without objection, your statement and that of all of our distinguished witnesses will be made a part of the record.

Mr. PHAM. Thank you Mr. Chairman.

At any time elections in Nigeria, Africa's most populous country, the continent's largest economy, home to both its largest Muslim community, as well as its largest Christian community, will be a pivotal moment, fraught with geopolitical, economic, and strategic implications. However, this is all the more the case as Nigerians prepare to go to the polls in less than 3 weeks in what many analysts view as perhaps the most competitive Presidential race since the transition from military to civilian rule in 1999.

While I know that some have questioned the title of this hearing and its reference to a country on the brink, it is not an exaggeration to say that what has come together is a perfect storm of security threats, including, of course, the continuing insurgent activity of Boko Haram in the extreme northeastern part of Nigeria, its terrorist attacks beyond the region to other parts of Nigeria as well as neighboring countries, the humanitarian challenges, not least of which are the hundreds of thousands if not millions who have been displaced because of the conflict, and the economic pressures, top amongst which is the impact of declining oil prices on the national budget and thus resources available to the Federal Government to deal with the aforementioned challenges.

Permit me therefore to begin by reviewing these challenges as they currently stand before returning to the upcoming elections and what the United States might be able to do to help have a positive effect on the situation in Nigeria. Since the subcommittee's hearing on the fight against the militants last June, Boko Haram has unfortunately continued to be on a roll and, in fact, appears to have even ramped up its momentum.

Depending on which Nigerian official or international analyst one chooses to credit, this means the group effectively exercises at least loose dominion over a total area that is either larger than the State of Maryland, as you mentioned, or perhaps even slightly smaller than the State of West Virginia.

Just this past weekend, an assault on the Borno State capital of Maiduguri by Boko Haram was repulsed, although I am not entirely convinced that the strategic objective of that attack was so much to storm the city as to underscore a message, given that the attack came the day after the Nigerian President had campaigned there amid heavy security and sought to reassure the citizens that the insurgency would be defeated.

On the other hand, the group's simultaneous attack on Monguno, which received less attention, a town near Nigeria's borders with Chad and Cameroon was very unfortunately successful, resulting in the capture of a city with its population of more than 110,000 people, as well as the large military base nearby.

Nigerian Military spokesmen admitted that the garrison in Monguno consisting of some 1,400 soldiers from the 243rd Army Battalion and other units were overwhelmed. The seizure of

Monguno, which sits at the intersection of three major roads, removes one of the key buffers protecting Maiduguri and the 2 million people who reside there or who have taken refuge there from complete encirclement by Boko Haram forces.

Furthermore, Boko Haram has been using the territory it holds or clears out as a base to launch a campaign of terrorist attacks reaching other Nigerian states as well as neighboring countries, some of which like Niger are already under incredible pressure from militants linked both to al-Qaeda's north African affiliate as well as spillover from the continuing disintegration of Libya. Niger's President Mahamadou Issoufou has even been quoted as saying that "the Islamic State is at our door."

In its ongoing offensive, Boko Haram is not only using the terrorist tactics it has honed over the last 5 years, but even ratcheting up with new twists like the recent use of young girls as young as 10 years old to carry bombs into crowded settings. Even more worrisome, as a number of analysts have pointed out, Boko Haram's recent messaging and activities point to a troubling convergence tactically and ideologically with the so-called Islamic State.

While the reasons for failure to contain, much less roll back, Boko Haram's advance were addressed in my prior testimony are, indeed, legion with plenty of blame to go around, I would be remiss if I didn't call attention to the fact that the address last week at Chatham House by Sambo Dasuki, National Security Advisor to Nigerian President Goodluck Jonathan, if it indeed is representative of current consensus in Abuja and consequent future conduct by the Federal authorities, represents a significant and promising shift in strategic thinking.

Not only has Boko Haram wreaked havoc in Nigeria's northeast quadrant and parts of Niger, Chad, and Cameroon, but the group's attacks have also precipitated a veritable humanitarian crisis spanning the region. The combined effects of the insurgents' seizure of livestock and food supplies, as well as the closure of markets, the abandonment of farms, some for several years in a row, have resulted this month in the warning from the Famine Early Warnings Systems Network of the U.S. Agency for International Development that without massive assistance, some 3 million people will not be able to meet their basic food needs by the middle of this year.

In the context of discussing the humanitarian crisis caused by Boko Haram, it is incumbent upon me to draw attention to a frequently overlooked fact. While northern Nigeria has historically been predominantly Muslim, the north is not without a sizeable Christian population, just as some parts of the south, especially the southwest of the country, have significant Muslim communities. Consequently, both Muslims and so Christians have been victims of Boko Haram's brutal assaults.

However, the Christian community has suffered a disproportionately high toll. According to the Roman Catholic Diocese of Maiduguri, in just 2 months, August and September of last year, 185 churches were destroyed by Boko Haram in Borno and Adamawa States. When added to the 300 churches destroyed in 2013, and those destroyed in previous years, it adds up to an unholy tally of more than 1,000 Christian houses of worship destroyed by Boko Haram since the last time Nigerians went to the polls.

With hydrocarbons still making up much of Nigeria's exports and up to 80 percent of the government's revenues, the dramatic fall in global oil prices cannot but have a major impact on the Nigerian economy. The Naira is trading at record lows against the U.S. dollar. As I was leaving the office to come here today, one U.S. dollar brought about 190 Naira. The stock market is down by almost one-third. Expectations for economic growth in 2015 have been revised downward, and the Federal budget has been recalibrated twice in recent months, and for that I give credit to the Finance Minister for at least recalibrating the budget, which is more than what some other oil producing countries have done.

In addition to pressures exerted on the economy by the global commodity prices, there has been the negative impact of the ongoing insurgency on the economy of the northern part of the country in general and the northeast in particular. Diminished revenues clearly impact the resources available to Nigeria to fight the insurgency and fund the sort of holistic approach to development that can truly drain the fever swamps that feed extremism.

All this sets the context for the upcoming general elections, which Secretary John Kerry rightly described on Sunday as one of the most important elections Nigeria has ever held. There are a number of challenges to the vote however. In deference to my good friend, Dr. Chris Fomunyoh, who just returned from a joint International Republican Institute-National Democratic Institute pre-election assessment and will address the main technical and structural issues with the election organization, I will limit myself to just a few points of concern.

First, the specter of Boko Haram has increasingly impacted the election and will continue to do so. With numerous local government areas either under the insurgents' control or otherwise rendered unsafe, even the Independent National Electoral Commission has acknowledged that it will be impossible to organize voting across the entire territory of the Federal Republic of Nigeria. Whether satisfactory arrangements can be made for displaced persons remains to be seen.

In addition, millions of voters across states most impacted by Boko Haram may still be deterred from voting by a fear of suicide bombing or other attacks mounted by the terrorists. Thus the political question that will be answered only after the elections is how the winner claims the mandate of the people when so many could potentially be unable to express themselves.

Two, even aside from Boko Haram in the northeast, divisive and inflammatory messages which some political figures and their supporters have been delivering through traditional and social media in several parts of Nigeria is worrisome, raising as it does the risk of the sort of localized violence that has marred elections in the past. Of course the impunity of those responsible for the violence surrounding the previous polls, including 2011, does little to discourage these people.

Third, election day itself presents extraordinary security challenges commensurate with the temptations it undoubtedly presents to the terrorists who ideologically reject democratic politics and who strategically have every reason to tarnish the poll.

Fourth, in the leadup to next month's vote, various fault lines have emerged in greater relief, dividing Nigerian society along various ethnic, regional, and religious lines. Ironically, these are the sorts of fissures that first-past-the-post democratic politics exacerbates, rather than mitigates. In addition, the crisis in the north, adds a wild card to the election insofar as Nigeria's Constitution requires the Presidential candidate winning not only to win 50 percent plus 1 vote of the total votes cast, but also that he win 25 percent of the votes in two-thirds of the states of the federation.

Fifth, the intensely competitive Presidential race and exceptional circumstances are secured under which it is being run has given rise to concern that the winner and/or his supporters may refuse to accept the outcome, even if the election itself is credible.

It goes without saying, Mr. Chairman, that the bilateral relationship between the United States and the Federal Republic of Nigeria has gone through something of a rough patch recently and at a time that could not be less opportune for any chasm to open up between the two countries. While the United States indeed has a role it can and should play in this pivotal moment in Nigeria's history, we also need to be realistic about what that role is, cognizant of some very real limitations.

That said, Secretary Kerry's visit to Nigeria over the weekend and his meetings with the two leading contenders and other officials helped underscore the importance that we recognize in this election and our commitment to a strong working relationship with Nigeria going forward. While much of what we may be able to do and would like to do in cooperation with Nigeria to combat Boko Haram may have to wait until the dust settles after the election, there are things which can be done now, and those we need to look at.

Mr. Chairman, it is hard to exaggerate the importance of Nigeria's upcoming general elections, not only for the immediate political future of Africa's giant, but also in light of the rapid expansion of the threats posed by Boko Haram and the inability for various reasons of the Nigerian forces so far to contain it, much less defeat the militants.

The international community, Mr. Chairman, can only hope that when the result that emerges from that election is, indeed, the will of the people, and we should stand by the Nigerian people as they queue up to cast the votes for their future, indeed, all of ours.

Thank you, Chairman.

Mr. SMITH. Thank you so much for your insights.

We are a little pressed because there may be some votes coming soon, but thank you so much.

[The prepared statement of Mr. Pham follows:]



Prepared Statement of

**Dr. J. Peter Pham**  
*Director, Africa Center*  
*Atlantic Council*

before the

**United States House of Representatives**  
**Committee on Foreign Affairs**  
*Subcommittee on Africa, Global Health, Global Human Rights, and International Organizations*

on

**“Nigeria on the Brink?”**

**Tuesday, January 27, 2015,**  
**2:00 p.m.**  
**Rayburn House Office Building, Room 2200**  
**Washington, D.C.**

Mr. Chairman, Ranking Member Bass, Distinguished Members of the Subcommittee:

Thank you, not only for the opportunity to come before you today to discuss the present situation in the Federal Republic of Nigeria, but also for the sustained attention which this Subcommittee on Africa, Global Health, Global Human Rights, and International Organizations, has consistently dedicated to the West Africa as a whole and to Nigeria in particular as well as for its solicitude for the challenges faced in the region by the United States and our African and other partners. I think I speak for many in the policy and advocacy communities in expressing our gratitude for the leadership which the Chairman, the Ranking Member, Members of the Subcommittee, and its Staff, have shown, including the no fewer than three hearings in the 113<sup>th</sup> Congress, including the one last June on the ongoing struggle against Boko Haram which you accorded me the privilege of testifying at. It should be acknowledged that the

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**J. Peter Pham Prepared Statement at Hearing on “Nigeria on the Brink?”**

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January 27, 2015

Subcommittee was already working on the present hearing well before the news cycle turned to Nigeria once again in the aftermath of the Boko Haram attacks on Baga two weeks ago.

At any time, elections in Nigeria—Africa’s most populous country, the continent’s largest economy, and home to both its largest Muslim community as well as its largest Christian community—would be a pivotal moment, fraught with geopolitical, economic, and strategic implications. However, this is all the more the case as Nigerians prepare to go to the polls in less than three weeks in what many analysts view as perhaps the most competitive presidential race since the transition from military to civilian rule in 1999.

While I know that some have questioned the title of this hearing and its reference to a country “on the brink,” it is not an exaggeration to say that what has come together is a “perfect storm” of security threats, including, of course, the continuing insurgent activity of Boko Haram in the extreme northeastern part of Nigeria and its terrorist attacks beyond that region to other parts of Nigeria as well as neighboring countries; humanitarian challenges, not least of which are the hundreds of thousands (if not millions) who have been displaced because of the conflict; and economic pressures, top amongst which is the impact of declining oil prices on the national budget (and, thus, resources available to the federal government to deal with the aforementioned challenges).

Permit me, therefore, to begin by reviewing these challenges as they currently stand before returning to the upcoming elections and what the United States might be able to do that might have a positive effect on the situation in Nigeria, including helping contribute to ending Boko Haram’s campaign of brutal violence and destabilization.

**Boko Haram’s Apparent Momentum**

Since the Subcommittee’s hearing on the fight against the militants last June, Boko Haram has unfortunately continued to be “on a roll” and, in fact, appears to have even ramped up its momentum. What I dubbed at the time the militant group’s “Version 3.0” has successfully overrun and currently holds—or at least prevents the legitimate federal and state authorities from governing—wide swathes of three states in northeastern Nigeria: Borno, Adamawa, and Yobe. And, depending on which Nigerian official or international analyst one chooses to credit, this means the group effectively exercises at least loose dominion over a total area that is either larger than that of the state of Maryland or slightly smaller than that of the state of West Virginia.

Just over two weeks ago, Boko Haram stormed Baga near the shores of Lake Chad, one of the last urban centers in that region remaining in government hands. The town, which had hitherto resisted repeated assaults by the militants, was supposed host the multinational joint task force previously agreed to by Nigeria and its neighbors—Cameroon, Chad, and Niger—to combat the militants. The other African forces had not arrived on post when Boko Haram overwhelmed the Nigerian troops, many of whom reportedly threw down their weapons and fled, and took control of the military base that was to serve as the command center for the regional effort to

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combat the insurgency. The death toll from the attack has been reported to be as high as 2,000 people, while thousands of others were forced to flee to other parts of Nigeria or into Chad. And, as satellite images released by Amnesty International so graphically illustrated, the insurgents literally wiped large portions of Baga and several nearby towns off the face of the map, burning homes, schools, businesses, and clinics.

Over this past weekend, an assault on the Borno State capital of Maiduguri by Boko Haram was repulsed, although I am not entirely convinced that the strategic objective of that attack was so much to storm the city as to underscore a message, given that the attack came the day after the Nigerian President campaigned there amid heavy security and sought to reassure citizens that then insurgency would be defeated. On the other hand, the group’s simultaneous attack on Monguno, about 135 kilometers away near the borders with Chad and Cameroon, was successful, resulting in the capture of the city with its population of more than 110,000 people as well as the large military base nearby. Nigerian military spokesmen admitted that the garrison in Monguno, consisting of some 1,400 soldiers from the 243<sup>rd</sup> Army Battalion and other units, was overwhelmed. The seizure of Monguno, which sits at the intersection of three major roads, removes one of the key buffers protecting Maiduguri and the two million people who reside or have taken refuge there from complete encirclement by Boko Haram forces.

Furthermore, Boko Haram has been using the territory it holds or clears out as a base to launch a campaign of terrorist attacks reaching other Nigerian states as well as into neighboring countries, some of which, like Niger, are already under pressure from militants linked to al-Qaeda’s North African affiliate as well as the spillover of the continuing disintegration of Libya. Niger’s President Mahamadou Issoufou has even been quoted as saying that “the Islamic State is at our door.”

In its ongoing offensive, Boko Haram is not only using the terrorist tactics it has honed over the last five years—even ratcheting them up with new twists like the recent use of girls as young as 10 years old to carry bombs into crowded settings—but also showing signs of growing conventional military capabilities, as indicated not only by its battlefield successes against the Nigerian armed forces it has been squaring off against, but also its willingness to attack military forces in neighboring countries, such as the recent attack on the Rapid Reaction Battalion (BIR) base at Kolafata in northwestern Cameroon.

Attacks like this make it clear that the stage where Boko Haram was quasi-exclusively a Nigerian concern has long passed. Like other extremist groups and criminal networks across North and West Africa, Boko Haram has been able to leverage porous borders and grey economies while targeting—in both the literal and figurative senses—vulnerable, impoverished populations, many of which have historically been neglected by their respective national governments. In the case of Boko Haram, the group has also managed to exploit the shared Kanuri ethnicity to camouflage cells in Niger, Chad, and Cameroon.

And while the budding security cooperation between Nigeria’s neighbors such as that displayed

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at the ministerial-level regional security meeting hosted last week by the government of Niger as well as international calls—most recently in a presidential statement of the United Nations Security Council—for a multinational joint task force to combat Boko Haram are welcome developments, it is necessary to inject a note of caution, both with respect to what can realistically be expected in the short-to-medium term and with respect to the conduct of some of those neighbors. While Cameroon fought back against Boko Haram incursions this month, it was just three months ago when the same country acquiesced to what was reported to be a payment of at least \$400,000, the transfer of a large quantity of arms and ammunition, and the release of four militant commanders in order to secure the release of Françoise Agnès Moukouri, wife of Vice Prime Minister Amadou Ali, ten Chinese workers, and several others held captive by the Islamist group.

Even more worrisome, as a number of terrorism analysts have pointed out, Boko Haram’s videos in recent months have shown a troubling convergence between the Nigerian militants and their counterparts in the so-called “Islamic State” in Iraq and Syria, not only in terms of symbolism and ideology, but also insurgency doctrine. Boko Haram leader Abubakar Shekau first expressed “support” for the Islamic State’s caliph, Abu Bakr al-Baghdadi, this past summer, but the pace of at least virtual exchange between the two groups represented by the leaders has quickened. Boko Haram has added the jihadist black banner to its logo and the Islamic State’s anthem to the musical repertoire on its videos. In one recent video, Shekau even declared that he is establishing his own “Islamic emirate” and greeted his “brothers” in Afghanistan, Pakistan, Somalia, and Yemen, as well as “the Caliphate in Iraq and Syria.”

While the reasons for the failure to contain, much less roll back, Boko Haram’s advance were addressed in my prior testimony and, indeed, are legion—with plenty of blame to go all around—I would be remiss if I did not call attention to the fact that the address last week at Chatham House by Sambo Dasuki, National Security Advisor to Nigerian President Goodluck Ebele Jonathan, if it is indeed representative of the current consensus in Abuja and consequent future conduct by the federal authorities, represents a significant and promising shift in strategic thinking. Speaking with remarkable candor, the National Security Advisor, a retired military officer who is the son of a former Sultan of Sokoto and nephew of the current head of the Sokoto Caliphate, acknowledged deficits in the equipment, training, and doctrine of the Nigerian forces (he even called some “cowards”); the need to combat violent extremism through both counter-radicalization programs and strategic communications efforts; and the imperative to focus on “root causes” through “economic revitalization, infrastructure development, job creation, a program to protect schools and the care of internally displaced persons as well as victims of terrorism.” Likewise refreshing was the affirmation that “For Nigeria to address the underlying conditions conducive to the spread of violent extremism leading to insurgency, the cancerous menace of corruption must be fought with all elements of its national power.”

**The Humanitarian Crisis**

Not only has Boko Haram wreaked havoc on Nigeria’s northeast quadrant and parts of Niger,



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Chad, and Cameroon, but the group’s attacks have also precipitated a veritable humanitarian crisis spanning the region. Between victims of raids by the militants and those killed by its campaign of terrorist bombings, more than 10,000 people lost their lives in 2014 to violence connected to Boko Haram, according to the widely-respected Nigeria Security Tracker maintained by the Council on Foreign Relations. The International Organization for Migration estimates that nearly 1 million people have been displaced by the conflict; other organizations, including the European Union’s Commissioner for Humanitarian Aid and Crisis Management, put the figure substantially higher, at more than 1.6 million, while Nigeria’s Coordinating Minister for the Economy estimates it to be an even higher 3 million. According to the International Rescue Committee, last year more than 160,000 Nigerians fled to Niger, a country which strains to feed itself in a good year. Boko Haram’s continuing offensive operations further exacerbate the situation: the conquest of Baga earlier this month, for example, sent roughly 13,000 refugees fleeing into western Chad alone, according to the United Nations High Commissioner for Refugees.

Of course northeastern Nigeria was already lagging in numerous socio-economic indicators long before Boko Haram began its rampage and the effects of climate change and desertification, manifested in episodic droughts and perennial food shortages, meant that food insecurity has been a longstanding concern in the region. However, now the combined effects of the insurgents’ seizure of livestock and food supplies as well as the closure of markets and the abandonment of farms—some for several years in a row—have resulted this month in a warning from the Famine Early Warning Systems Network of the United States Agency for International Development that without massive assistance some 3 million people will not be able to meet their basic food needs by the middle of this year. The situation is already dire in areas controlled by the insurgents where, notwithstanding their pretense of establishing an Islamic state, they have largely failed to establish institutions and provide services even as their plunder leaves the populace starving, as Red Cross officials who entered towns like Mubi after their recapture recently attested.

Among those hardest hit have been children, even those who have been fortunate enough to at least escape the clutches of Boko Haram. Not only are many of those who have become refugees or internally displaced suffering malnourishment, but their schooling has been interrupted—and with some 300 educational facilities destroyed last year in the three most affected states, including eighty schools in Borno State alone, providing alternative placements for students presents a major challenge.

In the context of discussing the humanitarian crisis caused by the Boko Haram insurgency, it is incumbent upon me to draw attention to one frequently overlooked fact. While northern Nigeria has historically been predominantly Muslim, the north is not without its sizable Christian population just as parts of the south, especially the southwest of the country, have significant Muslim communities. Consequently, while both Muslims and Christians have been victims of Boko Haram’s brutal assaults—and the militants have indeed shown precious little respect for the traditional Muslim leaders of Nigeria, Boko Haram’s Abubakar Shekau going so

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far as to denounce the Emir of Kano as a “false Muslim” and threaten his life in a video released last month—the latter community has suffered a disproportionately high toll. According to the Roman Catholic Diocese of Maiduguri, in just two months, August and September 2014, 185 churches were destroyed by Boko Haram in Borno and Adamawa States. When added to the 300 churches destroyed in 2013 and those destroyed in previous years, it adds up to an unholy tally of more than 1,000 Christian houses of worship razed by Boko Haram since the last time Nigerian went to the polls.

To its credit, the Nigerian federal government has begun to address some of the developmental challenges posed by both the longstanding social and economic marginalization of the northeast and the ravages of the last few years of insurgency. Last year the federal government launched the Presidential Initiative on the Northeast (PINE), a special program to provide not only emergency assistance, but also targeted resources to jumpstart the economy in the affected zone, beginning with the three states currently under a state of emergency, Borno, Yobe, and Adamawa. According to the Federal Ministry of Finance, in the short term, the program will focus on delivery of relief supplies, fixing roads and schools, and assistance to the needy. Over time, PINE will seek to revitalize the regional economy by encouraging agriculture—the largest employer—as well as mining. Despite the pressures on the national budget due to declining oil prices, the federal allocations to the three states in the extreme northeast have remained fairly high: in 2014, they received total transfers of just under \$700 million to provide services for their combined population of approximately 10 million.

On a more modest, but nonetheless important, scale a Safe Schools Initiative was launched last year under Nigeria’s Minister of Finance and Coordinating Minister for the Economy, Dr. Ngozi Okonjo-Iweala, to work with the United Nations Special Envoy for Global Education, former British Prime Minister Gordon Brown, as well as with the Nigerian business community led by Aliko Dangote, Chairman of the Dangote Group, and Nduka Obiagbena, Chairman of the Nigerian Newspaper Publishers Association. The Safe Schools Initiative combines money from the private sector with government funds as well as contributions from the World Bank, the African Development Bank, foreign governments (including the United States, the United Kingdom, Germany, and Norway), and other partners, to upgrade security at educational institutions. Moreover, the weekend before last, an initial group of 2,400 students from the three most affected states were, with their parents’ consent, transferred to more than forty boarding schools in safer areas.

**Economic Pressures and Opportunities**

As Africa’s most populous country, its largest economy, and its top petroleum producer, Nigeria has grown about 7 percent a year for the past decade. With the expansion of the telecommunications, media, and retail sectors and a new interest in agriculture, the ubiquitous oil industry nowadays accounts for just 14 percent of the economy. The West African country’s buoyant prospects have attracted significant investments from a growing number of multinationals as well as private-equity firms. However, with hydrocarbons still making up almost all Nigerian exports and up to 80 percent of the government’s revenues, the dramatic

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fall in global oil prices—the benchmark Brent crude closed on Friday at \$48.79 a barrel, down from close to \$108.00 just one year ago—cannot but have a major impact on the Nigerian economy. The Nigerian naira is trading at record lows against the US dollar, the stock market is down by almost one-third, and expectations for economic growth in 2015 have been revised downward, as has the federal budget which has been recalibrated twice in recent months—and, although she defends the current calculations based on oil prices stabilizing this year at \$65.00, Nigeria’s finance minister assured me in a telephone conversation last week that the government was prepared to cope with scenarios in which the price collapsed to even \$45.00 a barrel. Moreover, she emphasized that, even with the slashed fiscal outlook, the currently projected budget deficit of less than 1 percent of GDP is low by global standards.

In addition to the pressures being exerted on the Nigerian economy by global commodity prices, there is also the negative impact of the ongoing insurgency on the economy of the northern part of the country in general and the northeastern zone in particular. Border towns in the northeast which formerly thrived on trade with neighboring countries, where they have not been overrun altogether by militants, have seen commerce decline precipitously. Numerous small and medium businesses, many run by expatriates, especially those whose origins go back to Lebanon or India, or enterprising Nigerians from the south, have shuttered and their owners and operators have fled the region for safer areas.

And while diminished revenues clearly impact the resources available to Nigeria to fight the insurgency and fund the sort of holistic approach to development that can truly drain the fever swamps that feed extremism, the current crisis is also an opportunity to accelerate a much-needed shift in and diversification of Nigeria’s overall economy. In this process, the expansion of power generation in the country, an effort to which the United States’ “Power Africa” Initiative has made a modest contribution, and the infrastructure build-up of recent years—*inter alia*, some 25,000 kilometers of road have been rehabilitated or newly built in recent years across Nigeria—have laid a good foundation for future growth.

The financial squeeze of collapsing oil and gas prices also incentivizes whatever administration takes office after the upcoming elections to redouble efforts to fight corruption. The incumbent government has focused its efforts in this regard on reforming and, where necessary, building systems and institutions. Three electronic platforms introduced in recent years—the Treasury Single Account (TSA), the Government Integrated Financial Management System (GIFMIS), and the Integrated Payroll and Personnel Information System (IPPIS)—have made headway in improving the transparency and efficiency of Nigeria’s infamously murky public finances and their sluggish administration. The IPPIS system alone has been credited with weeding out more than 60,000 ghost workers who cost the country almost \$1 billion a year.

**The Upcoming Elections**

All of this sets the context for the upcoming general elections, which Secretary of State John Kerry rightly described on Sunday as “one of the most important elections” that Nigeria has ever held. If the 2011 election represented a significant turning point from previous polls—who

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can forget then-U.S. Ambassador John Campbell’s characterization of the 2007 vote as “the election-like event”—the vote next month will indeed determine the very trajectory of the country for years to come, even beyond the mandate of the man elected president.

There are a number of challenges to the vote, however. In deference to my good friend, Dr. Chris Fomunyoh, who just returned from a joint International Republican Institute-National Democratic Institute Pre-Election Assessment Mission to Nigeria and will address many of the technical and structural issues with its organization, I will limit myself to signaling several points of concern.

First, the specter of Boko Haram has clearly impacted the election and will continue do so. With numerous local government areas either under the insurgents’ control or otherwise rendered unsafe, even the Independent National Electoral Commission (INEC) has acknowledged that it will be impossible to organize voting across the entire territory of the Federal Republic of Nigeria. Whether satisfactory arrangements can be made for displaced persons remains to be seen. In addition, millions of voters outside the states most impacted by Boko Haram may still be deterred from voting by fear of suicide bombing or other attacks mounted by the terrorists. Thus the political question that will only be answered after the election is how does the winner claim to have the mandate of the people when so many of them could potentially be unable to express themselves and will that claim be accepted?

Second, even aside from Boko Haram in the northeast, divisive and inflammatory messages which some political figures and their supporters have been delivering through traditional and social media in several other parts of Nigeria—including Plateau State in Nigeria’s sensitive “Middle Belt” and Rivers State in the Niger Delta, where the amnesty program for local militants expires this year—is worrisome, raising as it does the risk for the sort of localized violence that marred the first elections after the restoration of democracy in Nigeria.

Third, Election Day itself presents extraordinary security challenges commensurate with the temptations it undoubtedly presents to the terrorists who ideologically reject democratic politics and who strategically have every reason to tarnish the poll lest it result in a government that stands in the way of their goal of establishing their ghoulish caricature of God’s kingdom on earth. With about 120,000 polling stations across Nigeria, even if one sent the entirety of the Nigerian army to guard just the vote in the north, given that Nigeria has one of the lowest ratios of military personnel to population in the world, that deployment would barely result in one soldier at each location—not much deterrence to a determined enemy. And this theoretical scenario does not even address the different security concerns in the Middle Belt and other areas.

Fourth, in the lead up to next month’s vote, numerous fault lines have emerged in greater relief, dividing Nigerian society along various ethnic, regional, and religious lines. Ironically, these are the sort of fissures that first-past-the-post democratic politics exacerbates, rather than mitigates. In addition, the security crisis in the northeast adds a wild card to the election insofar as Nigeria’s constitution requires that the successful presidential candidate win not only

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50 percent plus one vote of the total votes cast, but that he or she also win 25 percent of the vote in two-thirds of the states of the federation; otherwise, the election goes into a run off. Population displacements not only increase the possibility that the winning candidate might not meet the minimum proportions in a sufficient number of states, but the ethnic, regional, and religious polarization render any possible run-off election a potentially combustible undertaking.

Fifth, the intensely competitive presidential race and exceptional circumstances under which it is being run have given rise to concern that the loser and/or his supporters may refuse to accept the outcome, even if the election itself is credible. Although the “Abuja Accord” signed by almost all the presidential candidates, including President Goodluck Jonathan and retired General Muhammadu Buhari, commits them to not only running issues-based, non-violent campaigns—and denouncing violence should it emerge before, during, or after the polls—as well as contesting any disputes only through legal channels, with so much at stake, who knows what may happen. It is worth recalling that the last election, which was generally deemed to have met international standards, was nonetheless followed by mob violence that resulted in over 800 deaths and the destruction of hundreds of millions of dollars’ worth of property—all because partisans of the losing candidate were whipped into a veritable frenzy by some of his more irresponsible allies.

On the other hand, one can be cautiously hopeful about a number of measures taken by Nigerians, both as a government and as a civil society. INEC’s cleanup of the voter rolls and its introduction of a biometric voter registry and machine readable permanent voter cards (PVCs) have enhanced confidence that fraud has been curbed, even if the distribution of the PVCs still suffers from a number of hiccups. The creation by the Nigerian government of an Inter-Agency Consultative Committee on Election Security (ICCES), co-chaired by the head of INEC, Professor Attahiru Muhammadu Jega, and the National Security Advisor, as well as ICCES committees at the level of states and local government areas is a positive step which should provide more seamless coordination in the event of disruptions. Nongovernmental organizations have undertaken extensive voter education programs, many driven by social media. Religious leaders have also played their part with the Sultan of Sokoto, Alhaji Muhammad Sa’ad Abubakar III, the Roman Catholic Archbishop of Abuja, Cardinal John Olorunfemi Onaiyekan, and the Primate of the Church of Nigeria (Anglican Communion), Archbishop Nicholas Okoh, all recently making strong pronouncements against hate messages and the misuse of religion. It is hard to disagree with Archbishop Okoh’s assertion that “religion should build, not destroy.”

**The Role of the United States**

It goes without saying that the bilateral relationship between the United States of America and the Federal Republic of Nigeria has been through something of a rough patch recently—and at a time that could not be less opportune for any chasm to open up between our two countries. Between the increasingly virulent and brutal Boko Haram insurgency, the setbacks the Nigerian armed forces have suffered in the fight, the uncertainty surrounding the upcoming general elections, and the challenges which the fall in oil prices has posed to the nation’s balance sheet,

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Nigerians have had a lot to confront. And on the American side, having acknowledged as the Obama administration put it in its document on *U.S. Strategy Toward Sub-Saharan Africa* that “as we look toward the future, it is clear that Africa is more important than ever to the security and prosperity of the international community, and to the United States in particular,” we find ourselves with few partners on the continent as strategically important as Nigeria, Africa’s most populous country and largest economy. Nevertheless, while the United States indeed has a role that it can and should play in this pivotal moment in Nigeria’s history, we need to be realistic about what that role is, cognizant of some very real limitations—constraints due to the actual resources at our disposal, the still considerable resources available to Nigeria, and, somewhat ironically, the virtual cessation in U.S. imports of Nigerian petroleum since early last year, a dramatic shift from the country being the fourth-largest foreign source of imported oil just a few years ago.

That said, Secretary of State Kerry’s visit to Nigeria over the weekend and his meetings with the two leading contenders for the presidency and other officials helped to underscore the importance that we recognize in this election and our commitment to a strong working relationship with Nigeria going forward, a partnership that is, of course, predicated upon a free, credible, and, hopefully, peaceful election. While time is short, the Secretary’s words need to be translated into action through support of the electoral process, including assessments and monitoring before, during, and after the voting; sustained messaging about the consequences of violence on both its perpetrators and the credibility of the polls; and support for Nigerian civil society initiatives consonant with these objectives.

While much of what we might be able to and would certainly like to do in cooperation with Nigeria to combat the scourge of Boko Haram will have to wait until the dust settles after the elections, there are things which can be done now, including exploring ways to support through information, training, and equipment the efforts of Nigeria’s neighbors to contain the militants, if not quite yet reverse their gains; exploiting the legal authorities under the “Foreign Terrorist Organization” (FTO) designation of Boko Haram to investigate and go after the militants supporters, both within Nigeria and outside; and ensuring adequate resources are available to meet the burdens which neighboring states have to shoulder due to refugee flows caused by the insurgency.

Even in terms of bilateral security cooperation with Nigeria, while much has been said and written about the limits placed on what can be done—and for good reason—due to human rights concerns because of the Leahy laws, I would venture to suggest that there are multiple ways which the United States, without violating our laws or our principles, could nonetheless be doing more to assist in the fight against Boko Haram. What has been lacking, quite frankly, is political will and a little bit of creativity. For example, the problems of the Nigerian military go beyond reports of human rights abuses to the general professionalism of the rank-and-file and the specific competence (or lack thereof) of the officer corps in terms of strategic and tactical thinking. Military success, especially in counterinsurgencies, requires a combination of skill at the level of tactics and a sound overall approach at that of strategy. These are the sort of things

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resolved through doctrinal development, curriculum reform, and good instruction in ongoing military education. And nothing in the Leahy laws or other legislation present insurmountable obstacles to military-to-military programs, for example those involving our war colleges and other institutions and their Nigerian homologues, that might help arrest the decline of the once effective Nigerian military and address the institutional weaknesses which have bedeviled it in recent years.

**Conclusion**

It is hard to exaggerate the importance of Nigeria’s upcoming general elections. Not only is the immediate political future of Africa’s most populous country and its largest economy to be determined, but, in light of the rapid expansion of the threat posed by Boko Haram and the inability, for whatever reason, of Nigerian forces so far to contain, much less defeat, the militants, the entire West African region and beyond has a lot riding on the outcome. Ultimately, while effective military force is necessary and lacking to date, it will require a combination of political, economic, and social programs—that is, improved governance, economic opportunity, and social welfare—to win what needs to be a full-fledged counterinsurgency campaign. Only a government with a national political mandate can undertake such a mission, especially given the constraints imposed by falling oil prices and other pressures, as well as the tough decisions which lie ahead.

The international community can only hope that such is the result that emerges from the elections next month. And, for the sake of Nigeria, its neighbors, and their own self-interest in a secure and prosperous Africa, Nigeria’s friends need to do everything in their power to stand by the people of Nigeria as the latter queue up to cast ballots for the future they would choose for themselves and their children.

Mr. SMITH. Mr. Badejo.

**STATEMENT OF MR. JADEGOKE ADEBONAJO BADEJO,  
PRINCIPAL PARTNER, BONAJO BADEJO & CO.**

Mr. BADEJO. Chairman Smith, and ranking member of the subcommittee, I thank you for this privilege to testify before you on this important issue which threatens the continued existence of my country, Nigeria.

I acknowledge with gratitude the tireless efforts of the chairman and members on Africa and Nigeria in particular. I know that your efforts will further cement the bond of friendship between the United States of America and Africa and also assist my country, Nigeria, tremendously in overcoming the present challenges.

I describe myself as an official bystander. I have never held any political office in Nigeria. I am not a card-carrying member of any political party, so I have come here today to tell you what I have seen on the ground in Nigeria where I just arrived from yesterday, as one who is clearly interested in the affairs of my country.

I also must state that I belong to the Lift Up Now organization, and I am associated with the Faith Based Community Organization in New Jersey, and I know that they share the same views with me.

Travails of democracy in Nigeria. We must remember that Nigeria consists of 250 ethnic groups. They have different cultures, and they also have differences in religion and world view. What the British did was to by fiat, forge these ethnic groups into one single country. The British organized elections before Nigeria became independent. These elections were more or less credible because of the presence of British Government who tried as much as possible to make politicians play by the rules.

But since independence, immediately after independence, what we had in Nigeria unfortunately were parties whose support base were mainly rooted in their ethnic areas. So we had three parties, major parties, and other smaller parties who are constantly at war with themselves and trying all sorts of methods to control the resources of the Federal Government at the center, and that was the beginning of insecurity in Nigeria.

And this insecurity which led to riots in the southwestern part of Nigeria, which is now called the southwest region, led eventually to the collapse of the First Republic. There was military interregnum, and the Second Republic also faced similar challenges in the sense that these parties remained in their anklets, perpetually struggling for power in the center. And this complexity explained or is at the root of what we have as the Nigerian problem today, and it must be understood before we can provide solutions to these challenges.

In the Second Republic we must remember also that, that republic collapsed 3 months after the election, the second election in that republic because of rigging, thuggery, inability to conduct a credible election, and the other security lapses that came with that election, so the military took over again. And then we add another spell of military interregnum.

And then we tried a Third Republic, and that Third Republic also collapsed before it was actually born. Why? Because the difficulty



in accepting the results of the election of June 12, 1993, where the ruling oligarchy refused the result of that election, and that was the end of the short-lived Third Republic.

Now after the military interregnum again, we went into the Fourth Republic, and we can observe that in the Fourth Republic Nigeria has survived three elections, one in 2003, 2007, and 2011, and this is the fourth election in the process. And this is the longest time that we have had an unbroken democratic record in Nigeria.

And what are the factors that are responsible for seeing us through up until today? The factors are one, the ruling political elites have realized that they needed to come out with parties that have a little bit of national spirit, and they have realized also that the Nigerian Nation cannot afford to have another military intervention. And so at the time of every election since 1999, we have had rising tensions, just as we are having now, and these tensions have dissolved immediately after the election with the ruling political elite taking some steps to douse the tension.

Now, what happened in 1999, 2003, and 2007 is that we had situations where the geopolitical zone of the country that lost the Federal election at the center will be dissatisfied, and there will be pockets of post-election violence which Nigerian Governments have met by either inviting the opposition to join in the cabinet or inviting selected individuals within the opposition to come into the cabinet to participate in government. This process doused tension considerably. But the build-up to the present election has witnessed something we have never seen before in Nigeria and it is really, really alarming.

Now, I will need to trace the history of what led us to this present position so that we can understand. The government that was put in place in 1999 was aided by President Olesegun Obasanjo who is from the southwest. He had a Vice President from the northeastern part. He ran the government for 8 years, and he handed over to President Yar'Adua, who is from the northwest, and the Vice President at that time is the current President who is from the south-south geopolitical zone. And you will discover that it means that without changing government, the office of the Nigerian political elite succeeded in rotating power from two regions to another two regions, so you have the semblance of stability in the polity.

Unfortunately President Yar'Adua died, and we had a President from the south, and then that was the beginning of the escalation of the serious security challenges that we faced. Now, the contest for power is a contest for power between the northwest and the south-south, so we have the two contestants for power in Nigeria now. One from the northwest and another from the south-south. And there are a lot of people in Nigeria today who are supporting these candidates based on the region they come from, so you will find a lot of their supporters, supporting them because they feel that they come from the region where they come from.

Mr. SMITH. Mr. Badejo, we have 15 minutes to be physically on the floor for a series of votes.

If we could go to Mr. Ogebe and then to our next distinguished witness, and then if there is another minute or so, you could sum up.

Mr. BADEJO. I just want to sum up, I will sum up now. If I am permitted to sum up.

Mr. SMITH. If you gentlemen can equally divide it for about 7 minutes each. And then we will come back to you for a 1-minute sum up.

[The prepared statement of Mr. Badejo follows:]

Statement of Mr. Jadegoke Adebajo Badejo  
 Principal Partner Bonajo Badejo & Co. cc: LiftUpNow Foundation & Nigerian  
 Faith Based Community Organisation, New Jersey Inc.  
 Before the Subcommittee on Africa, Global Health, Global Human Rights and  
 International Organisation Committee on Foreign Affairs  
 United States House of Representatives

**TRAVAILS OF DEMOCRACY IN NIGERIA: THE SEARCH FOR A  
 CREDIBLE ELECTORAL PROCESS AND THE GATHERING CLOUDS  
 IN THE BUILD UP TOWARDS THE 2015 ELECTIONS**

**JANUARY 27, 2015**

**PROTOCOLS**

*Chairman Smith and members of the Sub-Committee, I thank you for this privilege to testify before you on an important issue which threatens the continued existence of Nigeria in the comity of Nations.*

*I acknowledge with gratitude, the tireless efforts of the Chairman and members on Africa and Nigeria in particular. I know that your efforts will further cement the bond of friendship between the United States of America and Africa and assist my country, Nigeria tremendously in the resolve to strengthen democratic institutions and confront the various challenges facing the young nation.*

*I have practiced Law in Nigeria since 1980. I have never held any Government position. I am not a member of any Political Party. Nevertheless, I have followed all the Political processes with keen and active interest. I regard myself as one of the citizens often referred to as "officious bystanders".*

*I belong to LIFT UP NOW FOUNDATION chaired by Professor Adeniyi Ojutiku who is based in North Carolina. I am also associated with the Nigerian Faith Based Community Organisation, New Jersey under the Chairmanship of Pastor Samuel Ayeni. I have the authority also to represent these two organizations whose objectives and viewpoints I share and have reflected in this Statement.*

**TRAVAILS OF DEMOCRACY IN NIGERIA**

1. Nigeria consists of over 250 ethnic groups moulded together by fiat of the Colonial Power, Great Britain. Apart from the marked differences in culture and focus by these diverse ethnic groups, there are also differences in religion and world view.

2. The British Colonial power supervised some elections before independence in 1960. These elections seem credible to the extent that the British supervised them and acted somewhat as umpire. Nevertheless, the Political landscape which emerged was disconcerting. The three regions; that existed then; North, West and East were controlled by Political parties having their main support rooted in the Geo-Political Zones they controlled.
3. Nigeria went into independence in 1960 and began its democratic experience and travails on the tripod of ethnic Political parties. These Political Parties pursued the agenda of their ethnic groups/regions, perpetually competing with each other, seeking surrogates and alliances in other ethnic groups in order to control the Federal Government and its immense resources at the centre.
4. The Political Parties utilised all sorts of methods, including but not limited to, the normal campaign and other abnormal methods like deceit, blackmail, subjugation of opponents, electoral frauds, abuse of Judicial process, rigging, thuggery and brigandage to subdue each other and remain in Government in their respective domains and control the Federal Government.
5. This unhealthy situation led to serious security challenges particularly in the Western Region and led to the collapse of the First Republic with the Military intervention of 15<sup>th</sup> January, 1966.
6. The Military interregnum lasted till 1<sup>st</sup> October, 1979 when the Second Republic was inaugurated. By this time, the Military Government had broken the three regions into 19 States which were unequal in terms of geographical size, population and economic strength.
7. The electoral process did not improve significantly. The chairman and members of the Federal Electoral Commission were appointed by the President. The major Political Parties of that era were also mainly regionally based with haphazard attempts to have sprinkles of supporters in other regions. There were a few small Political Parties based on strong ideological leanings but they were completely ineffective because of the deeply entrenched regional Parties.
8. The race for predominance by the regions continued albeit in less pronounced but subtle ways. The natural suspicion within the regions, the lack of transparency, fraud, vote rigging, ballot box snatching and

other electoral malpractices continued unabated. The wide spread malpractices during the 1983 General Elections and the post-election violence in the South West provided the main excuse for another military intervention in the polity on 31<sup>st</sup> December, 1983.

9. The Military interventions eventually lasted until 1999. However, there was in 1992/1993 an attempt to inaugurate the 3<sup>rd</sup> Republic which commenced with elections into the various legislative and political offices at the Local Government and States levels but which was aborted with the annulment of the June 12, 1993 Presidential Election.
10. The June 12, 1993 election which many observers have adjudged the most credible election in the annals of Nigerian History was aborted by the Military for reasons which still remain shrouded in mystery but which observers believe also have deep roots in the Geo-Political configuration of the country. The abortion of the June 12, 1993 election and the return of the Military Government in actual sense mirror the unpreparedness of the power brokers in the country for a free, fair and credible election.
11. The June 12, 1993 experience has been described as a watershed in the sense that the electoral process was guided by strong legislation, fashioned in a way to create only two Political Parties in the Political space, de-emphasizing regional parties and reducing automatically and by Military fiat, the cankerworm of unrestrained pursuit of regional and primordial agenda.

**FACTORS WHICH MILITATED AGAINST FREE, FAIR AND CREDIBLE ELECTIONS BETWEEN 1960 AND 1993**

12. It is important to note that the period, 1960 to 1993 was largely dominated by Governments perceived to have been controlled by what is commonly, but mythically, called the Hausa/Fulani Oligarchy. The three democratic experiences collapsed because of sustained resistance by other Geo-Political Zones to domination by the Hausa/Fulani Oligarchy. The agitations of that era made a free and fair elections unrealizable in the Polity.
13. The major factors which militated against free, fair and credible elections between 1960 and 1993 can be summarized as follows:-
  - The complexities of the Nigerian society itself emanating from the existence of diverse ethnic groups and the sustained internal rivalry between the geo-political zones.

- The inability to have Political parties with National spread and Appeal.
- Lack of internal democracies within the Parties and absence of clear ideological leaning and direction.
- Ethnic and regional sentiments
- Rampant State supported impunity by the Political class and the conversion of public asset to personal use.
- Fraud, vote rigging and other election malpractices
- Lack of effective and sustained political education
- Lack of a credible Electoral law and regulation: Inability to work out a credible process of voting and releasing results of elections which will be transparent and acceptable to majority of the people.
- Appointment and inauguration of a credible and impartial election regulatory bodies
- Failure of intelligence and effective monitoring and policing of the electoral process by various arms of the security forces
- Systemic inefficiency
- Poverty which creates National Security problem and pre-disposes a large segment of the society to cynicism, criminal activities and lack of commitment to the well-being of the country.
- Endemic corruption in the system
- Lack of the necessary Political will by the Government at all levels.

**PAST EFFORTS TO SOLVE THE PROBLEM**

14. Notwithstanding all efforts by Government and progressive forces within and outside Nigeria, all these factors have combined to produce pre and post election violence and plunge Nigeria into a cycle of palpable insecurity which eventually crippled the 1<sup>st</sup> and 2<sup>nd</sup> Republics and aborted a promising 3<sup>rd</sup> Republic.
15. What is easily discernable in the 1<sup>st</sup>, 2<sup>nd</sup> and the aborted 3<sup>rd</sup> Republic is an attempt by the Political class to solve the problems of Political instability emanating from a flawed electoral process by seeking post election alliances with one or two of the Political Parties that lost the Federal elections and also outrightly lure some of the Politicians in opposition Parties into the fold of the Political Party in control of the Federal Government. This occurred mostly in the form of patronages through lucrative Ministerial and other Government positions. All these attempts, sometime inappropriately called Governments of “National Unity”, failed woefully to address the problems.
16. The Military Government at various intervals also attempted the formation of an all-inclusive National Government to accommodate representatives of the Regions and provide space for various Political

tendencies to participate in Government. The efforts also failed to have any appreciable impact on the Electoral Process.

**THE 4<sup>TH</sup> REPUBLIC MIDWIVED BY THE MILITARY ON 29<sup>TH</sup> MAY, 1999**

17. The Military Government midwived the 4<sup>th</sup> Republic and made bold attempts to seek solutions to the various challenges by fashioning a Constitution and Electoral Law which sought to address some of the inadequacies and lapses in the Electoral process.
18. National Elections have been held in 2003, 2007, 2011. The Elections have succeeded to a limited extent in the sense that the democratic structures survived. The serious challenges in the electoral process however remain unabated and have been reproducing themselves in several fronts and formats.
19. The 1999 Constitution have been amended once to address some salient issues while the Electoral Law has been amended four times in 2003, 2007, 2010 and 2011 to address problems that have arisen in the framework and regulations for the elections.
20. At the Federal level, the same Political Party have won all the Presidential Elections and controlled the Senate and House of Representatives since 1999. At the State and Local Government levels in all the regions of the Federation particularly in the South West, there have been successful changes of Political Parties controlling some Governments through the electoral process. These changes have been more pronounced in the North West and South West region. In the South West region, only Lagos State has remained under the control of one Political Party since 1999. Other States have experienced changes in Political Parties controlling the Government. In the North West, only Katsina and Kaduna States have remained under the control of the same Political Party since 1999.
21. At the conclusion of each election, there has always been resort to Election Petition Tribunals at all levels. The Tribunals and the Appellate Courts have performed fairly well despite all odds and many elections particularly at the Gubernatorial levels have been challenged and set aside with the rightful winners successfully reclaiming their mandates through the Court process.
22. There has been a marked departure from the practice prevalent in the 1<sup>st</sup>, 2<sup>nd</sup> and 3<sup>rd</sup> Republics of attempting to form a Government of National Unity by co-opting members of one or more Political Parties

into Government to address the problems emanating from a flawed electoral process.

23. What has marked the 4<sup>th</sup> Republic out is the prevalent cross-carpeting by Politicians from one Party to the other either to be able to utilize their new Platforms to contest elective positions or decamp to the Party that won the election in order to partake in “the spoils of office”. Many of the cross-carpeting pre-elections are caused by the absence of internal democracies within the Parties. Politicians who feel cheated in Primary elections find it convenient to shift allegiances to other Parties.
24. It is to the credit of the Political class, the Judicial Process and the Nigerian people that the 4<sup>th</sup> Republic has lasted for almost 16 years, much longer than the previous experiences.
25. The 4<sup>th</sup> Republic has lasted this far because the Government and the Political class having realized the bane of regionally-based Political Parties, actively and consciously encourage the formation of Parties with National Political spread and outlook and put in place expansive regulations for the registration and de-registration of Political Parties. There is also a marked attempt by all the Political Parties to ensure that Party Officers and Political Posts are filled in such a way as to ensure representation by all Geo-Political Zones.
26. It thus appear that the Political Parties consciously ceded the Presidency to the Yorubas of the South West in the first eight years of the 4<sup>th</sup> Republic to apparently placate the Geo-Political Zone for the losses suffered in the struggle for the restoration of Democratic Governance in the fall out of the annulment of the June 12, 1993 Elections. It is common knowledge that the Political class appear to have consciously agreed that henceforth, the Presidency will be rotated within the North and the South in order to address the fear of domination and solve the disequilibrium in the control of National resources and oil revenue.
27. These measures in retrospect, merely covered up the real challenges facing the Nigerian Polity as they have not been addressed fundamentally and holistically. The cosmetic cover up have not solved the serious challenges of organizing a free, fair and credible election.
28. Thus at every point of election, 2003, 2007 and 2011, there were unprecedented build-up of pre-election tension and gathering clouds



which the Political class have so far managed to contain at the conclusion of each election.

**THE BUILD-UP TO THE 2015 GENERAL ELECTIONS AND THE GATHERING CLOUDS**

29. The Build-up to the 2015 General Elections started gathering momentum in 2007 at the conclusion of the tenure of President Olusegun Obasanjo.
30. Alhaji Umaru Musa Yar'Adua won the 2007 election with the incumbent President, Dr. Goodluck Jonathan as the Vice President. President Obasanjo, a Yoruba from the South West had a Vice President from the North East. He handed over Power to a President from the North West and a Vice President, from the South South. This signifies the power shift scenario carefully implemented to stem the usual tension arising every time there is change of Government through the electoral process.
31. Despite the fact that President Yar'Adua acknowledged that the 2007 elections was be-deviled by several malpractices, there was curiously no post election violence. The election disputes were largely resolved by the Election Tribunals set up under the Electoral Law and the Appellate Courts.
32. The unfortunate demise of President Yar'Adua and the emergence of Dr. Goodluck Jonathan as President, caused a disruption in the gentleman arrangement put in place by the Political Class.
33. The fall out was not well managed and the Regional agitation re-surfaced with an alarming ferocity. The geographical North demanded for Power to return to them in 2011, the South South Geo-Political zone insisted that Dr. Goodluck Jonathan must contest election and be re-elected the President. Although the current Vice President is from the North West, the agitation by the Geographical North resumed and we find that post election violence erupted mostly in the North West Geo-Political zone after the 2011 elections won by the President, Dr. Goodluck Jonathan.
34. The pattern observed in the 1<sup>st</sup> and 2<sup>nd</sup> Republics where post election violence were more pronounced in Geo-Political Zones which failed to control the Federal Government and the Centre through the electoral process has returned to the Nigerian Polity in full gear.

35. It is a matter for deep regret that in the build-up to the 2015 General elections, all the factors which militated against free, fair and credible elections have re-surfaced and have become more pronounced than Nigeria has ever experienced.
36. There has been a resurgence of ethnic considerations with the two leading candidates generally perceived by many in their ethnic origins as their candidates. Religious consideration which hitherto have been subdued have now come into open as one of the factors to be considered by the electorate.
37. There are other issues and factors which combine to heighten the current tension in Nigeria as the 2015 elections draw near. Some of them are:-
  - The intractable Boko Haram insurgency which has remained unrelenting. Up to date, over 400,000 people have lost their lives. 250 school girls abducted in Chibok over a year ago are still in captivity. Boko Haram has brought several cities and villages under its control and have intensified its attacks in the North Eastern part of Nigeria and is threatening other parts.
  - The Boko Haram insurgency has led to the advent of so many internally displaced persons in and out of Nigeria. There are serious concerns as to whether these IDPs will be able to vote in the elections. It is understood that over two million voters in the North East are presently displaced and may not be able to vote.
  - Certain groups in the North West and South South are threatening mayhem if their preferred candidate for the Presidency loses the Election. This threat stem from deep suspicion on the credibility and gravitas of the electioneering process.
  - The present sustained emphasis on the number of eligible voters registered by the Independent National Electoral Commission (INEC) in each of the regions has heightened the tension. The South East has a total of 7,028,560 voters, North Central 7,675,369 voters, South South 8,937,057 voters, North East 10,038,119 voters, South West 14,298,356 voters and North West 18,900,543 voters.
  - This raised the volatile but highly sensitive issue of a credible census which has been rendered politically dormant for sometime. The suspicion that census figures have not reflected the true demography of the Geo-Political Zones and that figures might have been inflated have always rendered the returns on the list of voters highly suspicious.

- The looming fear of disenfranchisement of a large segment of the voting populace is real. INEC Chairman admitted a week and a half ago that 42 percent of registered voters are yet to collect the Permanent Voters Cards (PVCs) to be used for elections commencing on 14<sup>th</sup> February, 2015. This translate to over 28 Million voters who are likely to be disenfranchised unless the matter is addressed within the next few days.
  - If a large percentage of voters are disenfranchised, then whatever result is announced through the electoral process will be tainted. With the regional and religious tendencies currently at play, the situation becomes more complicated and may lead to violence if there is a perception that the failure to provide the PVCs is deliberate and calculated towards negative ends.
  - The Continuous Registration Exercise (CVR) put in place to register persons who have attained the voting age of 18 since the 2011 General elections has not produced the desired results because many of the voters in this category have not been able to register.
  - The order of election is also another thorny issue. Before the 4<sup>th</sup> Republic, elections into various offices in the State preceded the Presidential and Federal Elections. Politically, this order reduced tension because it will mean that results in the States would have been known before the Presidential elections. Parties who have won in States in their respective areas of control will have a stake in maintaining their victories and ensuring that no crisis ensue in the aftermath of the Federal Elections. For reasons yet to be fathomed, INEC has changed the order of Elections and has placed the Presidential and other Federal Elections first again in 2015. If there is wide spread violence, then it may become impossible to hold elections at the State Level.
38. The challenges facing Nigeria in the build-up to the 2015 General Elections is enormous. The fear of Political explosion is real. All concerned citizens have watched in alarm and disbelief as the Gathering Clouds thickens.
39. In the past, such Gathering Clouds have fizzled away with deft political maneuvering and appeasement of the contending forces. It seems that this time around, the forces of inefficiency, regional and Religious sentiments, systemic and structural defects in the political configuration and the endemic corruption have finally consumed the country beyond redemption.

- 40. At Page 12 of the Nigerian Punch Newspaper of Tuesday, January 20, 2015, no less a personality than the Sultan of Sokoto, Alhaji Sa’ad Abubakar, the Head of the Muslims told the Nigerian President who visited him on Monday, 20<sup>th</sup> January that he is yet to collect his PVC. He warned –

“Let us respect people’s wishes; let’s not try to disenfranchise anybody, we have had issues of the Permanent Voter Cards and I want to tell you that even myself, I don’t have a PVC, so it means I will not vote on February 14. ....

.....  
 So we have to look for a way out, it is for your government to look for what to do, how to ensure that all the cards get to the voters before the voting day or in the alternative find a way out because for any problem there is a solution. We believe you will find a solution as regards this very serious hitch facing us because millions of Nigerians seem to be heading towards disenfranchisement and they won’t be able to vote. I have heard comments from the INEC Chairman (Prof. Attahiru Jega) but we are still waiting for our cards to come..... As the leader of the Muslims in this Country, I will not fail to intimate the President and his government with the problems Muslims face in this Country, that is our own area of attention as Muslim leaders .....

I will say never a time in this Country’s history that we face very serious challenges like what we are facing now. The whole politicking had been turned into either religion or ethnic matters and this should not be so because we see what happens across the world.....”.

- 41. It is generally acknowledged that a crisis ridden post election Nigeria, threatened by the Boko Haram insurgency is a threat to security and Political stability in Africa. The implication is horrendous and unimaginable. It is also clear that instability in Nigeria poses a threat to United States’ strategic interest in Nigeria, West and Sahel African and indeed the entire African Continent.

**WHAT IS THE SOLUTION - WHAT WILL CLEAR THIS GATHERING CLOUDS?**

- 42. Well intentioned people within Nigeria have called for a postponement of the election in order to ensure adequate preparation, douse tension and address whatever challenges that could be tackled in the short run.
- 43. INEC has the prerogative to postpone elections as it did with the first set of elections in 2011. The only limitation to INEC’s power is Section 25(2), (4) and 6 of the Electoral Amendment Act which stipulates that

Elections shall not be held earlier than 150 days and not later than 30 days before the end of tenure of the current Political Office holder. This means that all elections can be held anytime between 30<sup>th</sup> December, 2014 and 29<sup>th</sup> April, 2015. The postponement of the Federal Elections slated for 14<sup>th</sup> February, 2015 for a few weeks, is feasible and desirable but has to be carefully handled in view of the volatile situation on ground.

44. On Wednesday, 14<sup>th</sup> January, 2014, all the fourteen Presidential Candidates and representatives of the Political Parties attended a Sensitization Workshop on None Violence in Abuja and signed a Peace and Non-Violence Pact with a commitment to ensure free, fair and credible Polls. This is a step in the right direction.
45. There is need for the Nigerian Government and INEC to act fast to douse the tension and address all administrative and logistic lapses in the preparations for the 2015 Elections. There is need to ensure peace in the North East of Nigeria, plan for the registration and voting of the large numbers of voters who are yet to receive the PVCs and displaced persons particularly in the North East and take urgent and transparent steps to assure the general public that the in-coming elections will be free, fair and credible.
46. The Nigerian Government should as a matter of urgency sensitise and ensure that the security forces remain unbiased and take pro-active steps to secure and ensure that areas prone to post election violence are adequately policed without infringing the fundamental rights of the people and with the sole aim of fostering a peaceful and conducive atmosphere for the free expression of the will of the people and their right to vote for leaders of their choice at all levels.
47. Friendly nations like the United States and Britain should continue to encourage Nigeria and assist in training, logistics and intelligence which will strengthen the Democratic Process and address the teething problems of the country. It is important for this Sub-Committee to invite and interact with the Nigerian President and other relevant functionaries to work a way out of the present challenges.
48. After the 2015 elections, it is suggested that the following long term solutions should be put in place:
  - The present Government and the in-coming Government i.e. whoever is declared winner of the election must take immediate Political steps to douse tension and melt the gathering clouds.
  - If the election is perceived as credible, it will not be a difficult task for the Government and security agencies to deal with post-election violence and any threat to security.

- All the complexities which militate against the conduct of free, fair and credible election and promote insecurity should be addressed fundamentally.
  - The 2007 report of the National Electoral Reform Commission (NERC) headed by Honourable Justice Muhammed Lawal Uwais, former Chief Justice of Nigeria has made far reaching recommendations which ought to be implemented.
  - The Nigerian Government should be encouraged to implement the recommendations of the recently concluded National Conference as regards the reform of the electoral process.
  - Assets declaration by Political office holders before and after they assume office should be made compulsory by law. A strict legal procedure of verification of the assets should be put in place. This will surely discourage corruption.
49. Few of the recommendations of NERC and the National Conference which are yet to be fully implemented are as follows to:-
- Autonomy of INEC to guarantee its independence and free it from executive control.
  - Security and tenure of office of Chairman and members of the Board of INEC should be institutionalized. The procedure for appointment and removal of members should be established to enhance her independence. It is recommended that they could be renewed by the Senate on the recommendation of the National Judicial Commission by a two-thirds majority of the Senate which should include at least 10 members of the minority Party in the Senate.
  - Impressive measures which make INEC independent, non-partisan, impartial, highly professional, transparent and reliable should be put in place.
  - Full adherence to the principles of political rules and freedom related to elections, contained in declarations conventions, protocols and other instruments adopted by UN, AU, ECOWAS and the Commonwealth.
  - Structurally unbundle and functionally delineate INEC into 3 (three) separate and distinct entities: Political Parties Registration and Regulatory Commission, Electoral Offences Commission and Constituency Delimitation Commission.
  - Encourage democratic culture within the Political Parties by ensuring that all Political Parties maintain internal democracy and allow any person aggrieved in a primary election to seek redress in Court.
  - quick dispensation of electoral Petitions.
  - inclusion of provisions on internal party democracy in the Constitution. Candidates must be chosen for election by Political

Parties through Democratic process.

- The rights of domestic and international observers to witness and monitor the electoral process should be guaranteed by law.
- Security agencies should be sensitized and trained to be able to identify, trace, co-ordinate, maintain, control and apply methods and techniques for preventing, investigating, enforcing as well as prosecuting all electoral malpractices/frauds, thuggery, terrorism and related offences and initiate criminal proceedings.
- establishment of a code of Conduct for Political Party Office holders.
- whenever a political office holder decamps from a Political Party on which platform he is elected to office, such officer shall automatically forfeit his seat but is free to re-contest for the position under his new Party platform.
- establishment of a Constitutional Court to determine pre-election matters.
- Anti-corruption agencies must be strengthened and kept outside the influence of Politics, Politicians and financial inducement. They must be independent to be effective.
- establishment of Political Parties Regulations and Electoral Offences Commission to oversee the enforcement and administration of the provisions of the Electoral Act, among other functions.
- continuation and sustenance of Open-Secret Ballot system and the deployment of latest technology in the conduct of elections.
- interconnectedness between the National Identity Card and Voters' registration data to ensure the credibility and integrity of Voters register.
- continuous voters' registration, education and sensitization.
- institutionalization of Political debates.
- need for a Constitutional amendment to allow independent candidacy in elections.
- the strengthening of democratic institutions and Political Parties and Electoral Systems and re-orientation of the Nigerian Society along the path of honesty, probity and service.
- All the strategies to achieve all the short and long-term recommendations should be worked out through consultation with relevant bodies and agreed upon for implementation.

#### **CONCLUSION**

50. The challenges confronting enduring Democracy in Nigeria include insecurity and the organization of a free, fair and credible election. The challenges are not rooted in the absence of legal framework or ideas as to how an election should be conducted.

51. There is indeed a copious legal framework which requires few adjustments here and there but the framework by itself does not and cannot guarantee a complete solution to the gigantic challenges and the clouds that gather every time a general election is to be conducted.
52. As we can clearly observe from the Nigerian historical experience, the major factors which militate against free, fair and credible elections and the various breaches of security lie squarely in the complexities of the Nigerian nation, plagued with various challenges of lack of political consensus, ethnic and regional rivalries, structural defects, endemic corruption and other systemic inadequacies.
53. The challenges will have to be addressed on a long term on various planks and from various angles. The regional and ethnic suspicion must be addressed by the formulation of a consensus and realistic political arrangement that will be widely acceptable.
54. Efforts must be made consciously to encourage the sustenance of National Parties with clear national spread and ideological directions, the political education of the Politicians, the Voters and all engaged in the democratic process must be a matter of utmost priority. It is strongly suggested that a Centre for Democratic Studies should be re-established in collaboration with the Nigerian Government and the active participation of all the Political Parties with a clear agenda to midwife and nurture the entrenchment of a virile and enduring Political culture.
55. Above all, there is an urgent need to help Nigeria, a promising country with great potential, to open up the treasure of its "Political Kingdom" firmly rooted in the enduring tenets of democracy. Once the "Political Kingdom" is realized, and the enduring virtues are cultivated, then every impediment standing in the way of peaceful co-existence and free, fair and reliable election will disappear.
56. Nigeria needs understanding and urgent help by all concerned to dissolve the gathering clouds and realize its destiny as a model of democracy in Africa.

*Distinguished Chairman and members of the Sub-Committee, I thank you for your attention.*

**JADEGOKE ADEBONAJO BADEJO, LL.M, B.L., FCI Arb, S.A.N**  
**27<sup>TH</sup> JANUARY, 2015.**



**STATEMENT OF MR. EMMANUEL OGEBE, MANAGER,  
PEACEFUL POLLS 2015 PROJECT**

Mr. OGEBE. Thank you very much, Mr. Chairman, for inviting me once more to speak.

And I just want to commend this panel. This is the first time that I have addressed the panel where 75 percent of the membership had recently been to Nigeria, so I commend you for your courage in doing so at this trying time.

I think it is also fitting that today is the 70th anniversary of the liberation of Auschwitz, that we are looking at an issue that deals with the Auschwitz of our time. I just returned from Nigeria recently where the Baga atrocity occurred. And to put this statistically, in 2012 Boko Haram killed approximately 2,000 people. In the first week of 2015, they have already exceeded the number of people they killed in 2012. Last year it took them 6 months to achieve what they have done this year in a matter of 7 days.

But I also want to draw attention to the fact that Boko Haram has taken a back seat to ISIS. Even though the terrorism rankings indicate that Boko Haram has led ISIS in the last 3 years in atrocities, and it is a puzzle to me to this date that Boko Haram does not get the attention that ISIS has.

But then even when we talk about Paris, Paris occurred at the very same time as Baga, and Paris got way more attention than the people of Baga ever did, even though the destruction of Baga was an extinction-level event. I want to say that black lives do matter when it comes to global terrorism as well.

Let me also seize this opportunity to say there is a French connection to what is happening in Nigeria. France has a huge, I call it the France loophole, we have the FTO designation, but France is one of the countries that pays Boko Haram huge ransom money for kidnapped citizens, which is fueling the killings of black people in Nigeria.

France needs to understand that global terrorism is not isolated to one part of the world. When you pay money to terrorists, they use it to kill other people and I hope that this is a wake-up call to France. You can't give Boko Haram money to kill Nigerians.

Boko Haram has killed people of over 15 countries. They have killed Italians. They have killed Greeks. They have killed Norwegians, many people, so indirectly France's money is going to fueling that organization. Boko Haram does not have the oil wells that ISIS has, so it relies on this ransom money to be able to fund itself.

Now, today I want to, of course, speak about the elections because that unfortunately is another reason that religious minorities are killed in northern Nigeria. In a 3-year window in 2011, in a 48-hour time period, several hundred churches were destroyed. Hundreds of Christians were killed. People were pulled out of taxis and killed because they were Christian, not because they asked them who they voted for. Because they were Christian, they assumed that they voted for a Christian. My cousin was shot five times in 2011.

In 2012 we had the Boko Haram atrocities. In 1 day that killed over 200 people, and so we see that elections compete with Boko Haram for the killing of indigenous Christian minorities in northern Nigeria. And that is why the elections on February 14 this year

will likely be a Valentine's Day massacre for the poor Christians of northern Nigeria.

And so I have, I just in the last 2 weeks started a project called Peaceful Polls 2015 because based on the atrocities I saw in 2011, we said we need to do something to avert these avoidable atrocities and tragedies. And one of the things we did—I know Congressman Emmer was asking what practical things had been done—my project, the Peaceful Polls Project, has filed FOIA requests with the Government of Nigeria saying where are the people that you prosecuted for all the atrocities last time? If they are not in jail, guess what; they are coming back again. And so in the next few weeks we are following up with the various attorneys generals' offices to ensure that impunity does not continue and that these people are put behind bars.

I will quickly go to what I consider the recommendations that I would like to make, and let me say here, Congressman, that I think it is illogical for the U.S. Military trainers to say, well, the Nigerians don't have equipment, so we can't train them. But on the other hand, you are refusing to sell them equipment.

And so we have a suggestion where the Prime Minister of Iraq is saying, you know, we want to buy weapons from the U.S., and we need loan deferments to buy the weapons. Nigeria is saying we are going to pay cash for these weapons, and you are saying no. That is not how the marketplace works. Give Nigeria the weapons, give them the training. They have the human resource to make this happen.

But, Mr. Congressman, let me say, sir, that with regard to the Chibok girls, the world has blinked. The girls had 15 minutes of fame, and we walked away. It is now 9 months. I spoke to a man who escaped from one of Boko Haram's concentration camps last week, and he told me that as recently as September the girls had not all been married off. That means that we can still rescue them. That means that they will not all possibly have babies at this point, which will make it easier for us to rescue them; but we have 40 days to rescue them and we need to work with that time window.

Finally, Mr. Congressman, let me say that you have done a great job in calling for a victim fund in Nigeria, and a month after you made that call, the President of Nigeria responded by launching a fund. I think that means that you should come to Nigeria more. But with that said, I do want so say there is something we can do right here, right now in America, which is to reintroduce the bill that Congresswoman Frederica Wilson introduced last month.

The bill would allow forfeited Nigerian assets here to be put into a victim assistance fund. As she mentioned, I was responsible for bringing ten of the Chibok girls and putting them back in school in America. We can do that and we can do a lot more without using U.S. taxpayer funds. We can use funds from Nigeria that are here already.

So, Mr. Congressman—Mr. Chairman, let me say we may not be able to bring back our girls, but we can help those who escaped, and we can do that by bringing back that bill. So bring back our bill, H.R. 5778, which Honorable Congresswoman Frederica Wilson introduced last session.

And I thank you very much.  
Mr. SMITH. Thank you, Mr. Ogebe.  
[The prepared statement of Mr. Ogebe follows:]

Testimony of Mr. Emmanuel Ogebe, Esq.

On behalf of Peaceful Polls Project Nigeria 2015

*Nigeria on the Brink?*

Before the

Subcommittee on Africa, Global Health, Global Human Rights, and International Organizations

Rep. Christopher H. Smith, Chairman

January, 27 2015

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U.S. House of Representatives Foreign Affairs Committee

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Testimony of E. Ogebe, US Nigeria Law Group – Peaceful Polls Project 2015

Mr. Chairman, Ranking Member and Members of the Subcommittee: Thank you for the opportunity to testify before you today on an issue that is important to people concerned about terrorism and the state of human rights in our world today.

I especially want to thank you, Chairman Smith, for your outstanding leadership on this issue; for traveling to Nigeria multiple times, at great personal risk, to further explore the situation; and for urging the Nigerian government to create a Boko Haram victim's compensation fund. Thankfully, such a fund is being created.

## **I. AT THE BRINK – AGAIN: TOWARDS NIGERIA'S VALENTINE'S DAY ELECTIONS**

Many years ago, a *New York Times* article wryly remarked that God was Nigerian. This facetious comment was predicated on the stunning comeback Nigeria made after years of brutal military dictatorship towards democracy without a violent upheaval.

Today, some wonder if this holds true as Nigeria again faces yet another brink - maybe even the mother of all brinks. As Nigeria holds its 5<sup>th</sup> presidential elections in 16 years, since its return to civilian democracy, there are lots of centrifugal schisms at play.

It is important to note the makeup of the past elections, in the delicate balancing act of region and religion that assuages simmering sensitivities in Nigeria:

1. 1999 – By popular consensus, three Southern Christians were the main candidates.
2. 2003 – By revolt, a Southern Christian General and A Northern Muslim General were the main candidates.
3. 2007 – By general consensus, three Northern Muslims were the main candidates.
4. 2011 – By revolt, a Southern Christian and two Northern Muslims were the main candidates.
5. 2015 – A Southern Christian and a Northern Muslim are the main candidates.

Nigeria is by far the largest country in the world with a population that is half Muslim and half Christian. Consequently, religion has always been a sensitive and important identity marker, and as such, influences the actions of ordinary Nigerians and their leaders. Politicians often capitalize on the religiosity of the people to boost their electoral support (International Crisis Group, 2014:5).

At the 2011 general elections, Nigeria was divided along religious lines mainly because the presidential candidates were seen as representatives of the two major religious groups in the country: Christianity and Islam. The incumbent, President Goodluck Jonathan, a Southern Christian from the People's Democratic Party (PDP), won the election. When Muslim challenger General Muhammadu Buhari lost the 2011 presidential election, violence erupted in 12 northern states where he commands a large following from the Muslim population. The final toll for the Christian community was staggering. In a 48-hour period, over 700 church buildings were burned, hundreds of Christians were confirmed killed, more than 3,100 Christian-operated businesses, schools, and shops were burned, and over 3,400 Christian homes were destroyed. Thousands of Muslim youths in 12 states with machetes, knives, matches and gasoline carried out

this pogrom. The “freest and fairest” elections resulted in one of the “fiercest and most ferocious” rampages of violence against innocent Christians that Nigeria has seen.

In several states that our fact-finding teams visited, taxis were randomly stopped by rampaging Muslims, and the Christians ferreted out for murder as happened to Pastor Isma Dogari. In one instance a taxi driver, despite the pleas of sympathetic Muslim passengers, drove a pastor to a mob and handed him over to be killed. My own cousin was shot five times.

While the homes of certain prominent ruling People’s PDP politicians (including Muslims) and a few PDP offices were attacked in the initial spate of violence, this was overwhelmingly an anti-Christian onslaught. Rioters in Zaria would enter a federal campus and attack only the Christian chapel, leaving the other buildings untouched. People were randomly required to recite the Koran or be killed. Throughout northern Nigeria, this violence was carried out along religious lines, with Muslims attacking unsuspecting Christians. More church buildings were destroyed than any properties associated with the ruling party, the government or any other category. (See **Annexure I**).

This occurred within the context of an already volatile situation in the north where Boko Haram has been waging a violent campaign of terror. Boko Haram has earned a dubious distinction as one of the top three most lethal terrorist organizations in the world. In a three year period, however, the three most deadly incidents of anti-Christian persecution – from three different aggressors – in Nigeria were as follows:

- the March 7, 2010 Dogo Nahawa massacre in Jos, Plateau state by Muslim Fulani herdsmen
- the April 16, 2011 Post-election massacres in the 12 sharia (Islamic law) states by rioters
- the Jan. 20, 2012 Boko Haram onslaught in Kano

The circumstances that surrounded the 2011 elections are quite similar to the political atmosphere in the run-up to the 2015 elections. I anticipate that the presidential election will once again be closely contested by President Goodluck Jonathan who will be representing the PDP and General Muhammadu Buhari for the opposition All Progressives Congress (APC). Akin to the 2011 elections, the 2015 elections appear to be polarizing into essentially yet another Christian versus Muslim contest. Since Nigeria’s return to democratic rule in 1999, the PDP has won every presidential election, and has also dominated in the gubernatorial elections.

From its formation in February 2013, the APC has become a strong opposition party and will be the first to pose a major challenge, if not a setback, to the ruling party. However, because certain members of the APC party comprise of ex-PDP members, many Nigerians criticize the party as merely an alter ego of the ruling party (PDP), yet consider it a welcome development in the light of the hegemony of the PDP – a Hobson’s choice, if you will.

Considering the dominance of key Muslim figures in the APC party and the sensitivity of religion in Nigerian politics, many critics initially argued that a one-religion ticket can never win the presidential elections in the country. However, Buhari’s choice of a running mate, Yemi Osinbajo, countered some of his critics. Besides being a former Attorney General, Osinbajo is also a senior pastor with the Redeemed Christian Church of God (RCCG).

The March 7, 2010 massacre in Jos by Muslim Fulani herdsmen, the April 16, 2011 sharia states post-election violence and the Jan. 20, 2012 Kano onslaught by Boko Haram mark three

consecutive years of triple-digit casualties, **each in excess of 200 lives lost from a single incident**, in northern Nigeria. Each incident was record setting in global conflictsconflict for that year.

Therefore, there is natural concern that the February 14<sup>th</sup> presidential elections on February 14<sup>th</sup> 2015, may well shape up to be a Valentine's Day Massacre for religious minorities especially. The dooms day scenario reflects a confluence between the tri-state Terror line in the northeast and the 12-state election violence contour.

From my recent trip to Nigeria **For the Peaceful Polls 2015 Project** – an initiative to mitigate violence given the lessons learned from our work in 2011 - a few of the more discernible dichotomies in the politically charged atmosphere are as follows:

### **A. TERROR TANGO**

Nigerians appear locked in between northern extremists and southern militants who have both vowed violence if either of their candidates, the top challenger General Buhari and incumbent President Jonathan, do not win. The president is from the Niger Delta where some elements of the resource-control militancy in 3 South-South states are sympathetic to him. General Buhari is from the North where his sympathizers in 12 states unleashed mayhem when he lost the 2011 elections.

### **B. NORTHERN RELIGIOUS DOMINATION**

Some Nigerians feel caught between islamization by Boko Haram insurgency, if President Jonathan is re-elected, or sharianization by democracy, if General Buhari is elected.

Boko Haram has railed against the country being ruled by an infidel as has General Buhari in the past. Similarly, they both have expressed support for the imposition of Islamic Sharia law on Nigeria.

President Jonathan on the other hand is perceived by many northern minorities to have ineffectively protected them. Many have been forcefully converted to Islam in Boko Haram captured territory or been killed. The Christian population of northern Nigeria has been massively eroded more under his watch than ever in the history of the nation. Entire Christian towns have been wiped out or overrun and many are now refugees in UN camps in Cameroun which I visited. They have lost the most basic elements of citizenship any human requires – identity, locality and security. Even terra firma – the very earth beneath their feet – the God-given ancestral homelands they were born on, have has been lost to terrorists.

### **C. UNPALATABLE PROPOSITIONS**

Many in the electorate view themselves as caught between candidates perceived as Unsustainable and Unelectable. "Unsustainable" because the spate of insecurity has worsened, not improved, in successive years under the incumbent; "unelectable" because the primary challenger has been

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4 | Testimony of E. Ogebe, US Nigeria Law Group – Peaceful Polls Project 2015

haunted by ghosts of his past conduct and statements in three successive elections. The latter has contested in 4 out of the last 5 elections – more than any other Nigerian politician.

The insecurity quandary also applies to the corruption question. Most see the current levels of corruption under this administration as unsustainable and unacceptable. In the midst of austerity measures, falling gas prices and a major insurgency, the incumbent has included the purchase of a 12<sup>th</sup> airplane for the presidential fleet which is arguably the largest in the world.

While the challenger touts anti-corruption credentials, recently released reports of a government inquiry into a Petroleum Trust Fund he headed show evidence of fraud and abuse under his watch. More so, many wonder at some of his political accomplices who are brazenly corrupt. The situation has been worsened by inconsistency as to whether he will or will not probe and prosecute past offenders.

#### **D. DOMINATION BY REGION/RELIGION**

Some in the electorate (and even within the main opposition party itself) view it as an unabashedly Muslim party. Most of its principal officers were Muslim. Indeed some perceive it as a grand alliance between the Muslim majority in the north and the Muslim minority in the south (to the exclusion of the Christian minority in the north and the Christian majority in the south), earning it the nickname “Muslim Brotherhood.”

On the other side, some view the president as being overweening in his Christianity. His two trips to Israel on pilgrimage last year caused a furor in northern Nigeria. Nigeria's rulers have tended to be Muslims with generally anti-Israel policy stances. In fact, northern Muslims protested against Israel last year during the clash with Hamas as has happened over the years.

However, because of the delicate balancing act of respecting religious sensitivities of both predominant faiths, Nigeria's government funds Muslim pilgrims to Mecca and, to a much lesser degree, funds Christian pilgrimages to Israel.

President Jonathan incurred the wrath of some Nigerian Muslims for daring to be Nigeria's first president to go on pilgrimage to Israel. This notwithstanding that his Muslim predecessor went on pilgrimage to Mecca several times a year and in fact remained there for months creating a leadership crisis at home.

The presidential villa in Abuja, where I was once held prisoner by late dictator General Abacha, had two mosques – one for the first lady and one for the president. On my first visit to the villa on the restoration of democracy, I was stunned to see a newly-built Christian chapel on the grounds of the villa not far from where my cell had been. It would seem that the architects of Nigeria's presidential villa never anticipated a Christian president.

#### **Division by Region**

In addition to the divisive politics of religion, there is the primal problem of region. Most southerners feel more comfortable with an urbane southerner as president, regardless of his competence, in contrast to a reclusive, austere or eccentric northerner. Northern figures such as former FCT Minister El-Rufai, former anti-corruption Czar Nuhu Ribadu and former Vice president Atiku Abubakar are amongst politicians who have crosscutting appeal in the south.



In addition, few southern politicians have traction in the north. In fact, some prominent northerners have insisted that “power must return to the north,” reducing the question of the leadership of Africa’s power house not to good governance but to crude feudalism. Thus, potential Southern Muslim stars like Lagos Governor Fashola, who is liked by a young generation of Nigerians purely on merit, have been excluded. Many young voters feel that if El-Rufai or Fashola, both technocrats who made their mark governing both the current and former capital cities of Nigeria respectively, were on the ballot, they would be more effective than General Buhari.

There is mutual fear on both sides of the divide on the shift of the pendulum of power from one region to the other. The south has finally tasted power and freedom many years post-independence and doesn’t want to return to the unspoken colonial vassal arrangement left by the British while the north has tasted loss of power and dominance and is afraid of its permanence.

Although the south has always been amenable to northern rulership for most of Nigeria’s lifetime, three factors in recent times have complicated the situation:

1. **The Yar’adua presidency:** The imposition of an ill-known northern governor as president in 2007 was itself a problem. However his ill-health, relocation to Saudi Arabia, refusal to handover to his deputy per constitutional requirements and his government by cabalocracy led to a popular revolt by Nigerian civil society, the cabinet and ultimately even the congress. History may well view this as Nigeria’s own micro version of an “Arab Spring.” This groundswell of support spurred the then vice president Jonathan into office by succession in 2010 and, subsequently by election, in 2011.
2. **The Boko Haram insurgency:** The violence of the jihadi terrorist group Boko Haram in its stated objective to Islamize the country has frightened many in the south. **Southern Muslims traveling to the south have been slaughtered by Boko Haram in spite of their Islamic faith because they are not considered extreme enough.**
3. **The 2011 Post-election violence:** The violence that trailed the last presidential elections that led to the deaths and destruction has not endeared many to a power shift to the north. The term “Born to rule” has come to exemplify the perceived attitude of the north to rulership in Nigeria. It is this mindset and the desperate power grab and accompanying carnage that causes recoil by many in the south.

All said, the battle line has been drawn for an electoral battle royale on the basis of region and religion.

To better elucidate the north/south dichotomy in Nigeria, I reproduce here an op-ed I wrote in the Nigerian Guardian Newspaper in the wake of the 2011 election violence which historically and politically contextualizes what is currently happening from regional/religious and military perspective.

*Ogebe: Nigeria: Back to the drawing board*

*THAT Nigeria is an amalgamation of two distinct entities in 1914 is not in dispute. That Nigeria remains de facto a contraption without a coalescence of those two entities – north and south – 97 years afterwards is the shocking disclosure of the April 16, 2011 elections and the bloody*

*aftermath. It is an uncanny coincidence that the April violence occurred the exact week of the anniversary of the Major Gideon Orkar coup attempt.*

*That April 1990 coup was the first military attempt to split Nigeria after the secessionist movement of Biafra during the civil war. What was different about the coup was rather than be secessionist, the plotters wanted to be "excisionists." They offered to release a portion of Nigeria from the burden of one nationhood. The coup is most known for introducing into our national lexicon the concept of the "Orkar line" which over the years has acquired an increasing even if sinister significance. The other issue that stretched the fabric that held together the nationhood of Nigeria was actually under a military attempt at brokering democracy. The June 12 election of 1993 was a successful attempt by a "southerner" to garner votes with sufficient spread across the country to win presidential elections that had only been won by a "northerner" before now. The people of Nigeria took great pains and sacrifices to achieve this in a fair and credible election. In spite of their ethno-religious and regional differences and rivalries, Nigerians were united and resolved at the 1993 elections to rid themselves of a virulent military regime. They even conceded to an unbalanced Muslim-Muslim ticket led by Businessman Moshood Abiola, to make this possible.*

*The military's annulment of the June 12 election turned the nation upside down, disillusioning Nigerians regarding elections and nationhood. The annulment also destabilized governance for the next six years leading to 4 heads of state in that timeframe ending with a "compromise" president of southern origin. President Obasanjo who came into power from prison was truly a compromise. His military compeers released him from prison and granted him a presidential pardon thus paving the path to granting him the presidency. He had no constituency than the military and belonged to no party than the military. He was conscripted, given a script, PDP was commandeered and he did the bidding of the army party. The marching orders in the army's script was simple "go, kill and come back" except that in the case of Obasanjo it was "go, keep, and return back." It was not a huge risk on the part of the Minna hill-top generals who bank-rolled his "campaign." General Obasanjo had done guard duty before. There was no reason to doubt his capacity to discharge simple gate-keeping orders. In 1976, he became Nigeria's accidental "southern" Head of State after a failed coup attempt that eliminated his boss General Murtala Muhammed. He conducted elections and handed over (or handed back) power to President Shagari in 1979.*

*Obasanjo was the first Southerner to rule Nigeria for a full three years. Thus his accidental return to power exactly 20 years later in 1999 courtesy of Abiola's sudden death in prison was a carefully orchestrated "army arrangement" - to quote his nemesis the late musician Fela. He won the 1999 presidential elections even without the support of his own people from the South-West, who resented the fact that he handed over power to a Northerner (the NPN party) in 1979.*

*However, even this arrangement began to derail. Barely a year into his presidency, several northern states decided to impose Islamic sharia law in their states. This "political sharia" as Obasanjo called it, threatened the secular status of Nigeria, challenged the constitution of the republic and undermined the center. As a result, massive loss of life occurred in the year 2000 in Kaduna. At the end of it all, twelve states, the "Sharia 12" had been added to Nigeria's political topography. By hook or crook Obasanjo bounced back in 2003 elections largely through turning to his birth constituency in the southwest who sacrificed their regional dominance for his second term at the center. Obasanjo finally finding himself somewhat invincible without the help of his old constituency decided to breach the army arrangement agreement by "going and keeping but*

*not coming back.” The third term attempt was soundly crushed in a parliamentary counter coup of epic proportions and Nigerians for the first time saw “people power” at work.*

*True to his fabled vindictive form, Obasanjo reportedly orchestrated elections and primaries that essentially flushed out his opponents. He donated the presidency to Umar Yar’Adua and Goodluck Jonathan, two academics turned governors whose maximum global exposure were 2 medical trips abroad and sub-official visits overseas respectively. VP Atiku, the northerner-in-waiting was ousted. While the 2007 elections marked the first time Nigeria ever conducted a third consecutive general elections, the election was, nonetheless, replete with massive fraud and rigging. It was primarily a reflection of the wiles of the ruler and not so much the will of the voter. Although General Babangida attempted to collect the baton back from Obasanjo by contesting, OBJ declined. He returned to sender but of his choice. In the absence of his late deputy Shehu Yar’Adua, he bestowed it upon his younger surviving brother Umar. Mission accomplished.*

*The problem began when Yar’Adua went missing in action and First Lady Turai Yar’adua surreptitiously took the reins of power bypassing VP Goodluck Jonathan. By a legislative counter coup, he became acting president, again showcasing the “power of the people” even though he was undermined by the Katsina cabal.*

*After Yar’Adua’s demise, Jonathan became Nigeria’s third accidental southern president (the first being General Obasanjo and the second being General Obasanjo.) His run for election in his own right was the only option to avoid reigniting the vexed question of nationhood especially in the context of oil-producing minorities of the troubled Niger Delta.*

*The election result became a confluence of lines like the River Benue and Niger meeting in Lokoja. Goodluck won in the South of Nigeria while General Buhari won in the north of Nigeria both regions basically voting on a regional pattern. However the Middle Belt region in the north of Nigeria was the big exception – they voted for Goodluck the “southerner” finally showing the political maturity and nationhood expected of one true Nigeria. The curious thing though is that the line of Goodluck’s victory goes all the way from the Atlantic Ocean to the highpoint of the Plateau and there ends. The Buhari line of victory begins from Bauchi and runs up to the border of Chad. The Buhari line is the same as the sharia 12 line of 2000 and the Goodluck line is the same as the Orkar line of 1990. What kind of confluence coincidence is this?*

*All the Middle Belt states went with Goodluck except one – Niger State. Niger is the only Middle Belt state implementing Sharia. The states where the election violence has broken out are essentially in these Sharia 12. Whether you call it the Orkar line or the Sharia line, it is clear that even after 50 years of independence and 15 of democracy, the election may reflect the will of the majority but does it reflect the reality of one nation? The British may have erased the line between north and south but persistent events in Nigeria have consistently drawn the line back. Three years to the 100th anniversary of the amalgamation, Nigeria is now back to the drawing board. Again.*

END

POST SCRIPT

The North-South divide which played out in the 2011 elections may be reprised in the 2015 elections. The two candidates are poised to contest the presidential elections and will be fighting a

close battle that may not be determined by the confluence of lines. The opposition party (APC) controls certain key States in the South and the North. In a report issued by Africa Confidential in January 2015, it is argued that the key battlegrounds in the 2015 elections will be the middle belt and the south-west, not only because these areas have the most registered electorates, but also because it is assumed that President Jonathan would win in the South-South and South-East and Buhari in the North-West and North-East (if elections were to be conducted there).

Curiously, the same generals who supported Obasanjo and Obasanjo himself have pretty much endorsed his former opponent (Buhari) against his party's candidate (Jonathan) - another seeming 'army arrangement' in the making.

## **II. 2015 PRE-ELECTION PHASE: REGRESS OR PROGRESS?**

There are several notable developments in the current electioneering phase.

### **A. RELIGIOUS INCLUSION IN LAGOS STATE**

Recently, there have been agitations by Christians in Lagos state to produce a governor. Lagos state is highly cosmopolitan and, with a population in excess of 20 million, is Nigeria's most diverse state. However the political process has largely been ceded to the truly indigenous "Lagosians" who, although minority Muslims, have tended to dominate governance of the state.

It is therefore instructive and commendable that after a brief quest for a Christian governor, both major political parties by popular consensus presented Christian candidates and thus avert a Muslim/Christian faceoff as is occurring in the national elections.

Lagos state has been a model of religious tolerance in this respect and Southwestern Muslims are some of the most peaceful worldwide in terms of interreligious harmony. Although the last two governors were Muslim, both their first ladies were Christian.

With regard to region, Lagos state has a Christian from the Southeast as commissioner in the state cabinet. No state in the north has people from other states in the cabinet. Some northern states even deny indigenous Christians positions in their own state government. Kano state as at 2010 did not have a single Christian in any of 159 political offices.

### **B. REGIONAL EXCLUSION IN PRESIDENTIAL PRIMARIES**

The presidential primary of the leading opposition mega party the APC was curiously slanted. Only northern candidates contested for the presidential nomination except for one southern maverick candidate who was in actual fact re-contesting his governorship seat. Therefore, key

opposition stalwarts, including current governors from the South who defected from the ruling party, mysteriously declined to contest for the ticket while their northern colleagues did.

It is important to note that this is not “progressive.” It is regressive. The June 12, 1993 elections were probably the watershed moment for a post-religious Nigeria. Muslims and Christians alike voted for a Southern Muslim and Northern Muslim Presidential and Vice Presidential candidate against a Northern Muslim President and Southern Christian Vice Presidential team. As in the current election, the perception was that the northern candidate was a fundamentalist and there was a yearning for a moderate southern candidate.

The APC toyed with the idea of a Northern Muslim President and a Southern Muslim Vice President – which is a reversal of the ill-fated June 12, 1993 combination. However, many now agree that such a combination would be highly insensitive as to be unviable in present day Nigeria. Indeed some fault General Buhari for running an administration, as head of state, where both the head of state and deputy were from the same region and religion.

As for the ruling People’s Democratic Party, a contrived “adoption by acclamation” process brought about what is arguably one of the least contested primaries that party has ever had. In terms of popular participatory democratic process, PDP has had intensely contested primaries that actually leave observers in doubt as to the winner until the convention itself.

This time, the party printed only one nomination form, essentially exclusively for the incumbent, to the exclusion of all others - regardless of region and religion. Whether this amounts to internal democracy is debatable, but it is certainly regressive rather than progressive given the PDP’s past robustly contested national primaries.

### C. MILITARY REVERSION IN POLITICS

One curious unseen factor in the elections is the resurgence of the military factor. In 2003, I wrote an op ed in the Nigerian Guardian newspaper which addresses the issue.

*The Lesser Of Two Ex-Dictators And The 2003 Elections*

*Nigeria's presidential elections of 2003 are peculiar and unprecedented in a singular respect - never have Nigerians had to choose between candidates who have ruled us -and some would say "misruled us" - before.*

*The best approach to handling the dilemma over who is the lesser of two evils would be to put the April 19 elections in a larger perspective based on the following insightful observations.*

*The 2003 election is a major step backward for Nigeria and is worse than the 1999 elections. This is because of the stark militarization of the candidate pool. In 1999 at least there was one ex-military and one civilian candidate. Now there are 4 ex-military generals and a major making Nigeria's general elections, Generals' elections indeed!*

*The implication is that dictatorship has permutated into a strange hybrid of militicians - military in mufti - posing as politicians. This arrangement cannot safely be called a democracy but must be considered a "Dimocracy" at worst or a "Demockery" at best.*

*One could be forgiven for assuming that the real parties in this election are artillery and infantry brigades depending on which corp the generals served. In this sense it is not much different than ex-dictator IBB's transitional shenanigans in which he promised to appoint a civilian Vice President then promptly retired his second-in-command thus anointing him a civilian VP!*

*2003 is another step back for Nigeria chronologically. In 2003, Nigerians were being asked to pick between Ekweume VP in 1983 (20 years earlier), Obasanjo Head of State 1979 (24 years earlier), Buhari HOS 1985 (18 years earlier) and Ojuwkwu HOS Biafra 1970 (33 years earlier).*

*Compared with the US where President Bush the 43rd US President in 2000 is the son of President Bush the 41st president of 1992, in just 8 years the US was able to hand over the mantle of leadership to another generation while Nigeria has been unable to transfer the torch to another generation for over 3 decades!*

*In the absence of late PM Tafewa Balewa and late General Aguiyi-Ironsi, Queen Elizabeth may be seriously considered as a candidate from the 1960s - after all the economy was better before she handed over independence in 1960 than it is today!*

*2003 is retrogression for Nigeria historically. In 1979 Obasanjo on behalf of the military gave power to civilians in democratic elections. 4 years later Buhari collected power back to the military by coup.*

*In 1999 (20 years later) Obasanjo on behalf of the military collected power for civilians in democratic elections. 4 years later Buhari wants to collect that same power back again 20 years after he first did. One would be forgiven for presuming that there is a twisted ping pong personality clash going on between these two in which Nigerian democracy is their battleground!*

#### UPDATE

Today, it can be convincingly argued that President Jonathan is the first non-military president since Nigeria's return to "civilian rule" in 1999. President Obasanjo 1999-2007 was a former military ruler. President Yar'Adua 2007-2010 was the younger brother of Obasanjo's former military deputy, who but for his death would have likely succeeded Obasanjo as a "civilian" president. Jonathan's accidental presidency has broken a string of presidents with military affiliations. The public support of former military rulers for General Buhari implies a surreptitious military reversion to power which may not be progressive.

On the other hand, President Jonathan has been criticized for saying, "Some Nigerians still want the President of this country to be a lion or a tiger; somebody that has the kind of strength, force and agility to make things happen the way they think. I don't need to be a lion, I don't need to be Nebuchadnezzar, I don't need to operate like the Pharaoh of Egypt, and I don't need to be an army general. I can change this country without those traits."

Regardless of whether the army is trying to remote-control the presidency, it is true that many Nigerians feel that a military background is helpful or needful in facing the insurgency.

### III. X FACTORS IN THE NIGERIAN 2015 ELECTIONS

Overall, the trend of the current presidential elections is progressive. Nigeria is at a historic cusp in its history. For the first time, the opposition has put together a really formidable coalition, and there is a fleeting possibility that we could see a transition from an incumbent to an opponent.

However there remain numerous variables that complicate a clear-cut trend analysis of what will transpire in the polls. Some of these are listed below:

#### A. UNPRINCIPLED POLITICS

There are many pointers to the fact that the opposition has not clearly distinguished itself by ideology or pedigree. Some argue that it is change you can't believe in.

The following blog post circulating in Nigerian social media illustrates this perspective:

*"APC has been consistent in saying that PDP has ruled Nigeria for 16 disastrous years in which corruption, impunity, insurgency, armed robbery and several ills of society held sway. But at a very close look at the APC, I am seeing:*

- 1) Rotimi Amaechi – 8 years speaker; 7 year, Governor under PDP.*
- 2) Atiku Abubakar – 8 years Vice president under PDP.*
- 3) George Akume – 8 years Governor under PDP.*
- 4) Bukola Saraki – 8 years Governor; 2 years, Senator under PDP.*
- 5) Timipre Sylva – 4 years Governor under PDP.*
- 6) Audu Ogebe – 2 years National Chairman of the PDP.*
- 7) Aminu Masari – 4 years as the Speaker, House of Representatives under PDP.*
- 8) Chris Ngige – 3 years Governor under PDP.*
- 9) Rabiu Kwankwaso – 7 years Governor; 3 years Defense minister under PDP. 10) El Rufai – 4 years FCT Minister; 2 years BPE Chairman under PDP. 11) Tambuwal-3 years as Speaker House of Reps under PDP; and to cap it all, Obasanjo is the navigator of the APC, a man who spent 8 of the disastrous 16 years as the maximum ruler of Nigeria. It is now clear that APC is a waste basket of the PDP, where the people who created and perpetuated the 16 disastrous years are now dumped. So where is the change coming from? Are they now saints because they joined APC?"*

For these reason, some call the APC – “Aggrieved Peoples Party” or “Alternative Platform for Campaigning”. This has created a distinction without a difference between both principal parties.

Speaking with the electorate, it is clear that in the north, most people are voting for the candidate not the party, but in the south, the majority will be voting for the party and not the candidate. This could be a turn off for some voters who would rather stick with the ruling party.

## B. CROSS-CARPETING

For the ruling party, botched primaries and the imposition of unpopular nominees and the loss of incumbents in parliamentary elections have all contributed to mass defections to the opposition.

At the formation of the APC party, five Governors from the ruling PDP party announced their decision to join. They are: Rotimi Amaechi (Rivers); Aliyu Wamakko (Sokoto), Rabi'u Kwakwanso (Kano); Murtala Nyako (Adamawa); and Abdulfatah Ahmed (Kwara) (APC Admin, <http://www.apc.com.ng/index.php/about-apc/about-apc>).

In a letter read on December 18, 2013 by the Speaker of the House of Representatives, Aminu Tambuwal, it was stated that ‘thirty-seven (37) out of the 208 PDP members in the House of Representatives also defected to the APC’. And on January 29, 2014, 11 senators from the PDP (some of whom were ex-governors) communicated their decision to decamp to APC in a letter addressed to the Senate President, David Mark. Among the senators that defected are: ‘Bukola Saraki, Mohammed Ndume, Danjuma Goje and Abdullahi Adamu’ (APC Admin, <http://www.apc.com.ng/index.php/about-apc/about-apc>).

At the present, 37 PDP lawmakers in the House of Representatives defected to the APC party. Their decision was acknowledged by the Speaker of the House (TVC News, January 22 2015). In the Senate, nine members from the ruling PDP also decamped last week to the APC. Given this turn of events, ‘the membership of the PDP crashed to 64 in the red chamber which has a total number of 109 senators. The APC now has 41 members while other parties constitute the remaining five’ (Punch, January 14, 2015). And in Niger State, the deputy governor and 200 other political public officials defected from the PDP to the APC. The defectors cited the unjust manner at which the gubernatorial primaries were held in the state as reason for their defection. They argued that the primaries were not ‘in accordance with the PDP constitution’ (Nigerian Eye, January 19, 2015).

The decamping of politicians is in violation of the law which requires them to vacate their office once they have decamped from the party that got them elected. But the law has not been enforced. This situation does not bode well for the PDP, which is losing significant members including several former cabinet ministers and a former chairman of the party who won the opposition primaries while still a member of the PDP.

## C. INTERNAL IMPLOSION



The state of affairs following the primaries is such that there is massive internal revolt within the ruling party. The media reports controversial primaries in 17 states, which have created a serious breach that threatens party cohesion going into the elections. As one person described it, in the space of six months, the ruling party successfully alienated its base.

In the north, President Jonathan won only 7 states compared to President Obasanjo's 11 state victory the last time either of them ran against General Buhari in 2011 and 2003 respectively.

President Jonathan risks winning less states in 2015. Two states which he won with 1 million votes each, Kaduna and Plateau are at risk. A popular gubernatorial challenger El Rufai has changed the dynamic in Kaduna. In Plateau, controversial succession from the same zone as the current governor has caused disaffection. There is a real risk that in these states, PDP supporters may vote in protest for the opposition. The question is whether they will do so in both the federal and state elections.

Already in Kaduna state, the Christian population is aggrieved that the incumbent governor, who is a Muslim and from the PDP party, has abandoned most of the projects initiated by late Christian Governor Patrick Yakowa whom he succeeded after his mysterious demise in a helicopter crash. Moreover, many southern Kaduna people consider the 2015 election an opportunity to elect a governor from the southern region that may be more protective of their communities and interests, especially in the context of Governor's Yero apathy and toward the sustained attacks by Fulani herders on local communities in southern Kaduna (International Crisis Group, 2014:18-19).

As for the presidential election in the state, the International Crisis Group (2014:19) reports that many southern Kaduna leaders say they will vote for President Jonathan, while the Hausa/Muslims will largely vote for Buhari. However, it is not certain that the southern Kaduna people will vote for President Jonathan considering the death, in 2014, of their likely candidate, Senator Isaiah Balat, which has led many of them to change camps and start backing the APC gubernatorial candidate in the state, Nasir El-Rufai, a former minister of the Federal Capital Territory, Abuja. Within this context, it is likely that the 2015 elections in Kaduna State will be heatedly contested between the APC and PDP even though the VP is from Kaduna state.

#### **D.**

#### **E. THE WESTERN WILD CARD**

The Southwest of Nigeria is considered politically astute. It has also historically been dubbed the "wild west" for its turbulent earlier years. It remains a wild card as far as swing votes go.

In 2003 and in 2011, the last time President Obasanjo and President Jonathan ran against General Buhari, the Southwest vote was critical to their respective victories. What was particularly intriguing is that after merger talks failed, the Southwest decided not to vote for its Muslim/Muslim ticket. Rather, all but one of the six states in the region voted for President Jonathan.

In 2007, the Southwest showed greater sophistication than in 2003 when they voted the ruling party in for both federal and state elections. In 2011, they voted the opposition in state elections and the ruling party in national elections.

This “sell out” of their own party’s candidate – a Northern Muslim – was telling. There were speculations of bribery or blackmail. But whatever the case, there was some horse trading that caused him to win only 1 state. It remains to be seen what will happen this time around with the western wild card, and this may not be until the day after the elections.

## F. THE MIDDLE BELT SWING VOTE

Probably the most critical swing voting bloc in Nigeria is the north central “Middle belt” zone. The Middle Belt is a broader concept beyond the strict geographical boundary of the NC that encompasses marginalized Christian and Muslim minorities in the “core north” (NW and NE) as well. Notable Middle Belt leader, the late Chief Solomon Lar fondly named “the Emancipator,” broadened the definition to include all “oppressed” northerners.

Without the independence of the Middle Belt bloc, it would be virtually impossible for a southern presidential candidate to meet the constitutional threshold that stipulates a minimum geographic spread of votes in the country.

In 1999, the Middle Belt compensated for General Obasanjo’s loss of his SW homeland to help him win victory. In fact, he won the party primaries in Jos, Plateau state – the putative capital of the MB only with the help of its people.

Since then, the MB has backed every winner. In 2011, the MB was crucial to President Jonathan’s victory. In only one MB state was there post-election violence.

This year, the MB is a toss-up. However a recent statement by the *Middle Belt Dialogue* aptly captures the mood of the region:

*“The Summit noted that:*

*Ø There is general anger and disappointment in our communities against the current federal government, flowing from the sad reality that despite the huge political investment by our people in installing the Goodluck Jonathan administration in 2011, there has been no commensurate political patronage in terms of projects and appointments. Rather, we have watched in awe as hostile regions/personalities to Jonathan particularly in the north, attract, secure or corner appointments and projects in the Jonathan administration.*

*Ø It is obvious that as a result of the huge political investment of our communities in 2011, our communities have been exposed to unimaginable genocide and consequent untold hardship, while governments at the state and federal levels have appeared indifferent to the suffering of our people;*

*...Ø Comparable to operations of the Janjaweds during the slave trade era, Fulani militias and Boko-Haram have ravaged and destroyed our communities, attacking serene, quiet settlements in the Middlebelt thereby killing thousands of people between 2011 to 2014 and sacking hundreds of villages and thereby ensuring that our communities and people were displaced from their regular homelands before the 2015 elections.*

*...Ø If our people have been so single-mindedly targeted for genocide at a time that the patrons of the Fulani militia and Boko Haram are not in power, how much more would they be able to do should their patrons be put in charge of the Federal Government of Nigeria?;*

*Ø Although the federal government allegedly provided funds to state governments to pay compensation to victims of the 2011 post-election violence, it is clear that governors across the north circulated these funds to the communities that perpetrated the violence/destruction and killings. The churches and Christian victims have not been rebuilt nor has such compensation been extended to families of victims.*

*...Ø Delegates observed further that whereas the Middle Belt people have been unhappy with the "kid gloves" with which President Goodluck Jonathan has been treating the Islamist Boko Haram, the Middle Belt would be in a worse situation under Muhammadu Buhari who openly said that the Islamist Boko Haram who have been bombing churches, slitting the throats of women and children and abducting innocent girls and turning them into sex slaves are "fighting for justice";".*

### **G. THE ARMY PARTY**

The unobtrusive military factor must not be discounted even in this election. As I said in my 2003 op ed

"It can only be concluded in the light of the larger context provided above that the 2003 elections cannot improve Nigeria historically or politically by any significant measure. The much touted fear of civilian-to-civilian transfer precipitating military intervention is baseless for a key reason - the military has already intervened but out of uniform ...

The only expansive lesson that could conceivably emerge from this election is whether there has been a sufficient realignment of political forces and interests to such a point that the pendulum of presidential power can swing back and forth across the regions of the nation on the steam of the electorate rather than on the strength of subterraneous gerrymandering by pedagogues and potentates.

If that happens then 2003 would indeed have brought about a seismic shift in favor of the nationhood of Nigerians, the viability of Nigeria and the survivability of democracy."

Today, the presidency of Nigeria is ensconced in a golden cage with multiple trapdoors:

- If the military high command moves against the incumbent, it is headed by a northern general
- If the incumbent is defeated in the elections, he will be replaced by a retired northern general
- If the elections are repeatedly inclusive, the constitutional chain of succession is a retired northern general

#### IV. STORM CLOUDS ON THE HORIZON

In addition to progressive and regressive trends as well as ubiquitous x-factors, there are ominous clouds on the horizon. The following are a few: examples of these challenges:

##### A. CYBER WARFARE

Nigeria's infamous political gangsterism recently acquired a new battleground – the internet. An army of bloggers have been conscripted to undertake cyber warfare on behalf of the parties. YouTube videos, cartoons etc. are popping up. The otherwise normal evolution of politicking to social media platforms took an unhealthy turn when bloggers from one party filed bogus complaints that led to the closure of the Facebook Page of a prominent and incisive opposition blogger Soni Akoji. Although Facebook ultimately reversed the ban, the pre-election "virtual violence" has begun.

There were also media reports of attempted hackings of party databases, and physical attack on the APC data base in Lagos by security outfits ostensibly doing the bidding of the ruling PDP. The attack was compared to the 'Watergate scandal of the U.S.' by APC National Publicity Secretary, Lai Mohammed. In addition there are various certificate scandals and fake medical unfitness records circulating online.

##### B. POLITICAL VIOLENCE

The drumbeats of political violence have been sounding for a while, but during my time in Nigeria, the manifestation began. In the last few days, the convoy of the president has been pelted with stones and his posters burnt by urchins in northern Katsina and Bauchi states. And shortly after President Goodluck Jonathan's campaign in Maiduguri on Saturday, violent altercation ensued between Islamist fighters and the Nigerian security forces.

The **Peaceful Polls Project 2015**, which I am presently implementing, issued an Early Warning Threat Alert 30 days prior to the election which is reproduced below:

*While Nigeria has experienced election violence in the past, regrettably, there has been a culture of impunity and scant precedence on prosecution and punishment of election-related offences even of a violent nature.*

##### INCIDENT REPORTS

###### 1. PRE-ELECTION VIOLENCE IN JOS, PLATEAU STATE

- i) *Arson attack - Videographic evidence reviewed by our monitors and readily available online captures the torching by arson of a campaign vehicle belonging to the presidential campaign of People's Democratic Party (PDP). On the video, the arsonists can be heard*

*chanting the name of primary challenging candidate of the All Progressives Congress (APC).*

- ii) *Historical background - We particularly wish to raise an alarm over the situation given the history of such incidents. In 2008 shortly before results for Jos Local Government elections were announced in Plateau State, some people took to the streets on a rampage burning down churches and houses which ultimately led to the deaths of almost 1000 people. There was no recourse to the law courts for adjudication of election matters as laid down in the law.*

*In 2011, a similar pattern emerged. Without the full release of results, some people again unleashed full scale urban warfare on innocent civilians and passersby again burning places of worship as well as homes/businesses of individuals across 12 northern sharia states. **Again another 1000 lives were lost.***

*Unfortunately, those systematic attacks across multiple fronts in several states of northern Nigerian have been fueled and fed by campaign rhetoric spanning several years. **Party leaders did not move swiftly to condemn the attacks by their supporters.***

c) *Recommendations –*

- i. *We urge the Attorney-General of Plateau State and the Attorney-General of the Federation to, as a matter of urgency, begin immediate prosecution under applicable laws while the evidence is still fresh and the thirteen suspected attackers are in custody. **It is crucial that the perpetrators are aware that the global community is watching and that Nigeria has the capacity to hold people accountable for senseless violence. We commend the security forces for swiftly arresting the perpetrators.***

- ii. *We urge swift prosecution as far as possible to send a deterrence message to others contemplating election violence.*

- iii. *We urge party leaders to ostracize the perpetrators of the violence.*

d) *Action taken*

***Peaceful Polls 2015 has engaged counsel to follow up with the prosecutors to ensure that the 13 suspected perpetrators of the violence are held accountable for their actions.***

2. *PRE-ELECTION TENSION TRIGGER IN MATAZU, KATSINA STATE*

- a) *Proposed Demolition of 99-year old church – Documentary evidence reviewed by our monitors indicate that Katsina State has ordered work stoppage on a 99-year old church in Matazu. The church was reportedly attempting to build a fence to protect itself in compliance with a Federal Government directive to schools and churches in view of the Boko Haram terrorist threat.*

*However Katsina State government claims it plans to build an access road through the church compound even though such a road reportedly leads nowhere.*

- b) *Historical background - Katsina state was the state which had the most massive destruction of churches in the most LGs of any state during the 2011 post-election violence. In Funtua town, every single church was destroyed.*

*The state has not compensated for or repaired the destroyed churches. Rather Katsina State released 360 million naira for the building of mosques in each local government council even though no mosque was attacked during the Post-Election Violence. Approximately 100 churches were attacked in Katsina in April 2011.*

*Similarly Katsina has not disbursed compensation for Post-election violence provided by the Federal Government to most victims 4 years after the attacks. In Malumfashi in particular hundreds remain without payment.*

*A few months ago, an RCCG pastor was killed in Katsina by a mob even after he had been first rescued and taken to a hospital for treatment. Katsina has a history of hostility to minorities of religious, ethnic and political distinction. Therefore, these minorities cannot, as the Southern Igbo of the 1966 massacres did then and are doing now, retreat to their home base as a safe haven. These minorities are in dire danger.*

c) *Recommendation*

- i. *We urge the Katsina State government to desist from interfering with the legitimate desire and right of the ECWA church Matazu to protect its premises by building a fence. Safeguards should be top priority to stop avoidable bloodshed and douse tensions.*
- ii. *We urge Katsina State to pay compensation to victims of the previous election violence of 4 years ago as a matter of urgency.*

d) *Action taken*

*Peaceful Polls 2015 has through our counsel issued a FOIA request to the Attorneys General of the states impacted by PEV in 2011 as well as to the AGF.*

3. *PRE-ELECTION VIOLENCE GENERALLY*

*Media reports indicate attacks or attempts on opposition parties in Ebonyi, Rivers amongst others by unknown persons. Security persons and all citizens are urged to be vigilant and report, as well as document, any suspicious activities.*

**END**

**The propensity for violence is very high and must be mitigated.**

**C. ELECTORAL ISSUES**

The Independent National Electoral Commission under Professor Jega has been plagued with pervasive project management challenges.

From the 2011 elections (which at a point had to be rescheduled to more recent state elections in Anambra which appeared still to overwhelm INEC) not much confidence has been inspired on competency even if integrity is a given.

**1. Excessive Polling Booths**

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19 | Testimony of E. Ogebe, US Nigeria Law Group – Peaceful Polls Project 2015

One troubling issue that arose in the polity that called integrity in question, the Independent Electoral Commission of Nigeria (INEC) announced the allocation of new polling units in August 2014, numbering about 21,615 for the north as against 8,412 for the south. This came after INEC had carried out a sanitizing exercise that had reduced the total number of validly registered voters in the country; meaning that the number of eligible voters in the north will not be able to populate the 21,615 polling units that INEC initially created for the region (Ajani, Vanguard August, 24 2014). In which case, 'it is easy for politicians to rig election by conniving with election officials to make returns of votes based on those polling units; this, given that INEC normally produces ballot paper for every voter on the register as well as result sheets for all polling units' (Ajani, Vanguard August 24 2014). Although the plan to create the controversial polling units was eventually rescinded, the attempt to do so created the impression that INEC is involved in a political maneuver to favor the north (Muslims) against the south (Christians) (Ajani, Vanguard August, 24 2014).

## 2. Delayed Voters Cards

INEC's logistical woes received a decided thumbs down when just last week the National Security Adviser, Sambo Dasuki, at Chatham House, London, suggested the postponement of the election.

At issue is the Permanent Voters Card which has been touted as a major achievement by this administration in the quest for elusive electoral transparency.

According to the NSA:

*"our concern with INEC just as I was discussing upstairs the law provides that election must be conducted not more than 90 days before and not less than 30 days to the end of the administration. February 14th is closer to the 90 days before the end of the tenure. And we raised it with INEC and we said look there is a problem, if you've had a year plus and all you've been able to do is to distribute about 50% of the cards. We still have about 30 million cards. According to them, we have about 30 million cards to distribute. Look at the possibility of shifting this thing and doing it when everybody else has a card because it doesn't cost you anything. It is still within the law and is safer for all of us. So that is what we are encouraging. They keep assuring us that everybody would have his card but I doubt it. You've a year and you have distributed 30 million. I don't see how you would distribute another 30 million in two weeks. It doesn't make sense but that is where we are."*

While it is arguably within the purview of the NSA to speak on political matters, it is instructive that his analogy was concerning Nigeria's top Muslim leader (a relative of his). The subliminal message here therefore is unfortunately that the Muslim leadership of the country has signaled to their adherents and to the international community their discomfort with the impending election date.

## D. VICTIMS OF INSURGENCY

The ferocious Boko Haram insurgency has expectedly caused a milieu of problems. More territory is held by Boko Haram than ever before in the history of hostilities.

About 20 Local Governments in three north east states are reportedly in their grip. By middle of this year, the Boko Haram insurgency would have exceeded the Biafran civil war by three years.

There is concomitant massive internal displacement and a rapidly deteriorating cross border refugee situation that combined have impacted over 2 million people. There is a real risk that elections may not be safely held in much of the northeast. Even if they are, there is a possibility that the constitutional threshold of 25% of votes in 2/3 of the states to clinch the presidency may not be met.

To mitigate this, INEC is rolling out PVCs in IDP camps. The problem here is that there are multiple camps across the north. Some are state run but most in the middle belt are privately run. INEC appears not to have engaged with those run by NGOs leaving those in government camps at an advantage.

Secondly, there appear no plans to reach the refugees in Cameroun, Chad and Niger. This implies that the worst hit of the victims who were unlucky enough to flee the country have been further disenfranchised in addition to denial of humanitarian relief. The mechanism for Diaspora voting is not in place which would have conceivably addressed this situation.

Without a comprehensive approach that embraces both IDPs and Refugees, any arrangement would be lopsided and results flowing therefrom will be skewed.

Researchers indicate that many Christian IDPs gravitate to relatives or stay in churches rather than in IDP camps thus missing out on registration and distribution of supplies.

My visit to UNHCR camps in Cameroun revealed that the majority of refugees there were Christians. Refugees told me that they flee abroad because of Boko Haram's house-to-house genocide targeting them. Many IDPs who remain in the northeast area are Muslims who still feel relatively safer than their Christian neighbors.

Similarly many IDPs in the north central, capital city and the south are Christians moving further away from the genocide. Our findings indicate that Cameroun has been so inundated by refugee inflows from both Nigeria and Central Africa Republic that they created a safe travel corridor that allows Nigerian refugees into Cameroun but their convoys are then rechanneled through a safe passageway back into Nigeria as IDPs away from the northeast.

It is unclear how INEC's PVC distribution applies to these IDPs and whether their votes will count in their states of origin.

It should also be noted that Boko Haram bombed INEC offices during the 2011 elections and there is distinct likelihood of similar attacks this year.

## **E. 2011 Post-Election Violence Victims**

### *1. Non-payment of compensation*

Recently victims of the worst post-election violence in Nigeria's history protested the non-payment of promised compensation by the government, four years after the fact.



Last week, the VP announced that payments would be disbursed. However, four years of deprivation and destitution would lead to desperation. Many victims would be wary of future elections or could potentially be aggressive in the forthcoming elections.

### *2. Non-prosecution of offenders*

Similarly our findings indicate that there was wholly inadequate prosecution of perpetrators of the violence. One victim told how his attackers still roam free till this day. He lives in fear that they will come to finish off what they started.

The lack of justice not only frustrates victims to aggravation but the impunity emboldens perpetrators.

### *3. Temporary Displaced Persons*

The fear of repeated election violence has created an additional flight of people from the north. Many southerners who traveled home for Christmas have chosen not to return till after the elections.

In addition, media reports indicate community groups from the south demanding the return of remaining southerners in the north back home.

## **F. JUDICIAL CRISIS**

Nigeria's fractious elections have tended to be superintended by two key institutions – first the INEC and secondly the Judiciary. In 2007, the floodgate of litigation resulted in a record 1260+ election petitions being filed in the courts. The current situation is:

### *a. Court Paralysis*

The courts have been paralyzed due to judicial workers strike. As a result, no pre-election cases are being filed or heard. INEC has been stripped off its powers to disqualify ineligible candidates courtesy of an amendment of the law.

Accordingly although INEC referred parties with complaints about the qualifications of candidates to the courts, there were no courts sitting to bring these challenges. This has a propensity to raise political tensions in the polity.

### *b. Court Inundation*

The monumental irregularities in the primaries will lead to a floodgate of litigation over the nominees. There is a real possibility that these pre-election cases, which are usually not impacted by the legal amendments setting a deadline for the adjudication of election cases, could inundate the courts.

This could result in what I called a Judicial Tsunami that could overturn numerous elections as occurred in 2007.

### *c. Prison Congestion*

The court strike impacts not just civil cases related to the elections but criminal cases as well.

Although 13 suspects were arrested for political violence by arson in Jos, Plateau state, they could not be charged to court within 28 hours as required by law.

It is unclear what the authorities will do in this situation but it is certainly a recipe for anarchy if all offenders must be let loose, regardless of their crime, if there are no courts to arraign them in.

*d. Court Congestion*

It is important to note that regular cases are backlogged as judges are pulled out for special duty on election tribunals thus adversely impacting the smooth and expeditious administration of justice in a legal system that is already laborious.

## V. SCENARIOS: HOW IT COULD END

Against the preceding background, it is difficult to predict what will happen during or after the 2015 general elections in Nigeria. Although momentum seems to be building on the side of the APC party, the history of elections in Nigeria has shown that the ruling party has the power to manipulate election results. However, the following are scenarios that are within the realm of possibility.

### A. SLEEPER CASE

Although a federal High Court in Abuja has declared President Goodluck Jonathan eligible to run for presidency in 2015 election, his critics are still lamenting that he did not respect the zoning system set up by his party (WANEP, 2014:3). They argue that 'he upset this informal power agreement when he succeeded the late President Yar'Adua and continued to seek re-election, which if he wins, will mean that he would have been in power for 10 years' (Fact Sheet Nigeria, 2015:3). Buhari has also been criticized for purportedly stating that if he loses at the 2011 election he would not be contesting in the next one.

The fact is that this case is currently on appeal and there is a possibility that the president could be declared ineligible by the courts having already been sworn in twice into the office. The implications of this – whether, power reverts to the Vice President or whether the entire election will be voided, is subject to debate. Whatever the case such an outcome might cause consternation and disaffection in parts of the South South.

### B. HEALTH

While it is impolitic to speculate on the health of individuals, practical circumspection and the dictates of rigorous liberal analysis make it imperative.

Media reports claim the APC candidate slumped during a campaign run.

While this could happen to anyone given the rigorous daily multi-state campaign stops, the facts are that General Buhari at 72 is no longer in his prime. Given his military pedigree and his austere lifestyle, he is palpably the fittest looking of his military peers.

That said, if anything were to happen to a President Buhari leading to succession by his Southern Christian VP, it would be de ja vu all over again. It could be met with disaffection in the core north.

### **C. HOME CRISIS**

President Jonathan's home region is in political disarray. The First Lady's home state of Rivers is an opposition state. A battle royale has been waging there for a while.

President Jonathan's own state of Bayelsa is fast slipping out of his grip. A cold war is brewing between the president/the First Lady and the state governor who is a successor to the last governor he fell out with.

Therefore, the president himself is at risk of the ultimate fatality that any politician could face, as Al Gore found to his chagrin in the US 2000 elections – you cannot afford to lose your own home state.

### **D. DEADLOCK**

While a tie is not particularly possible, an inconclusive outcome is - considering the constitutional requirement for 25% of the vote in 2/3rds of the states.

In that event, there would have to be a re-run amidst horse-trading. Fortunately, the elections are at the early end of the 60 day window within which elections must be held. However INEC has reportedly said that it does not have the capacity to pull off a re-run within the requisite 7 days and is seeking an amendment to work around this.

One likely outcome from a failure to elect a president by inauguration day on May 29<sup>th</sup> will be power devolving to the Senate President.

## **VI. CONCLUSION: THE IMPACT OF ELECTION OUTCOMES**

Nigeria is faced with two presidential candidates who never won an election before they found themselves in the presidency – one as an unconstitutional president and one as an accidental president.

One can argue convincingly that General Buhari has no democratic credentials whatsoever in the same breath as saying President Jonathan has no presidential credentials.

The current election is one that will decide the fate of insecurity, corruption and the economy – each of which is at crisis point now. Boko Haram has taken on its biggest target so far – the city

of Maiduguri, capital of Borno state this week; many states have been unable to pay salaries for months ostensibly due to corruption related to funding the elections and the economy is on tenterhooks as crashing gas prices wreak havoc on Nigeria's oil dependent economy. I will focus here on the insecurity and the insurgency.

### **A. THE STATE OF THE INSURGENCY: BAGA AND THE FRENCH CONNECTION**

Jihadist terror group Boko Haram's attacks in 2012 approximated 2000 killed. If the numbers for the Baga massacre are confirmed, they have exceeded that total in the first 7 days of 2015 alone. Terrorism on steroids doesn't even begin to describe this. Boko Haram, in one week, did what it took them 6 months to do last year. The global silence is deafening on this burgeoning genocide.

Although they happened at the same time, Paris was bad but Paris is no Baga. In the first place, the world rallied for the three days of Islamist attacks that left 17 dead in Paris and dallied on the 4 days of violence that wiped out Baga. During the attacks I transited via Paris to Nigeria and was stunned at how much coverage Paris was getting on local Nigerian TV.

Speaking with a security official, I inquired what happened in the north. Wryly, he responded, "there are attacks daily." Baga could pick a number. As countries showed their support for France, two countries neighboring Nigeria – Niger and Chad – stopped troop contributions to the multinational joint task force based in Baga. Only last year, Boko Haram had decapitated one of the soldiers which precipitated alleged military reprisals. Curiously, Chad immediately sent troops to help Cameroun – not Nigeria. While perpetrators were being identified and apprehended in France by security forces, in Nigeria total casualties were being denied by security forces sparking outrage at the "only 150" claim.

But besides the local and regional muted responses to the Baga massacre, the global is equally concerning. This is slightly more complicated than #blacklivesdontmatter. Part of the issue is jihad denial by some in the west.

The U.S. has blamed Nigeria's president for Boko Haram's terrorism as they did Iraq's PM on ISIS. This notwithstanding that President Jonathan ran an exceptionally inclusive government of northern Muslims whilst Al Malaki was accused of sidelining Shiites.

But in addition to these politicized policy positions, even experts on persecution of minorities focus narrowly on MENA as I noted at a UN event. Well the stark, sad fact is that West Africa (actually northern Nigeria alone) saw more Christians martyred than the rest of the world combined not just Middle East and North Africa in 2012!

France, on the other extreme, finances Boko Haram – and ISIS – by paying millions in ransom for abducted French citizens. This is a serious problem as France may think that the jihad is far removed from them. However in essence it is fueling Boko Haram's mass murders which are inspiring other global jihadists into a frenzy.

Until France recognizes that global jihad is ruthless, relentless and pervasive, it remains a major violator of the UN financial sanctions against Boko Haram imposed in May which I have pushed

for. France's paying ransoms to jihadists does two things - it sends a message that African lives are expendable in exchange for French lives. Worse still it fosters a hostage cottage industry against Westerners with reports claiming a \$20 million turn around in Iraq last year alone.

But the French connection to Boko Haram's rabid insurgency goes further. The successful French-led military roll-back of MUJAO jihadists in northern Mali had an unintended but not unavoidable impact on Nigeria. Boko Haram relocated its training camps and equipment from Mali back to Nigeria with a slew of foreign fighters in tow.

Speaking to a colleague whose town was captured by Boko Haram, locals reported seeing Malian Taurags acting as commanders. In a scene poignantly reminiscent of the holocaust, his 84 year old dad fled over 10km on foot to escape. His arthritic wife moved into the Muslim neighbor's home. Five days later someone turned her in to Boko Haram as a pastor's wife. Another pointed out their home as a retired pastor's. The jihadists blew up the empty house with an RPG.

Similarly, NATO's overthrow of Gaddafi has led to documented arms proliferation into northern Nigeria. Over 5000 out of 8000 missiles had not been accounted for according to US analysts - again an unintended but not inevitable fallout of the Libyan intervention. Viewing the theater of conflict as localized jihad has been disastrous regionally in both situations. The new violent Jihadi strategy "Thinks Global and Acts Local" for those who can't afford to be foreign fighters and "Thinks Global; Links Global" for those who can.

Nigeria successfully recaptured territory from Boko Haram when President Jonathan declared a state of emergency in May 2013. Today, more territory is in terrorist control than ever.

Now US troop training in Nigeria has stalled amidst accusations that the U.S. denied arms and helicopter sales to Nigeria. The U.S. cut back on oil purchases from Nigeria leaving 35 million barrels of unsold crude in December.

At a time when it needs the world's help the most against a global scourge that imperils us all, Nigeria looks as though it were under sanctions similar to Russia, Syria and Iran. Yet, when the world needed Nigeria for peacekeeping, it showed up. Now that Nigeria needs the world, not much help is forthcoming.

Baga was an extinction level event for a town with a multinational military base. The world needs to join Nigeria to end this now before Boko Haram ends thousands more lives. Past history of genocides committed against ethnic and religious minorities in Rwanda, and Bosnia, are salutary reminders of international negligence in the face of horrific onslaught against innocent civilians by a genocidal regime, and non-state groups. France, a permanent member of the UN Security Council, will do well to start by complying with UN sanctions per Security Council resolution 2083 (2012) barring finances to Al Qaida linked genocidal groups like ISIS and Boko Haram.

## **B. IMPACT OF THE OUTCOME ON THE INSURGENCY**

Should President Jonathan win re-election, there will likely be an increase in Boko Haram's insurgency although with daily ongoing attacks, this seems almost impossible. However the fact is that Boko Haram will be re-energized, recruitments will rise and sleeper cells and sympathizers will likely initiate attacks beyond the northeast terror corridor.

If General Buhari were to win, the problem of Boko Haram would still remain. He has gone from being endorsed by the group to negotiate peace on their behalf some time back to being targeted for assassination last year. Indeed, because of statements he made in the past endorsing the imposition of Islamic Sharia law across the country, there is a real possibility that if he does not follow through if elected, not only the terrorists would be even more violent but many northern voters who view him as the sharia harbinger.

This is precisely what galvanized Boko Haram at its inception. The group was not satisfied with the Sharia law imposed in 12 states in northern Nigeria in 2000 and formed in an effort to practice a more extreme version. Indeed, even when Umaru Yar'adua Governor of Buhari's home state of Katsina and a sharia operator became president in 2009, all efforts by him to negotiate with Mohammed Yusuf, Boko Haram's leader, failed. His tenure witnessed a bloody Boko Haram uprising where hundreds were killed and Christian pastor George Ojih was abducted and publically beheaded by Yusuf personally. Yusuf subsequently died in police custody after he was captured.

The same way that Al Maliki's substitution for Al Abadi as Prime Minister in Iraq did not necessarily mean the automatic defeat of ISIS, so also change in Nigeria may not *ip so facto* equate to the death knell for Boko Haram's insurgency. The international community must brace for a long and hard battle to isolate and extinguish Boko Haram regardless of who wins the presidential elections.

## VII. RECOMMENDATIONS

**A. MORE MULTILATERAL ENGAGEMENT.** There is need for robust international cooperation to assist Nigeria to face this threat of existential proportions that has brought Nigeria not merely to the brink but the precipice.

Last week the international community met to assess assistance to Iraq over ISIS. The contrast could not be clearer:

1. The US says 6000 ISIS fighters have been killed in recent months. Amnesty says 2000 Nigerian citizens were killed in the first week of January. Suffice to say that if 6000 Boko Haram fighters were decommissioned as in Iraq, the insurgency would be all but over. While ISIS has massive global recruitment, Boko Haram has much less foreign fighters and much less voluntary recruitment.
2. Iraq is asking for deferred payments to purchase weapons from the west in view of the oil price crash. The US donated and shipped tons of weapons and F16s to Iraq. Nigeria on the other hand, even though willing to pay, cannot purchase Cobra helicopters from Israel because the US blocked the transaction according to the NYT.
3. The US says 2000 air strikes have been launched against the terrorists. Nigeria cannot purchase US made choppers to be used in operations against Boko Haram even though BH destroyed 5 aircraft in one attack on an air force base and several more have been downed.

4. The president of Nigeria has not been invited to a major global partnership forum like Iraqi PM Al Abadi was for consultation and support. It is possible that this is to avoid a seeming endorsement of his candidacy but the reported loss of 2000 citizens in the first week of 2015, the highest of any global conflict so far overrides any such arcane considerations.

It should be noted that since 2012, Boko Haram has exceeded ISIS in global terrorism rankings, yet there is no commensurate global outcry or response to its virulent genocide. (See Annexure III)

**B. GREATER GROUNDSWELL OF GLOBAL SUPPORT.** The world should stand with Baga as it stood with Paris against terror. Humanitarian relief groups should be on ground as should the media highlighting this horrific situation.

The world stood with the abducted Chibok schoolgirls for fifteen minutes last year and moved on. It's been nine months. 219 are still missing. Anything could happen in nine months. We could be looking at the rescue of 219 x 2.

By my modest efforts, we have relocated and re-enrolled 10 Chibok girls in schools in the US without major institutional funding from any source. I wish to thank Congresswoman Frederica Wilson for her support of the Education After Escape project. We say #bringourgirlsbacktoschool for others of the 57 courageous girls who were able to escape.

Recent evidence available to me indicates that they were finally all married off only in the last 4-5 months as the terrorists awaited a prisoner swap. Delay has resulted in the forced marriages and conversion of these poor innocent girls but although it is now nine months since their abduction, they are still in relatively good shape for rescue within the next 40 days (see detailed report in Annexure II).

The world cannot look another holocaust in the eye and blink on the brink. Again.

**C. PASS TERROR VICTIM FUND BILL.** The congress should pass and President Obama should sign the proposed bill putting looted Nigerian assets seized by the US into a humanitarian assistance fund to assist the largely forgotten victims of insurgency in Nigeria.

Mr. Chairman, a month after you addressed a press conference calling for victim support in Nigeria, President Jonathan launched Victim Support Fund. Media reports indicate that the VSF has not been fully funded nor rolled out. <http://odili.net/news/source/2015/jan/23/802.html>.

Today congress can provide Nigerian funds for humanitarian relief in Nigeria by supporting the successor bill to HR 5778 which lapsed in the last congress and which should be resuscitated. <https://www.congress.gov/bills/113th-congress/house-bill/5778?q=%7B%22search%22%3A%5B%22hr+5778%22%5D%7D>

This is a powerful shot congress can take, not to curse the darkness but to light a candle for the victims of a modern day genocide. It is not an air strike but it is a care strike that we can do.

It is also something that Attorney General Holder could do with a stroke of the pen. He can order these forfeited funds to be used for victim compensation since forfeiture reform is currently in his purview.

**D. MORE MILITARY ASSISTANCE.** The US military should provide excess hardware to Nigeria to fight Boko Haram. True war ships have been donated but these have no strategic bearing on the security situation in the landlocked north.

It does not appear logical that US military trainers are complaining that the Nigerian army had no equipment to train with, as NYT reports, while at the same time the US is denying weapons sales to Nigeria.

Some Nigerian sources maintain that the US trainers wanted them to bring back weapons from the battlefield for training exercises and this was a deal-breaker for the training.

Nigeria has human resource aplenty to maintain a strong army but it needs capacity rebuilding from years of atrophy.

**E. END OIL EMBARGO.** The US should not economically strangulate Nigeria's oil exports. As the Nigerian Guardian reports:

*"US officials at the press briefing did not address the issue of the ongoing importation from other oil producing nations, including OPEC members like Saudi Arabia and Kuwait and non-OPEC suppliers like Canada. In fact, as at last month, it was reported that, while US completely halted oil imports from Nigeria, it increased its importation from those three countries.*

*The reduction of US oil importation from Nigeria to zero is the very first time since 1973 that the US did not import oil from Nigeria. ... "This marks a dramatic reversal for Africa's largest economy, which in 2010 was still among America's top 5 oil suppliers and exported at its peak 1.3m barrels per day to the United States."*

*According to Deutsche Bank, the decline in US imports from Nigeria, "proceeded much faster than for the US' other major suppliers." It is the rather drastic and complete zero oil imports from Nigeria that suggested a possible political connotation...*

*Observers say it is not unlikely that oil imports termination with Nigeria and the refusal of the US government to sell weapons to Nigeria to fight Boko Haram might both be political signals from President Barack Obama to the Nigerian presidency as it can be seen as demonstration of a lack of commitment by the US government to a supposed strategic partner —Nigeria — in Africa." - See more at: <http://www.nguardiannews.com/lead-story/191117-why-we-stopped-buying-nigeria-s-oil-by-white-house#sthash.s3dhVYdw.dpuf>.*



The US should strongly reconsider re-instating some oil purchases from Nigeria to enable it weather its financial throes even if it means redirecting orders from more stable countries like Saudi Arabia who are actually trying to destroy the US oil industry.

**F. DIPLOMATIC DENOUEMENT.** Finally, the US should engage more diplomatically, transparently and pragmatically with Nigeria. It is worrisome that Secretary of State Kerry visited Nigeria for the first time just this week after Hilary Clinton's visit of 2012. It is bad enough that Africa's largest nation and biggest economy, Nigeria, did not get a Presidential visit from America's first African American President when both Republican and Democrat President's Bush and Clinton visited twice apiece.

If President Obama's record is a brief stopover by a Secretary of state, that speaks volumes on the state of the relations.

With a Binational Commission in place, it is puzzling that there continues to be a rift in military and bilateral cooperation.

The US and Nigeria were unified in refusing to designate Boko a Foreign Terrorist organization. Now after we successfully led a campaign to reverse this, many thanks to this committee for your bill in this regard, both countries are disunited in their effort to combat a common identified enemy.

Similarly the US must appreciate that extremist violence in northern Nigeria is not predicated on political marginalization in the same way that the Charlie Hebdo terrorist attack was not caused by an aversion to French cuisine. For all the political support President Jonathan got from the South, the South-East and South-West remain quite under-represented in his government.

Of the top 5 government positions – President, Vice President, Senate President, Speaker and Deputy Speaker – only the South-East has two deputies. The South-West, which was a critical last minute swing vote in 2011, got nothing. So-called marginalization is not a "legitimate grievance" to justify bloodshed. Now that we have identified the problem rightly, let us respond rightly.

Let me conclude by urging the US to help with real-time satellite coverage to monitor post-election violence in February.

During our fact-finding mission in the aftermath of the 2011 PEV, we discovered that Kaduna was the only state out of the 12 Sharia states where Christians fought back and mosques burnt.

A local pastor told us that when he tried to intervene and restrain Christians, one told him, "I am fighting back now because in 2000 when I didn't defend myself, they killed my family." Years of impunity have hard-wired many and any trigger now could break the dam.

I wish to close with a tribute to Ike, a young college grad who was posted on national service to Bauchi state where he was assigned to election duty.

Ike and several service corps colleagues fled to a police station after being chased by virulent northern youths. Six of them were subsequently killed even in the police station.

When I was myself posted from the North to the South for national service, I got to meet Ike who was then a little boy in primary school. Many years later, like me, he was posted from the South to the North for national service. Unlike me, he did not survive it.

The deaths of these young heroes must not be in vain and they must not be repeated.

I thank you.

## **ANNEXURE I**

### **PRESS RELEASE**

**Washington DC, August 8, 2011**

### **NIGERIAN ELECTION VIOLENCE UNFAIRLY TARGETED THOUSANDS OF CHRISTIANS, US GROUP REPORTS**

**The post-election violence in Nigeria last April unjustly victimized thousands of Christians in the northern part of Africa's largest country, a public interest law group reports. The Justice for Jos Project quoting a report submitted by the Christian Association of Nigeria which corroborates our own human rights fact-finding mission to Nigeria indicates that over 500 hundred churches were attacked, while almost 200 Christians lost their lives in twelve northern states.**

**In addition to the data recently submitted by the leadership of Nigeria's churches to a presidential panel inquiring into the 3-day crisis that rocked the nation's tentative democracy after indications that a Christian was leading the presidential vote, J4J's mission observed specific instances of extreme prejudice against people of faith:**

- In Bauchi state a rural missionary was accosted at a road-block mounted by Muslim youths and dragged into a mosque after being singled out as the sole Christian in the taxi. After repeated orders to renounce his faith, his eyes were gouged out and he was taken out, stabbed and then incinerated.**
- In Kano state, a church secretary ran to a police station three times for help when Muslim youths converged on his church office. The police refused to respond and 15 churches were systematically burnt by**

the attackers. They returned several days later to finish of one building they had missed.

- In Jigawa state a senior police officer visited a conclave of Christian churches and promised them protection. Moments later, while he was within the vicinity a band of attackers besieged the churches and burnt them in full view of the police. After protests by the pastors, some of the suspects were arrested. However they were immediately released.
- In Gombe state a woman and her family were set ablaze in their own home. Though she was rushed to a hospital, she was turned down for admission. She was subsequently accepted in another hospital where she eventually died from 3rd degree burns over 80% of her body.
- In Kaduna state, Muslim youths invaded a federal university and destroyed the Christian chapel directly adjacent to campus security building. At off campus residences, the belongings of Christian students who were out of town were brought into the street and set ablaze.

These are just a few of the more egregious instances documented during a 3 month investigation from May to July 2011 that included travel to most of the 12 states that experienced the worst of the violence. These attacks were replicated on a similar pattern in all 12 states.

J4J notes that there were backlashes from Christians in one state. In Kaduna state, we noted Mosques burnt in the southern “Christian” side of the state capital and also in the southern part of the state. Reprisal attacks occurred in some communities while defensive actions were carried out in others. As a result Kaduna has the worst overall impact with thousands of people losing commercial and personal property and tens of thousands across the north displaced.

While J4J sees as commendable the panel set up by the federal government to look into the crisis, we note that there have been a plethora of such panels in the quarter century of violence religious persecution that has be recurring in Nigeria. Nothing much has come out of these inquiries. Indeed some of the churches burnt now had been rebuilt after being burnt in 1987. J4J is particularly concerned that the current panel is handicapped by:

- too little time to effectively gather comprehensive data

- overly restrictive terms of reference that focuses on damage assessment but not perpetrator identification
- overly burdensome requirement for Internally Displaced Persons to provide professional bills of quantities for their lost houses
- inadequate information and public awareness of the public hearings of the panel

**J4J urges the Nigerian government to:**

- compensate the victims in a timely manner to facilitate a quick recovery
- promptly and diligently prosecute offenders to end impunity in the worst cases of religious discrimination cloaked as political protests
- investigate and punish instances of reported complicity, negligence or inaction by law enforcement authorities
- clearly redefine rules of engagement during civil strife to ensure the protection of civilian populations, especially vulnerable and endangered minorities
- release a comprehensive report of its findings
- initiate an action plan to implement recommendations for resolutions

**(The Fact-finding report is available on request)**

## **ANNEXURE II – INSIDE PEEK INTO BH CONCENTRATION CAMPS**

Nine Months A Slave – Face-to-Face with a Boko Haram escapee

In years of working with victims of Boko Haram terrorism in northern Nigeria, I have never seen anyone like him. After the mass abduction of 300 Chibok schoolgirls, I have worked closely with about 20 who escaped half of whom I have placed in US schools. Although it is now nine months since the April attack, not one of them escaped after that first week.

This is why Henry's escape after 9 months is all the more stunning. While the survival of the girls is understandable, Boko Haram has never seen a live Christian male it liked.

Three male survivors I have worked with have similar stories. Habila - sole survivor of 19 Christian men killed in his neighborhood; Nate - survivor of 5 killed at work; Ike - survivor of 19 killed at a funeral. They all had horrific trauma to their heads - the kill shot favored for infidels who refuse to convert. Now Boko Haram just slits throats. It's harder to survive a beheading.

Henry must have touched a cord of compassion amongst the bloodthirsty killers. At abduction, they initially assumed his injured leg was a war injury. Being a soldier meant immediate beheading. Christians usually were given a chance to convert before being killed. Not soldiers – Christian or Muslim.

They seemed to believe his denials. When they asked him later if he had anyone they could call to ransom him, he said he had no one and had just come out of a 14-month hospitalization. The terrorists offered to be there for him.

Many months later, after the abduction of the Chibok girls, they said to him, "if you need anything, tell us – even if you want a wife, you can marry one of the girls we captured." Henry is one of only a couple of people I know who has inside perspective about the girls' abduction apart from the girls themselves.

He says people were recruited from multiple camps for the attack that night. Those from his camp bragged about their exploits when they returned.

When it was reported widely on the radio, they said, "we disturbed the world by abducting these girls. If we'd known, we would have been doing this before. One time we killed a bunch of schoolboys at Buni Yadi and let the girls go after warning them to leave school. We should have taken them then and we will from now on."

Henry never saw the girls. It was considered a sin to look at women so they were kept in a separate camp. Only mullahs and teachers were allowed to see them (indoctrination is a key requirement of life in Boko Haram's concentration camps in Sambisa Forest.) Even in his camp, the terrorists had a kind of MOQ (Married Officers Quarters) apart from everyone.

"Once a woman comes there, there is no going back," Henry told me. He knew a woman who was on her third husband. The first two had been KIA. There were other "celebs" in camp. One was a little kid. Henry's captors proudly told how his dad and two wives had blown themselves as suicide bombers in three different attacks in Abuja, Kano and Gombe.

One day, Henry asked after Ahmad. He was one of the few people he'd known before captivity. He had trained as an engineer and was considered brilliant by his peers. Henry had been interpreting for the other captive who was a Southerner and couldn't communicate with the terrorists. Then Ahmad came and began his Quaranic instruction in fluent English but Henry hadn't seen him in a while.

"He is in paradise," they replied, gleefully. "He detonated himself when we captured a certain city to become our caliphate."

On another day, Henry buried his head and wept silently as the terrorists described how they had completely destroyed a town - his hometown. It was a completely Christian hilltop enclave that had survived numerous attacks. He wondered what had happened to his aged mum. He must not let the terrorists know it was his hometown lest they finish him off too.

After 9 months, Henry and a co-captive fled. Before they did, they heard one last thing about the Chibok girls. There were rumblings in the ranks that the girls should be sold or shared out to them in marriage since a prisoner swop failed. Boko Haram head Shekau has released a video stating this has happened. Henry's experience provides some helpful insights. As the U.S. and Nigeria bicker on if the rescue window closed, it is critical to note a couple of points.

Firstly, after nine months in captivity, it certainly would be a logistically-challenging time to attempt rescue given the propensity that there would now be hundreds of heavily pregnant or nursing schoolgirls. Secondly, while there is evidence that some were indeed abused at the early stage, the new info indicates that the mass marriages occurred much later. Therefore the rescue window has widened somewhat and needs to happen in the next 45 days.

Thirdly, the existence of MOQs in the terror camps might well mean that the girls though married off could still be in Sambisa Forest. The time to act is now. This is actionable intelligence. Boko Haram won't voluntarily bring back our girls.

*Emmanuel Ogebe, a human rights lawyer and Nigeria expert just returned from conducting this investigation in Nigeria. (Names of individuals mentioned in this report have been changed for security reasons).*

#### ANNEXURE III – BOKO HARAM GLOBAL TERROR RANKING

According to the 2014 Global Terrorism Index, Nigeria is one of the five countries in the world where over 80 per cent of lives were lost in 2013 as a result of terrorism. The other four countries are Iraq, Afghanistan, Pakistan, and Syria. The Index further indicates that Nigeria has the fourth highest number of deaths from terrorism over the last three years, and has the highest casualty in a single attack by Boko Haram in 2013 (Global Terrorism Index, 2014). The following is an analysis of the 2014 Global Terrorism Index by the Tony Blair Faith Foundation:

A key section of the report looking at the activity of the groups over recent years says that the deadliest terrorist group is the Taliban and Tehrik-e-Taliban (TTP) in Pakistan, which has killed over 12,000 people. This was closely followed by al-Qaeda and its major affiliates which have killed at least 8,585 people. The other two largest terrorist groups (both of which have a shorter history) are ISIS and Boko Haram. Based on data up to the end of 2013, these two groups were responsible for 3,000 deaths in four years, half of which were in 2013 alone (<http://tonyblairfaithfoundation.org/religion-geopolitics/reports-analysis/report/global-terrorism-2013-dominated-four-groups>).

To corroborate the foregoing, a 2014 report by the Study of Terrorism and Responses to Terrorism (START) states that Boko Haram was responsible for 2.34 percent of more than 34,000 terrorist attacks that took place worldwide from the period between 2009-2013. The group is regarded as the deadliest in the world, and ranks 3rd as the most lethal terrorist group from the period between 2009-2013. The first two groups are the Taliban in Afghanistan, and Tehrik-i-Taliban Pakistan (TTP). Al-Qaida in Iraq (now ISIL) was the fourth most lethal perpetrator according to the START report.

Global Terrorism Index, 2014.  
[http://www.visionofhumanity.org/sites/default/files/Global%20Terrorism%20Index%20Report%202014\\_0.pdf](http://www.visionofhumanity.org/sites/default/files/Global%20Terrorism%20Index%20Report%202014_0.pdf)

Tony Blair Faith Foundation, 2014. Report: Global Terrorism in 2013 Dominated by Four Groups. <http://tonyblairfaithfoundation.org/religion-geopolitics/reports-analysis/report/global-terrorism-2013-dominated-four-groups>

START, 2014. Boko Haram Recent Attacks. Background Report. [https://www.start.umd.edu/pubs/STARTBackgroundReport\\_BokoHaramRecentAttacks\\_May2014\\_0.pdf](https://www.start.umd.edu/pubs/STARTBackgroundReport_BokoHaramRecentAttacks_May2014_0.pdf)

Mr. SMITH. I would like to now introduce Dr. Fomunyoh.

**STATEMENT OF CHRIS FOMUNYOH, PH.D., SENIOR ASSOCIATE  
AND REGIONAL DIRECTOR FOR CENTRAL AND WEST AFRI-  
CA, NATIONAL DEMOCRATIC INSTITUTE**

Mr. FOMUNYOH. Mr. Chairman, Ranking Member Karen Bass, and distinguished members of the subcommittee, on behalf of the National Democratic Institute, the NDI, I appreciate the opportunity to discuss current political developments in Nigeria in light of next month's general elections. This is a summary of my original testimony, as my full testimony has been submitted for the record.

Nigeria faces significant challenges that could undermine the success of the 2015 polls. Two weeks ago, NDI and the International Republican Institute, IRI, conducted a pre-election assessment mission to Nigeria. I was part of that delegation and just returned from Nigeria. I ask that the delegation's statement be included in the record.

Mr. SMITH. Without objection, so ordered.

Mr. FOMUNYOH. The 2015 Elections: In the Eye of the Storm. The 2015 elections will take place in a difficult political and security environment for Nigeria. The country is deeply polarized around regional, religious, and partisan lines. These cleavages are exacerbated by citizen dissatisfaction over the economy, the Boko Haram insurgency, poor delivery of public services, and allegations of large-scale fraud.

Moreover, Nigeria has a history of election-related violence. Boko Haram extremists pose a major threat to the conduct of peaceful polls. Insecurity in the northeastern States of Borno, Yobe, and Adamawa, which have approximately 4.5 million registered voters, could cause the disfranchisement of a large number of voters. In addition, hundreds of thousands of internally displaced persons, IDPs, are not likely to return to their home constituencies before election day and may therefore not be able to vote.

Nigeria Pulling Back From the Brink. Despite these challenges and many more, Nigeria still has the ability to pull itself back from the brink, in part because of a number of measures undertaken by the Independent National Electoral Commission (INEC).

These include: Biometric registration which entailed a thorough audit of the voter registry and using voters' biometric data to eliminate double entries, underage voters, and the deceased. Close to 5 million names were expunged. Machine-readable permanent voter cards, PVCs, and voter card readers which will allow INEC to track number of accredited voters per polling site and therefore hinder the inflation of results noted during previous elections.

An Interagency Consultative Committee on Election Security charged with improving election security by facilitating seamless coordination among governmental agencies. INEC has also accredited 78 citizen observer coalitions and 19 international delegations to monitor the polls.

Nigeria's vibrant civil society also has undertaken a number of initiatives to enhance the legitimacy of the polls. These include: Voter education and get-out-the-vote campaigns targeting youth, including a campaign launched by the well-known Nigeria artist 2face Idibia in collaboration with the Youngstars Foundation with

technical assistance from NDI, and various interfaith initiatives lead by Muslim and Christian leaders aimed at promoting violence-free polls.

In addition, the Transition Monitoring Group (TMG), a coalition of more than 400 civil society organizations is gathering and analyzing nationwide data on acts of violence and to identify early warning signs of violence. TMG will also use parallel vote tabulation methodology that will draw on statistical principles to provide realtime qualitative and quantitative assessments of voting dates and verification of the official election results. TMG has recruited and trained over 3,000 observers for the PVT Quick Count.

Finally, on January 14, Presidential candidates, including the two frontrunners, signed a public pledge for a peaceful election, the Abuja Accord, committing themselves to run issue-based campaigns, to refrain from violence and inflammatory speech, and to speak out against any such violence.

The Way Forward. Under normal circumstances, conducting national elections in Nigeria is no easy feat. And these are not normal times. The stakes are extremely high. At this crucial moment, friends of Nigeria should send a strong message to its government and the Nigerian people underscoring their support for violence-free and credible elections.

They should also appeal to INEC to guarantee proper administration of the polls and to the Government of Nigeria to provide security for voters. The Nigerian people are to be commended for their efforts to increase citizen participation and enhance prospects for peaceful elections, and must be encouraged to do more in the remaining weeks and the post-election period.

The international community should continue to provide objective and nonpartisan assessments of the electoral process with a forceful message that violence will have consequences for the legitimacy of the election outcome. All concerned parties should, therefore, put in place contingency plans to safeguard the peace and further consolidate the democratic gains that would emerge from a meaningful electoral process.

To conclude, as a highly respected Nigerian religious leader told the NDI-IRI delegation in Abuja 2 weeks ago, "We Nigerians have perfected the art of dancing on the brink, but it is an uncomfortable place to be." In my humble opinion, Nigeria does not have to stay on the brink in perpetuity.

Should the 2015 polls be peaceful and credible, Nigeria will have a lot going for it. The outcome of this election would have significant implications for the consolidation of democracy in Nigeria and elsewhere on the African continent.

Thank you, Mr. Chairman, and members of the subcommittee.

Mr. SMITH. Dr. Fomunyoh, thank you so very much for your testimony.

[The prepared statement of Mr. Fomunyoh follows:]



**Statement by Christopher Fomunyoh, Ph.D.  
Senior Associate and Regional Director for Central and West Africa  
National Democratic Institute**

**U.S. House of Representatives Committee on Foreign Affairs  
Subcommittee on Africa, Global Health, Global Human Rights, and International  
Organizations**

**“Nigeria on the Brink?”**

**January 27, 2015**

Mr. Chairman, ranking member Karen Bass, and distinguished members of the Subcommittee, on behalf of the National Democratic Institute (NDI), I appreciate the opportunity to discuss current political developments in Nigeria in light of the upcoming general elections planned for next month. Since Nigeria’s transition from military to civilian rule in 1998/99, NDI and other U.S.-based nongovernmental organizations have worked with Nigerian legislators, party leaders, and civil society activists to support the country’s nascent democracy. NDI also has fielded international election observer missions to every national election within this time frame. Credible and peaceful general elections next month would allow Nigeria to strengthen its democracy and serve as an example for the entire continent; however, even the most optimistic analysts acknowledge that the country faces significant challenges that undermine some of the gains of the 2011 polls. By all estimation, the 2015 elections will be the most competitive in the country’s post 1999 history, with two closely matched presidential contenders.

**I. Introduction**

To raise public confidence in Nigeria’s electoral process and support violence-free polls, NDI together with the International Republican Institute (IRI) conducted an international pre-election assessment mission to Abuja this month, with funding from the U.S. Department of State. The delegation met with the chairman and senior officials of the Independent National Electoral Commission (INEC), one presidential candidate, senior representatives of another candidate, leaders of political parties, civic organizations, professional associations and religious bodies, as well as legislators and senior government officials. The objectives of the mission were to evaluate the political environment and election preparations, and to demonstrate international solidarity and support for Nigerian democrats. I was part of that delegation and just returned from Nigeria last Thursday. I would like to submit the delegation’s statement for the record. NDI also will deploy international observers to monitor election day proceedings.

Since Nigeria’s transition to civilian rule in 1999, following four decades of intermittent military rule and episodes of instability, the country experienced a steady decline in the transparency and credibility of its polls until 2011. International and domestic election observers noted substantial improvements in election administration in 2011, due in large part to the integrity of a newly appointed chairman of INEC Professor Attahiru Jega, the deployment of university graduates as poll workers, and the extensive efforts at voter education and election monitoring by Nigerian civil society organizations. There was no evidence of widespread misconduct or fraud. At the

same time, many Nigerians were surprised that violence broke out at the announcement of election results in northern cities such as Kano and Kaduna, which inexplicably had been won by the opposition candidate. More than 800 people were killed, tens of thousands of people were internally displaced, and lots of property was destroyed.<sup>1</sup>

The just-completed pre-election assessment mission was NDI's 13th international election-related mission to Nigeria. The Institute has maintained an in-country presence in Nigeria since 1998, providing technical assistance to the National Assembly and civil society organizations. In the specific area of election monitoring and violence prevention around elections, NDI has steadily deepened its technical assistance to Nigerian organizations, with a view to strengthening their capacity to monitor the elections in all 36 states and the Federal Capitol Territory, and to detect and report early signs of violence as a conflict prevention measure. The Institute's work in Nigeria is funded by the U.S. Agency for International Development (USAID), the National Endowment for Democracy (NED), the UK Department for International Development (DFID), and other donors.

## II. 2015 Elections: In the Eye of the Storm

The 2015 elections will take place in a difficult political and security environment. The country is experiencing an unprecedented level of polarization along regional, religious, and partisan lines. These cleavages are further exacerbated by citizen dissatisfaction over the economy, the Boko Haram insurgency, poor delivery of public services, and the persistence of large-scale corruption. According to a Gallup poll released earlier this month, about nine in 10 Nigerians view government corruption as widespread.<sup>2</sup> Other aggravating circumstances include the following:

- Nigeria has a history of election related violence. Every national election since 1999 has been tainted by incidents of violence. Notably, the 2003 polls were marked by high levels of political violence and vandalized, stolen and stuffed ballot boxes, while the 2007 electoral process did little to build public confidence in the country's nascent political institutions. The observations of the NDI delegation that year mirrored those of other observer groups, including the European Union, the Economic Community of West African States (ECOWAS) and IRI, all of which concurred that the 2007 electoral process, in the words of the NDI delegation, "failed the Nigerian people and did not meet minimum international standards for democratic elections." The polls were marred by pre-election and election-day violence and intimidation. While the 2011 general elections were a significant improvement, and observers agreed they more adequately reflected the votes cast by Nigerians, wide-scale violence broke out in many northern cities after the announcement of election results.
- Many Nigerians are therefore fearful that because the candidate of the ruling People's

<sup>1</sup> "Nigeria: Post-election Violence Killed 800," Human Rights Watch, May 17, 2011, <http://www.hrw.org/news/2011/05/16/nigeria-post-election-violence-killed-800>.

<sup>2</sup> Jay Loschky, "Ahead of Polls, Few Nigerians Trust in Elections," Gallup, 13 January 2015, available at [http://www.gallup.com/poll/180914/ahead-poll-few-nigerians-trust-elections.aspx?utm\\_source=alert&utm\\_medium=email&utm\\_content=morelink&utm\\_campaign=syndication](http://www.gallup.com/poll/180914/ahead-poll-few-nigerians-trust-elections.aspx?utm_source=alert&utm_medium=email&utm_content=morelink&utm_campaign=syndication).

Democratic Party (PDP) is a Christian from the South and the candidate of the leading opposition party, the All Progressives Congress (APC), is a Muslim from the North, clashes between their supporters could degenerate into violence along religious and regional lines. As was the case after the announcement of results in 2011, violence could erupt in parts of the North if the APC flag-bearer, General Muhammadu Buhari, loses to incumbent Goodluck Jonathan (PDP), or in parts of the South if Buhari wins.

- In such a charged political environment, Boko Haram extremists pose a major threat to the conduct of a peaceful election. Since 2009, Boko Haram has committed acts of indiscriminate violence against civilians, places of worship, and police and military installations, particularly in northern states. Casualties number in the thousands and the death toll continues to mount. On January 8, up to 2,000 people were reported dead or missing after Boko Haram attacked Baga in Borno State close to the border of Nigeria and Chad. Amnesty International called the massacre of civilians in Baga the deadliest of Boko Haram's attacks to date.<sup>3</sup> There is also a possibility that to make a political statement and disrupt the electoral process, Boko Haram could strike outside its strongholds in the northeast, even in states that have not been subjected to attacks in the past.
- Boko Haram now has an extensive presence in three states in the north eastern part of the country – Borno, Yobe and Adamawa – which have a total of approximately 4.5 million registered voters. Ongoing terrorist attacks and killings in Borno State and several local government areas (LGAs) in Yobe and Adamawa States could lead to the disenfranchisement of a large number of voters if elections cannot be held in those areas. Should that happen, it could call into question the legitimacy of the election, as the affected states are known to be the stronghold of one of the leading presidential candidates.
- The Boko Haram insurgency has also caused hundreds of thousands of Nigerians to flee their homes in northeastern Nigeria. Many of these internally displaced persons (IDPs) are not likely to return to their home constituencies before election day. As INEC pursues consultations with political parties and other election stakeholders on ways to facilitate IDP voting, there is a growing concern that the disenfranchisement of hundreds of thousands of IDPs could also call into question the legitimacy of the election outcome, especially in a close contest.
- Nigerians' discontent with public service delivery and declining faith in national government, which stands at 29 percent, down from 55 percent at the time of the 2011 polls.<sup>4</sup>

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<sup>3</sup> "Amnesty: Nigeria massacre deadliest in history of Boko Haram," Washington Post, January 9, 2015, [http://www.washingtonpost.com/world/africa/7-kids-reunite-with-parents-lost-in-nigeria-islamic-uprising/2015/01/09/56d9b918-97e4-11e4-8385-866293322c2f\\_story.html](http://www.washingtonpost.com/world/africa/7-kids-reunite-with-parents-lost-in-nigeria-islamic-uprising/2015/01/09/56d9b918-97e4-11e4-8385-866293322c2f_story.html).

<sup>4</sup> Jay Loschky, cited above.

### III. Nigeria Pulling Back from the Brink

Despite the challenges listed above, Nigeria still has the ability to pull itself back from the brink. As a highly respected religious leader told the NDI/IRI delegation two weeks ago, “We Nigerians have perfected the art of dancing on the brink, but it is an uncomfortable place to be.” There is a strong commitment by INEC, civil society organizations and some political leaders to enhance citizen confidence and participation in the elections, and to mitigate violence around the polls.

#### *INEC*

After the 2011 polls, the public’s trust in INEC rose significantly. The Commission has since successfully administered a number of state elections and is taking concrete steps to prepare for next month’s polls. INEC has undertaken a number of innovative actions to reinforce the integrity of the electoral system. These include:

- **Biometric registration** – INEC has done a thorough audit of the voter registry, capturing voters’ biometric data and eliminating double entries, underage voters and the deceased. Close to five million unqualified voters were expunged from the voter rolls as a result.
- **Permanent voter cards (PVCs)** – INEC has produced PVCs for eligible voters to use in all elections from 2015 onward. The PVCs contain a machine-readable chip that stores voters’ biometric data information, including fingerprints and facial image, thereby providing adequate security features to reduce vulnerability to counterfeiting and deny access to voting by unregistered persons.
- **Voter card readers** – INEC plans to use electronic voter card reading machines during the 2015 polls to scan voters’ PVCs for identification and authentication. The card readers will allow INEC to track numbers of accredited voters per polling station and compare them to the number of voters listed on the results sheets, thereby hindering the inflation of voter numbers noted in some polling sites and states during past elections.

If successfully implemented, these positive measures taken by INEC could enhance the integrity of the electoral process. They are, however, contingent upon the PVCs and other materials being delivered on time to voters and polling sites, and INEC overcoming all of the logistical challenges that have undermined previous polls.

In addition, to facilitate **IDP voting**, INEC has created a task force on IDPs whose recommendations have informed practical steps currently under consideration. If accepted by political parties and other stakeholders, these measures would allow IDPs residing in camps within the state of origin in which they were registered to cast their ballot in specially designated polling places.

- On the specific issue of **election security**, since 2011, INEC launched (and co-chairs with the national security adviser) the “Interagency Consultative Committee on Election Security” (ICES), to facilitate seamless coordination among various governmental

agencies charged with providing security around elections. ICCES committees have been created at the state and LGA levels as well. The platform aims to bring together election officials and security agencies to jointly map out strategies to ensure violence-free polls. In the recent past, the platform was recognized as playing a constructive role in ensuring gubernatorial elections did not experience election violence.

#### *Civil society*

Nigeria's vibrant civil society has been a driving force in the promotion of an inclusive, transparent and peaceful electoral process. Many prominent individuals and organizations are working tirelessly to get Nigerians to exercise their democratic rights and civic responsibility, and to ensure that the elections are peaceful. Examples of civil society initiatives include:

- **Get-out-the-vote (GOTV) and voter education campaigns** targeting youth, such as the *"Vote Not Fight: Election no be war"* campaign launched by the well-known Nigerian artist *2face Idibia* in collaboration with the *Youngstars Foundation*, and with technical assistance from NDI; and the mobile voter education application produced by the *9jaVoter Project* implemented by the *West African NGO Network (WANGONET)*.
- **Initiatives aimed at promoting violence-free polls**, such as *Enough is Enough's* RSVP, or *Register, Select, Vote and Protect* campaign; the non-violence awareness raising conducted by the *Youth Alliance on Constitution and Electoral Reform (YACORE)*, focusing on youth in northern states; or various inter-faith initiatives launched by highly respected Muslim and Christian leaders to appeal for violence-free polls and mitigate polarization along religious lines.
- **Early warning systems.** The *Transition Monitoring Group (TMG)*, a coalition of more than 400 civil society organizations, is gathering and analyzing nationwide data on acts of violence, and how to identify early warning signs of violence. TMG has trained and deployed citizen observers in all 774 LGAs of the country. Since mid-November, these citizen observers have been using text messages to track election preparations and triggers of electoral violence. Biweekly responses from these citizen observers to pre-set questionnaires are collated in a central database, analyzed and tracked over time. This information is widely disseminated to raise public awareness, deter further acts of violence, and facilitate contingency planning by the appropriate security services. Observer reports are supplemented by social media hate speech monitoring by NDI-Nigeria staff using a Harvard University-developed technology tool, *Crimson Hexagon*.

In addition to the examples above, domestic and international election monitoring groups will deploy thousands of observers across the country on election day to enhance the electoral process by strengthening citizen voices, expanding space for citizen engagement, and holding election authorities and candidates more accountable. As of January 24, INEC has accredited 97 observer groups, including 78 domestic and 19 international.

For the 2015 polls, NDI's domestic observation partner, TMG, has adopted the PVT methodology, which draws on statistical principles to provide real-time qualitative and

quantitative assessments of voting day through data-driven observations. The PVT methodology also allows for verification of the official election results. Using the PVT methodology and employing short message service (SMS) communication to submit checklist responses, TMG will, as during the 2011 presidential election, conduct a systematic observation of voting and counting at a representative random sample drawn from the totality of 120,000 polling sites. TMG will deploy and receive reports from observers to be stationed at 1,507 polling sites in all 774 LGAs located in all 36 states and the Federal Capital Territory. TMG has recruited 3,014 observers for the PVT Quick Count. It is worth noting that the 2011 PVT conducted in Nigeria was the largest undertaken in the world, involving close to 8,000 citizen observers.

#### *Women's organizations*

Women's organizations across the country are engaged in the promotion of violence-free and inclusive political campaigns, encouraging women to participate in the elections. Electoral violence, or the fear of violence, is a major deterrent for women to engage effectively in politics.

- To monitor and mitigate the violence that affects women as candidates and voters Nigerian women's organizations have created a nationwide Women Platform for Peaceful Elections, chaired by the Women's International League for Peace and Freedom (WILPF). The platform has organized the Nigerian Women Situation Room, which would serve as a forum for dialogue and advocacy for peaceful elections. Members of the platform include leaders of women's CSOs representing Nigeria's six geopolitical zones, and associations of women parliamentarians and councilors. In partnership with the media, the platform has stimulated inclusive dialogue on women's participation in electoral processes, and has advocated for an enabling environment for women's safe participation in the polls.
- Other examples of women's organizations that are conducting gender sensitive voter education and monitoring of the electoral process include the 100 Women Lobby Group, which has monitored and published its findings on discrimination against female candidates during party primaries.

#### *The media*

To promote violence-free elections, encourage balanced reporting and further collaboration across regional, ethnic and religious lines, the Nigerian media is engaged in various initiatives, such as organizing candidate debates for presidential and vice-presidential candidates to push the candidates to focus on issues rather than personalities and other divisive tactics. These planned debates, should they take place, would send a strong message to Nigerians across the country that competition for high office entails meaningful discussion of issues pertinent to the electorate and should not result in violence.

- Also, groups such as Search for Common Ground (SFCG) are conducting media synergy and journalist exchange programs. SFCG is working with 16 radio stations covering all six geopolitical zones. The initiative is part of the USAID-funded Electoral Empowerment of Civil Society Project, which NDI is implementing alongside SFCG and

other partners. Last week SFCG concluded a three-day media training for journalists from across the country on mitigating violence, trauma reporting and responsible political reporting.

#### *Political Parties*

The merger of four leading opposition parties into one single party (the APC) has created a viable opposition, unlike the splintered opposition alliances of the past, thereby underscoring the need for parties and candidates to field poll watchers in all polling places in the country.

The two major parties have undertaken several measures to improve the electoral process and ensure credible and peaceful elections. For example:

- Unlike in previous years, at least one of the major political parties organized primaries for the presidential nomination that were widely perceived as open, transparent and competitive. This has significantly raised the bar on conducting party primaries in Nigeria.
- On January 14, 11 of the 14 presidential candidates, including the two front-runners, signed a public pledge for a peaceful election, the “Abuja Accord,” in the presence of former United Nations Secretary General Kofi Annan. The accord commits the signatories to run issue-based campaigns at national, state and local government levels; to refrain from violent acts and inflammatory speech before, during and after the elections; and to speak out against any such violence. The image of incumbent President Goodluck Jonathan and opposition candidate Muhammadu Buhari embracing publicly following the signature of the accord is widely hailed as an encouraging development. The agreement provides a benchmark against which civil society, the media and the international community can hold candidates, their parties, and their supporters accountable for good conduct during the elections. Since the delegation visited Abuja there have been a few incidents in which candidates have been the subject of verbal attacks and disrespectful conduct. For example, in mid-January a PDP political leader published a paid newspaper advertisement in which he insinuated that the APC candidate was in poor health; a few days later, while campaigning in an APC stronghold, the PDP candidate’s convoy was stoned by youth members of the APC. Unlike in the past when such incidents resulted in spiraling violence, this time parties have called on each other to ask their supporters to desist from such actions and to respect the spirit and letter of the Abuja Accord.

#### **IV. The Way Forward**

Under normal circumstances, conducting national elections in Nigeria is no easy feat. And these are not normal times. The stakes are extremely high for Nigeria. Extraordinary steps will therefore have to be taken to ensure that the polls are peaceful and credible, so their outcome can be accepted by the majority of Nigerians. At this critical moment in the lead-up to these very important polls, friends of Nigeria should send a strong message to the government of Nigeria and the Nigerian people, underscoring their support for violence-free and credible elections. They should also appeal to the election management body (INEC) and the government of Nigeria

to provide security to voters before, during and after election day, and to guarantee proper administration of the polls.

The Nigerian people are to be commended for their efforts to increase citizen participation and enhance prospects for peaceful elections, and must be encouraged to do more in the remaining weeks of the pre-election period, on election day, and most importantly in the post-election period.

The international community should expand and intensify its observation efforts to provide objective and nonpartisan assessments of, and recommendations on the electoral process, prior, during and after the election, with a clear message that election-related violence will have consequences for the legitimacy of the election outcome. While acknowledging the tremendous resources that have been mobilized by the government of Nigeria and development partners in the preparations for the polls, it is extremely important that additional resources be made available for contingency plans to safeguard the peace and further consolidate the democratic gains that would emerge from a meaning electoral process.

#### **V. Conclusion**

The 2015 polls provide an opportunity for political parties, INEC, the government, media and civil society to build upon and expand the advances from 2011 to ensure inclusive, peaceful and credible elections. The country does not need to stay on the brink in perpetuity. Should the 2015 polls be peaceful and credible, Nigeria would have a lot going for it. Nigeria remains Africa's most populous nation with approximately 174 million inhabitants, and 68.8 million eligible voters for the upcoming general elections. In 2014, Nigeria became the leading economy in Africa based on the most up-to-date economic data, overtaking South Africa. The country's vibrant private sector, civil society, labor unions and professional associations are essential ingredients for a democratic society. The outcome of these elections will have significant implications for the consolidation of democracy in Nigeria and elsewhere on the continent.

Thank you, Mr. Chairman and members of the subcommittee.



Mr. SMITH. Thank you to all of you for your expert, incisive commentary. And if we could get back for a 1-minute, we are almost out of time, if we could.

Mr. BADEJO. Thank you, Mr. Chairman. Thank you. Now, the challenges confronting Nigeria can be solved both in the short term and the long run. In the short term, I believe the United States should engage Nigerian leaders in ensuring that they maintain peace and sensitize them toward moving on in an atmosphere of peace and security in the country.

Knowing fully well that the fundamental problems are caused by the ethnic configuration of Nigeria, insecurity caused by corruption and chronic inefficiency, so the United States Government should note this and then assist Nigeria in coming out of this problem.

On the long term I believe that whatever government comes into place must be constructively engaged. There must be, if the United States can, legislation that will assist Nigeria in establishing enduring democracy.

One thing that the United States can do is to assist Nigeria in having the center for democratic studies established that will be funded, that will be well-positioned in terms of staff to address the problems of Nigeria. There must be political education of Nigerians. I believe that Nigeria will survive, and all hands must be on deck to ensure that that Nation gets its political kingdom.

I thank you, Mr. Chairman, for your support in this.

Mr. SMITH. Thank you, all four of you, for your written testimonies which will help this committee, will help hopefully the administration. As we go forward, your opinions are deeply valued and cherished, and so I thank you.

We don't have time for questions because of this series of votes, and I apologize.

The hearing is adjourned.

[Whereupon, at 3:58 p.m., the subcommittee was adjourned.]



# APPENDIX

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MATERIAL SUBMITTED FOR THE RECORD

**SUBCOMMITTEE HEARING NOTICE**  
**COMMITTEE ON FOREIGN AFFAIRS**  
U.S. HOUSE OF REPRESENTATIVES  
WASHINGTON, DC 20515-6128

**Subcommittee on Africa, Global Health, Global Human Rights, and International Organizations**  
**Christopher H. Smith (R-NJ), Chairman**

January 27, 2015

**TO: MEMBERS OF THE COMMITTEE ON FOREIGN AFFAIRS**

You are respectfully requested to attend an OPEN hearing of the Committee on Foreign Affairs, to be held by the Subcommittee on Africa, Global Health, Global Human Rights, and International Organizations in Room 2200 of the Rayburn House Office Building (and available live on the Committee website at [www.foreignaffairs.house.gov](http://www.foreignaffairs.house.gov)):

**DATE:** Tuesday, January 27, 2015

**TIME:** 2:00 p.m.

**SUBJECT:** Nigeria on the Brink?

**WITNESSES:** Panel I  
The Honorable Robert P. Jackson  
Principal Deputy Assistant Secretary  
Bureau of African Affairs  
U.S. Department of State

Panel II  
J. Peter Pham, Ph.D.  
Director  
Africa Center  
Atlantic Council

Mr. Jadegoke Adebajo Bajejo  
Principal Partner  
Bonajo Bajejo & Co.

Mr. Emmanuel Ogebe  
Manager  
Peaceful Polls 2015 Project

Chris Fomunyoh, Ph.D.  
Senior Associate and Regional Director for Central and West Africa  
National Democratic Institute

**By Direction of the Chairman**

*The Committee on Foreign Affairs seeks to make its facilities accessible to persons with disabilities. If you are in need of special accommodations, please call 202/225-5021 at least four business days in advance of the event, whenever practicable. Questions with regard to special accommodations in general (including availability of Committee materials in alternative formats and assistive listening devices) may be directed to the Committee.*

**COMMITTEE ON FOREIGN AFFAIRS**

MINUTES OF SUBCOMMITTEE ON Africa, Global Health, Global Human Rights, and International Organizations HEARING

Day Tuesday Date January 27, 2015 Room 2200 Rayburn HOB

Starting Time 2:09 p.m. Ending Time 3:58 p.m.

Recesses 0 ( to ) ( to ) ( to ) ( to ) ( to ) ( to )

Presiding Member(s)

*Rep. Chris Smith*

Check all of the following that apply:

Open Session

Executive (closed) Session

Televised

Electronically Recorded (taped)

Stenographic Record

TITLE OF HEARING:

*Nigeria on the Brink?*

SUBCOMMITTEE MEMBERS PRESENT:

*Rep. Tom Emmer, Rep. Karen Bass, Rep. David Cicilline, Rep. Curt Clawson*

NON-SUBCOMMITTEE MEMBERS PRESENT: (Mark with an \* if they are not members of full committee.)

*Rep. Ed Royce, Rep. Frederica Wilson\*, Rep. Robert Pittenger\**

HEARING WITNESSES: Same as meeting notice attached? Yes  No   
(If "no", please list below and include title, agency, department, or organization.)

STATEMENTS FOR THE RECORD: (List any statements submitted for the record.)

*Questions for the record with response, submitted by Rep. David Cicilline*

*Statement for the record with additional materials, submitted by Rep. David Cicilline*

*Statement of the Joint NDI/IRI Pre-election assessment mission to Nigeria, submitted by Dr. Chris Fomunyoh*

TIME SCHEDULED TO RECONVENE \_\_\_\_\_

or

TIME ADJOURNED 3:58 p.m.

*Gregory B. Simpkins*  
Subcommittee Staff Director

**Question for the Record Submitted to  
PDAS Robert Jackson by  
Representative David N. Cicilline  
House Committee on Foreign Affairs  
January 27, 2015**

**Question:**

As you know, in December 2011, President Obama issued a Presidential Memorandum on International Initiatives to Advance the Human Rights of Lesbian, Gay, Bisexual, and Transgender (LGBT) Persons to “address the violence and discrimination targeting LGBT persons around the world.” In that Memorandum, foreign affairs agencies were directed to continue protecting the human rights of all individuals with an increased awareness of their protection of LGBT individuals, such as by combating criminalization of LGBT individuals, protecting vulnerable refugees and asylum seekers, and directly responding to human rights abuses abroad. Can you explain how the State Department has implemented this Memorandum, in Nigeria and in other African countries? What types of trends or major events have we seen regarding violence and discrimination against LGBT individuals? And what is the U.S. government policy on the ground regarding human rights, including the human rights of LGBT individuals?

**Answer:**

The United States places great importance on the protection and promotion of the human rights and fundamental freedoms of all people, including lesbian, gay, bisexual, or transgender persons around the world. No one should face violence or discrimination for who they are or whom they love.

In Nigeria, we engage regularly to promote human rights, including the human rights of LGBT individuals. Secretary Kerry issued a statement in January 2014 expressing concern over the passage of the Same-Sex Marriage Prohibition Act (SSMPA), and our Mission in Nigeria continues to raise LGBT human rights both in private with the Government of Nigeria and in public with local media. In its engagements on the SSMPA, the Mission highlights the bill’s restrictions on freedoms of speech, assembly and association, its potential to incite violence against LGBT persons, its harmful effects on efforts to address HIV/AIDS, and the incompatibility of discrimination with international democratic and human rights norms. Our Mission also is working to increase dialogue between LGBT individuals and broader Nigerian society, including through roundtables with human rights activists and social media personalities. With support from the Bureau of Democracy, Human Rights, and Labor, Mission Nigeria is also supporting the development of Nigeria’s relatively young LGBT rights activists. Post and Washington continue to monitor the situation through frequent reporting and coordination calls.

There has indeed been violence and discrimination perpetrated against LGBT persons in Africa. For instance, on January 26, 2015, twelve men were arrested in the northern city of Kano for allegedly planning a gay wedding. Hisbah, the Islamic law-enforcement agency responsible

for implementing sharia-based codes of conduct, indicated that these men were detained because “they looked and acted feminine.” Of note, we understand all were released and none will face charges. There have also been reports of communities rounding up suspected LGBT persons, stripping them naked and parading them through villages, as occurred on January 14, 2014, in Imo State. While this type of harassment is extremely disturbing, not all the news is negative.

In Uganda in August 2014, for example, the Supreme Court struck down that country’s Anti-Homosexuality Act (AHA), and while Ugandan parliamentarians have threatened to introduce a bill to succeed the AHA, they have not done so. South Africa has been instrumental in advancing resolutions supporting the human rights of LGBT persons at the Human Rights Council. And in other countries, efforts are being made to decriminalize homosexuality. What is clear in many parts of Africa is that anti-LGBT sentiment runs high and changing societal attitudes will take long-term effort. We will continue our efforts to promote and defend the human rights of all individuals, including LGBT persons, throughout the continent.



**STATEMENT FOR THE RECORD OF THE HONORABLE DAVID N. CICILLINE**

**COMMITTEE ON FOREIGN AFFAIRS, U.S. HOUSE OF REPRESENTATIVES  
SUBCOMMITTEE ON AFRICA, GLOBAL HEALTH, GLOBAL HUMAN RIGHTS, AND  
INTERNATIONAL ORGANIZATIONS**

“NIGERIA ON THE BRINK?”

January 27, 2015

At the conclusion of the first panel of witnesses, when I was not present at this hearing due to a commitment for another House committee, Chairman Chris Smith stated that he does “not construe ‘homosexual rights’ as human rights.” I would like to address these comments and clarify that the official position of the U.S. government is: all people have basic human rights. Regardless of their race, sex, disability, age, political opinion, or religion, they are entitled to the very fundamental right to be themselves, free from persecution. This includes people who identify as lesbian, gay, bisexual, and transgender (LGBT).

In the recent past, multiple countries have enacted harsh laws targeting LGBT individuals, reinforcing the assessment by United Nations Secretary-General Ban Ki-moon that the fundamental human rights of LGBT individuals are “one of the great, neglected human rights challenges of our time.” It is clear that the issues facing Nigeria—and many other countries around the world—are different from those facing the United States. In most countries, it is not a question of marriage equality, but of fundamental human rights as defined in the Universal Declaration of Human Rights, such as “the right to life, liberty and security of person.” Any suggestion that the challenge of LGBT people in Africa is akin to the political debate over marriage equality in the United States demonstrates a thorough misunderstanding of the situation on the ground in these countries.

The protection of basic human rights of LGBT individuals in Africa is not about elevating the issue of LGBT rights, to create a special class, or to ask for extraordinary treatment of a group of people. Rather, it is about righting a wrong. It is a fact that LGBT people are being grossly persecuted in several countries around the world, including in Nigeria. Given this situation, it is incumbent upon the United States, which is consistently looked to as a leader on human rights issues, to work with other countries, civil society organizations, and local cultural leaders on the protection of the fundamental human rights of persecuted LGBT people, as we do for many persecuted groups around the world.

Last February, the New York Times reported that more than a dozen young men were assaulted in Abuja by a mob of civilians claiming to do the work of Nigerian President Goodluck Jonathan. At least one of these men was beaten nearly to death, and four of the victims were dragged to the police station, where they were further beaten and insulted by the police. This is clearly the type of human rights violation that the United States aims to prevent.

The BBC reported that the Islamic police in northern Nigeria hunt and arrest men suspected of being gay, intending to punish them by stoning or hanging, and that there is public pressure for



swift and severe “punishment” of these victims. This is clearly the type of human rights violation that the United States aims to prevent.

The Guardian reported that violence erupted in a Nigerian courtroom at the trial of a young man when the judge said there was not enough evidence to convict, stating, “[i]t is better to acquit a thousand guilty men [than] to put a single innocent man to death.” Stones were thrown, guards started shooting, and the crowd outside shouted, “[b]ring them out so we can kill them!” This is clearly the type of human rights violation that the United States aims to prevent.

In a country where the United States is committed to fighting the extremism, violence, and hate perpetrated by Boko Haram, we must be consistent in our policy regarding the protection of human rights. We cannot undermine our own efforts to promote freedom, safety, and stable institutions.

In December 2011, President Obama issued the Presidential Memorandum on International Initiatives to Advance the Human Rights of Lesbian, Gay, Bisexual, and Transgender Persons to ensure that the United States is protecting the human rights of all individuals, such as by combating criminalization of LGBT individuals, protecting vulnerable refugees and asylum seekers, and directly responding to human rights abuses abroad. The protection of fundamental human rights of all people is a cornerstone of American democracy and our relations with foreign countries. Along with this statement, I am also submitting for the record the Presidential Memorandum on International Initiatives to Advance the Human Rights of Lesbian, Gay, Bisexual, and Transgender Persons, as well as statements from the Secretary of State highlighting the United States policy to protect human rights around the world. The policy of the United States government could not be more clear: that “gay rights are human rights, and human rights are gay rights,” and that we will continue protecting all people to the best of our ability.

The White House  
Office of the Press Secretary  
For Immediate Release  
December 05, 2011

## **Presidential Memorandum -- International Initiatives to Advance the Human Rights of Lesbian, Gay, Bisexual, and Transgender Persons**

MEMORANDUM FOR THE HEADS OF EXECUTIVE DEPARTMENTS AND AGENCIES

SUBJECT: International Initiatives to Advance the Human Rights of Lesbian, Gay, Bisexual, and Transgender Persons

The struggle to end discrimination against lesbian, gay, bisexual, and transgender (LGBT) persons is a global challenge, and one that is central to the United States commitment to promoting human rights. I am deeply concerned by the violence and discrimination targeting LGBT persons around the world — whether it is passing laws that criminalize LGBT status, beating citizens simply for joining peaceful LGBT pride celebrations, or killing men, women, and children for their perceived sexual orientation. That is why I declared before heads of state gathered at the United Nations, “no country should deny people their rights because of who they love, which is why we must stand up for the rights of gays and lesbians everywhere.” Under my Administration, agencies engaged abroad have already begun taking action to promote the fundamental human rights of LGBT persons everywhere. Our deep

commitment to advancing the human rights of all people is strengthened when we as the United States bring our tools to bear to vigorously advance this goal.

By this memorandum I am directing all agencies engaged abroad to ensure that U.S. diplomacy and foreign assistance promote and protect the human rights of LGBT persons. Specifically, I direct the following actions, consistent with applicable law:

Section 1. Combating Criminalization of LGBT Status or Conduct Abroad. Agencies engaged abroad are directed to strengthen existing efforts to effectively combat the criminalization by foreign governments of LGBT status or conduct and to expand efforts to combat discrimination, homophobia, and intolerance on the basis of LGBT status or conduct.

Sec. 2. Protecting Vulnerable LGBT Refugees and Asylum Seekers. Those LGBT persons who seek refuge from violence and persecution face daunting challenges. In order to improve protection for LGBT refugees and asylum seekers at all stages of displacement, the Departments of State and Homeland Security shall enhance their ongoing efforts to ensure that LGBT refugees and asylum seekers have equal access to protection and assistance, particularly in countries of first asylum. In addition, the Departments of State, Justice, and Homeland Security shall ensure appropriate training is in place so that relevant Federal Government personnel and key partners can effectively address the protection of LGBT refugees and asylum seekers, including by providing to them adequate assistance and ensuring that the Federal Government has the ability to identify and expedite resettlement of highly vulnerable persons with urgent protection needs.

Sec. 3. Foreign Assistance to Protect Human Rights and Advance Nondiscrimination. Agencies involved with foreign aid, assistance, and development shall enhance their ongoing efforts to ensure regular Federal Government engagement with governments, citizens, civil society, and the private sector in order to build respect for the human rights of LGBT persons.

Sec. 4. Swift and Meaningful U.S. Responses to Human Rights Abuses of LGBT Persons Abroad. The Department of State shall lead a standing group, with appropriate interagency representation, to help ensure the Federal Government's swift and meaningful response to serious incidents that threaten the human rights of LGBT persons abroad.

Sec. 5. Engaging International Organizations in the Fight Against LGBT Discrimination. Multilateral fora and international organizations are key vehicles to promote respect for the human rights of LGBT persons and to bring global attention to LGBT issues. Building on the State Department's leadership in this area, agencies engaged abroad should strengthen the work they have begun and initiate additional efforts in these multilateral fora and organizations to: counter discrimination on the basis of LGBT status; broaden the number of countries willing to support and defend LGBT issues in the multilateral arena; strengthen the role of civil society advocates on behalf of LGBT issues within and through multilateral fora; and strengthen the policies and programming of multilateral institutions on LGBT issues.

Sec. 6. Reporting on Progress. All agencies engaged abroad shall prepare a report within 180 days of the date of this memorandum, and annually thereafter, on their progress toward advancing these initiatives. All such agencies shall submit their reports to the Department of State, which will compile a report on the Federal Government's progress in advancing these initiatives for transmittal to the President.

Sec. 7. Definitions. (a) For the purposes of this memorandum, agencies engaged abroad include the Departments of State, the Treasury, Defense, Justice, Agriculture, Commerce, Health and Human Services, and Homeland Security, the United States Agency for International Development (USAID), the Millennium Challenge Corporation, the Export Import Bank, the United States Trade Representative, and such other agencies as the President may designate.

(b) For the purposes of this memorandum, agencies involved with foreign aid, assistance, and development include the Departments of State, the Treasury, Defense, Justice, Health and Human Services, and Homeland Security, the USAID, the Millennium Challenge Corporation, the Export Import Bank, the United States Trade Representative, and such other agencies as the President may designate.

This memorandum is not intended to, and does not, create any right or benefit, substantive or procedural, enforceable at law or in equity by any party against the United States, its departments, agencies, or entities, its officers, employees, or agents, or any other person.

The Secretary of State is hereby authorized and directed to publish this memorandum in the Federal Register.

BARACK OBAMA

**Press Statement**

**John Kerry**  
**Secretary of State**  
**Washington, DC**  
**June 20, 2014**

The Department of State joins the world in celebrating LGBT Pride Month and reaffirms its commitment to the promotion and protection of the human rights of LGBT persons around the globe.

In the United States, we have made marked progress in tearing down the unjust and unfair barriers that have prevented the full realization of the human rights of LGBT persons. We know there is more to do, but here, the arc of history is bending towards justice.

I was proud to join my colleagues at our Embassy in London last August to announce that, going forward, same-sex spouses who applied for visas would have their applications considered in the same manner as those of opposite-sex spouses.

And just this week, President Obama announced his intention to sign an Executive Order banning federal contractors from discriminating against employees on the basis of their sexual orientation or gender identity.

In many places around the world, however, trends are running in the opposite direction. LGBT individuals and their allies are harassed, arrested, and even killed because of who they are and the work they do. Governments are enacting laws that discriminate against LGBT individuals and their allies and restrict their fundamental human rights.

The United States strongly condemns these discriminatory acts and legislation and is working every day, both here in Washington and at our embassies and consulates around the world, to ensure that all persons can exercise their human rights, regardless of their sexual orientation or gender identity.

We raise the human rights of LGBT persons both publicly and privately, and we support civil society organizations who are working on the frontlines to ensure equality and dignity for all. Through the Global Equality Fund – a partnership supported by 14 like-minded governments, foundations, corporations and non-profit organizations – the Department of State has allocated more than \$9 million for both emergency and long term LGBT-related programming in more than 50 countries worldwide.

This important work, done in conjunction with allies from civil society, faith communities, the private sector and other governments, is central to our foreign policy.

So, to the activists, allies, and LGBT individuals on the front lines combatting discrimination, you have a partner in the United States. I stand with you and I wish you safe and happy 2014 Pride celebrations.

**Press Statement**

**John Kerry**  
**Secretary of State**  
**Washington, DC**  
**June 4, 2013**

The Department of State joins people around the world in celebrating Lesbian, Gay, Bisexual, and Transgender (LGBT) Pride Month. Forty-four years after Stonewall, we see incredible progress in the fight to advance the human rights and fundamental freedoms of LGBT people, both here in the United States and globally. Protecting universal human rights is at the very heart of our diplomacy, and we remain committed to advancing human rights for all, including LGBT individuals.

Unfortunately, recent events underscore that we can't be content with the progress we've made. We still have a long way to go. All over the world, people continue to be killed, arrested, and harassed simply because of who they are, or who they love. There are LGBT people of all ages, all races and all faiths, citizens of every country on Earth. In too many places, LGBT people and their supporters are still attacked if they just attempt to stand up for their rights and participate in peaceful rallies or marches, or simply for being who they are.

The United States condemns this violence and harassment. LGBT persons must be free to exercise their human rights—including freedom of expression, freedom of religion and freedom of assembly and association—without fear of reprisal. Human rights and fundamental freedoms belong to all individuals, regardless of their sexual orientation or gender identity.

The United States will continue to stand up for the human rights of all people, during this month and every month throughout the year, and we are proud to do so.

## Remarks

**Hillary Rodham Clinton**  
**Secretary of State**  
**Palais des Nations**  
**Geneva, Switzerland**  
**December 6, 2011**

Good evening, and let me express my deep honor and pleasure at being here. I want to thank Director General Tokayev and Ms. Wyden along with other ministers, ambassadors, excellencies, and UN partners. This weekend, we will celebrate Human Rights Day, the anniversary of one of the great accomplishments of the last century.

Beginning in 1947, delegates from six continents devoted themselves to drafting a declaration that would enshrine the fundamental rights and freedoms of people everywhere. In the aftermath of World War II, many nations pressed for a statement of this kind to help ensure that we would prevent future atrocities and protect the inherent humanity and dignity of all people. And so the delegates went to work. They discussed, they wrote, they revisited, revised, rewrote, for thousands of hours. And they incorporated suggestions and revisions from governments, organizations, and individuals around the world.

At three o'clock in the morning on December 10th, 1948, after nearly two years of drafting and one last long night of debate, the president of the UN General Assembly called for a vote on the final text. Forty-eight nations voted in favor; eight abstained; none dissented. And the Universal Declaration of Human Rights was adopted. It proclaims a simple, powerful idea: All human beings are born free and equal in dignity and rights. And with the declaration, it was made clear that rights are not conferred by government; they are the birthright of all people. It does not matter what country we live in, who our leaders are, or even who we are. Because we are human, we therefore have rights. And because we have rights, governments are bound to protect them.

In the 63 years since the declaration was adopted, many nations have made great progress in making human rights a human reality. Step by step, barriers that once prevented people from enjoying the full measure of liberty, the full experience of dignity, and the full benefits of humanity have fallen away. In many places, racist laws have been repealed, legal and social practices that relegated women to second-class status have been abolished, the ability of religious minorities to practice their faith freely has been secured.

In most cases, this progress was not easily won. People fought and organized and campaigned in public squares and private spaces to change not only laws, but hearts and minds. And thanks to that work of generations, for millions of individuals whose lives were once narrowed by injustice, they are now able to live more freely and to participate more fully in the political, economic, and social lives of their communities.

Now, there is still, as you all know, much more to be done to secure that commitment, that reality, and progress for all people. Today, I want to talk about the work we have left to do to protect one group of people whose human rights are still denied in too many parts of the world today. In many ways, they are an invisible minority. They are arrested, beaten, terrorized, even executed. Many are treated with contempt and violence by their fellow citizens while authorities empowered to protect them look the other way or, too often, even join in the abuse. They are denied opportunities to work and learn, driven from their homes and countries, and forced to suppress or deny who they are to protect themselves from harm.

I am talking about gay, lesbian, bisexual, and transgender people, human beings born free and given bestowed equality and dignity, who have a right to claim that, which is now one of the remaining human rights challenges of our time. I speak about this subject knowing that my own country's record on human rights for gay people is far from perfect. Until 2003, it was still a crime in parts of our country. Many LGBT Americans have endured violence and harassment in their own lives, and for some, including many young people, bullying and exclusion are daily experiences. So we, like all nations, have more work to do to protect human rights at home.

Now, raising this issue, I know, is sensitive for many people and that the obstacles standing in the way of protecting the human rights of LGBT people rest on deeply held personal, political, cultural, and religious beliefs. So I come here before you with respect, understanding, and humility. Even though progress on this front is not easy, we cannot delay acting. So in that spirit, I want to talk about the difficult and important issues we must address together to reach a global consensus that recognizes the human rights of LGBT citizens everywhere.

The first issue goes to the heart of the matter. Some have suggested that gay rights and human rights are separate and distinct; but, in fact, they are one and the same. Now, of course, 60 years ago, the governments that drafted and passed the Universal Declaration of Human Rights were not thinking about how it applied to the LGBT community. They also weren't thinking about how it applied to indigenous people or children or people with disabilities or other marginalized groups. Yet in the past 60 years, we have come to recognize that members of these groups are entitled to the full measure of dignity and rights, because, like all people, they share a common humanity.

This recognition did not occur all at once. It evolved over time. And as it did, we understood that we were honoring rights that people always had, rather than creating new or special rights for them. Like being a woman, like being a racial, religious, tribal, or ethnic minority, being LGBT does not make you less human. And that is why gay rights are human rights, and human rights are gay rights.

It is violation of human rights when people are beaten or killed because of their sexual orientation, or because they do not conform to cultural norms about how men and women should look or behave. It is a violation of human rights when governments declare it illegal to be gay, or allow those who harm gay people to go unpunished. It is a violation of human rights when lesbian or transgendered women are subjected to so-called corrective rape, or forcibly subjected to hormone treatments, or when people are murdered after public calls for violence toward gays, or when they are forced to flee their nations and seek asylum in other lands to save their lives. And it is a violation of human rights when life-saving care is withheld from people because they are gay, or equal access to justice is denied to people because they are gay, or public spaces are out of bounds to people because they are gay. No matter what we look like, where we come from, or who we are, we are all equally entitled to our human rights and dignity.

The second issue is a question of whether homosexuality arises from a particular part of the world. Some seem to believe it is a Western phenomenon, and therefore people outside the West have grounds to reject it. Well, in reality, gay people are born into and belong to every society in the world. They are all ages, all races, all faiths; they are doctors and teachers, farmers and bankers, soldiers and athletes; and whether we know it, or whether we acknowledge it, they are our family, our friends, and our neighbors.

Being gay is not a Western invention; it is a human reality. And protecting the human rights of all people, gay or straight, is not something that only Western governments do. South Africa's constitution, written in the aftermath of Apartheid, protects the equality of all citizens, including gay people. In Colombia and Argentina, the rights of gays are also legally protected. In Nepal, the supreme court has ruled that equal rights apply to LGBT citizens. The Government of Mongolia has committed to pursue new legislation that will tackle anti-gay discrimination.

Now, some worry that protecting the human rights of the LGBT community is a luxury that only wealthy nations can afford. But in fact, in all countries, there are costs to not protecting these rights, in both gay and straight lives lost to disease and violence, and the silencing of voices and views that would strengthen communities, in ideas never pursued by entrepreneurs who happen to be gay. Costs are incurred whenever any group is treated as lesser or the other, whether they are women, racial, or religious minorities, or the LGBT. Former President Mogae of Botswana pointed out recently that for as long as LGBT people are kept in the shadows, there cannot be an effective public health program to tackle HIV and AIDS. Well, that holds true for other challenges as well.

The third, and perhaps most challenging, issue arises when people cite religious or cultural values as a reason to violate or not to protect the human rights of LGBT citizens. This is not unlike the justification offered for violent practices towards women like honor killings, widow burning, or female genital mutilation. Some people still defend those practices as part of a cultural tradition. But violence toward women isn't cultural; it's criminal. Likewise with slavery, what was once justified as sanctioned by God is now properly reviled as an unconscionable violation of human rights.

In each of these cases, we came to learn that no practice or tradition trumps the human rights that belong to all of us. And this holds true for inflicting violence on LGBT people, criminalizing their status or behavior, expelling them from their families and communities, or tacitly or explicitly accepting their killing.

Of course, it bears noting that rarely are cultural and religious traditions and teachings actually in conflict with the protection of human rights. Indeed, our religion and our culture are sources of compassion and inspiration toward our fellow human beings. It was not only those who've justified slavery who leaned on religion, it was also those who sought to abolish it. And let us keep in mind that our commitments to protect the freedom of religion and to defend the dignity of LGBT people emanate from a common source. For many of us, religious belief and practice is a vital source of meaning and identity, and fundamental to who we are as people. And likewise, for most of us, the bonds of love and family that we forge are also vital sources of meaning and identity. And caring for others is an expression of what it means to be fully human. It is because the human experience is universal that human rights are universal and cut across all religions and cultures.

The fourth issue is what history teaches us about how we make progress towards rights for all. Progress starts with honest discussion. Now, there are some who say and believe that all gay people are pedophiles, that homosexuality is a disease that can be caught or cured, or that gays recruit others to become gay. Well, these notions are simply not true. They are also unlikely to disappear if those who promote or accept them are dismissed out of hand rather than invited to share their fears and concerns. No one has ever abandoned a belief because he was forced to do so.

Universal human rights include freedom of expression and freedom of belief, even if our words or beliefs denigrate the humanity of others. Yet, while we are each free to believe whatever we choose, we cannot do whatever we choose, not in a world where we protect the human rights of all.

Reaching understanding of these issues takes more than speech. It does take a conversation. In fact, it takes a constellation of conversations in places big and small. And it takes a willingness to see stark differences in belief as a reason to begin the conversation, not to avoid it.

But progress comes from changes in laws. In many places, including my own country, legal protections have preceded, not followed, broader recognition of rights. Laws have a teaching effect. Laws that discriminate validate other kinds of discrimination. Laws that require equal protections reinforce the moral imperative of equality. And practically speaking, it is often the case that laws must change before fears about change dissipate.

Many in my country thought that President Truman was making a grave error when he ordered the racial desegregation of our military. They argued that it would undermine unit cohesion. And it wasn't until he went ahead and did it that we saw how it strengthened our social fabric in ways even the supporters of the policy could not foresee. Likewise, some worried in my country that the repeal of "Don't Ask, Don't Tell" would have a negative effect on our armed forces. Now, the Marine Corps Commandant, who was one of the strongest voices against the repeal, says that his concerns were unfounded and that the Marines have embraced the change.

Finally, progress comes from being willing to walk a mile in someone else's shoes. We need to ask ourselves, "How would it feel if it were a crime to love the person I love? How would it feel to be discriminated against for something about myself that I cannot change?" This challenge applies to all of us as we reflect upon deeply held beliefs, as we work to embrace tolerance and respect for the dignity of all persons, and as we engage humbly with those with whom we disagree in the hope of creating greater understanding.

A fifth and final question is how we do our part to bring the world to embrace human rights for all people including LGBT people. Yes, LGBT people must help lead this effort, as so many of you are. Their knowledge and experiences are invaluable and their courage inspirational. We know the names of brave LGBT activists who have literally given their lives for this cause, and there are many more whose names we will never know. But often those who are denied rights are least empowered to bring about the changes they seek. Acting alone, minorities can never achieve the majorities necessary for political change.

So when any part of humanity is sidelined, the rest of us cannot sit on the sidelines. Every time a barrier to progress has fallen, it has taken a cooperative effort from those on both sides of the barrier. In the fight for women's rights, the support of men remains crucial. The fight for racial equality has relied on contributions from people of all races. Combating Islamophobia or anti-Semitism is a task for people of all faiths. And the same is true with this struggle for equality.

Conversely, when we see denials and abuses of human rights and fail to act, that sends the message to those deniers and abusers that they won't suffer any consequences for their actions, and so they carry on. But when we do act, we send a powerful moral message. Right here in Geneva, the international community acted this year to strengthen a global consensus around the human rights of LGBT people. At the Human Rights Council in March, 85 countries from all regions supported a statement calling for an end to criminalization and violence against people because of their sexual orientation and gender identity.

At the following session of the Council in June, South Africa took the lead on a resolution about violence against LGBT people. The delegation from South Africa spoke eloquently about their own experience and struggle for human equality and its indivisibility. When the measure passed, it became the first-ever UN resolution recognizing the human rights of gay people worldwide. In the Organization of American States this year, the Inter-American Commission on Human Rights created a unit on the rights of LGBT people, a step toward what we hope will be the creation of a special rapporteur.

Now, we must go further and work here and in every region of the world to galvanize more support for the human rights of the LGBT community. To the leaders of those countries where people are jailed, beaten, or executed for being gay, I ask you to consider this: Leadership, by definition, means being out in front of your people when it is called for. It means standing up for the dignity of all your citizens and persuading your people to do the same. It also means ensuring that all citizens are treated as equals under your laws, because let me be clear – I am not saying that gay people can't or don't commit crimes. They can and they do, just like straight people. And when they do, they should be held accountable, but it should never be a crime to be gay.

And to people of all nations, I say supporting human rights is your responsibility too. The lives of gay people are shaped not only by laws, but by the treatment they receive every day from their families, from their neighbors. Eleanor Roosevelt, who did so much to advance human rights worldwide, said that these rights begin in the small places close to home – the streets where people live, the schools they attend, the factories, farms, and offices where

they work. These places are your domain. The actions you take, the ideals that you advocate, can determine whether human rights flourish where you are.

And finally, to LGBT men and women worldwide, let me say this: Wherever you live and whatever the circumstances of your life, whether you are connected to a network of support or feel isolated and vulnerable, please know that you are not alone. People around the globe are working hard to support you and to bring an end to the injustices and dangers you face. That is certainly true for my country. And you have an ally in the United States of America and you have millions of friends among the American people.

The Obama Administration defends the human rights of LGBT people as part of our comprehensive human rights policy and as a priority of our foreign policy. In our embassies, our diplomats are raising concerns about specific cases and laws, and working with a range of partners to strengthen human rights protections for all. In Washington, we have created a task force at the State Department to support and coordinate this work. And in the coming months, we will provide every embassy with a toolkit to help improve their efforts. And we have created a program that offers emergency support to defenders of human rights for LGBT people.

This morning, back in Washington, President Obama put into place the first U.S. Government strategy dedicated to combating human rights abuses against LGBT persons abroad. Building on efforts already underway at the State Department and across the government, the President has directed all U.S. Government agencies engaged overseas to combat the criminalization of LGBT status and conduct, to enhance efforts to protect vulnerable LGBT refugees and asylum seekers, to ensure that our foreign assistance promotes the protection of LGBT rights, to enlist international organizations in the fight against discrimination, and to respond swiftly to abuses against LGBT persons.

I am also pleased to announce that we are launching a new Global Equality Fund that will support the work of civil society organizations working on these issues around the world. This fund will help them record facts so they can target their advocacy, learn how to use the law as a tool, manage their budgets, train their staffs, and forge partnerships with women's organizations and other human rights groups. We have committed more than \$3 million to start this fund, and we have hope that others will join us in supporting it.

The women and men who advocate for human rights for the LGBT community in hostile places, some of whom are here today with us, are brave and dedicated, and deserve all the help we can give them. We know the road ahead will not be easy. A great deal of work lies before us. But many of us have seen firsthand how quickly change can come. In our lifetimes, attitudes toward gay people in many places have been transformed. Many people, including myself, have experienced a deepening of our own convictions on this topic over the years, as we have devoted more thought to it, engaged in dialogues and debates, and established personal and professional relationships with people who are gay.

This evolution is evident in many places. To highlight one example, the Delhi High Court decriminalized homosexuality in India two years ago, writing, and I quote, "If there is one tenet that can be said to be an underlying theme of the Indian constitution, it is inclusiveness." There is little doubt in my mind that support for LGBT human rights will continue to climb. Because for many young people, this is simple. All people deserve to be treated with dignity and have their human rights respected, no matter who they are or whom they love.

There is a phrase that people in the United States invoke when urging others to support human rights: "Be on the right side of history." The story of the United States is the story of a nation that has repeatedly grappled with intolerance and inequality. We fought a brutal civil war over slavery. People from coast to coast joined in campaigns to recognize the rights of women, indigenous peoples, racial minorities, children, people with disabilities, immigrants, workers, and on and on. And the march toward equality and justice has continued. Those who advocate for expanding the circle of human rights were and are on the right side of history, and history honors them. Those who tried to constrict human rights were wrong, and history reflects that as well.

I know that the thoughts I've shared today involve questions on which opinions are still evolving. As it has happened so many times before, opinion will converge once again with the truth, the immutable truth, that all persons are created free and equal in dignity and rights. We are called once more to make real the words of the Universal Declaration. Let us answer that call. Let us be on the right side of history, for our people, our nations, and future generations, whose lives will be shaped by the work we do today. I come before you with great hope and confidence that no matter how long the road ahead, we will travel it successfully together. Thank you very much. (Applause.)



MATERIAL SUBMITTED FOR THE RECORD BY CHRIS FOMUNYOH, PH.D., SENIOR ASSOCIATE AND REGIONAL DIRECTOR FOR CENTRAL AND WEST AFRICA, NATIONAL DEMOCRATIC INSTITUTE



**STATEMENT OF THE JOINT NDI/IRI PRE-ELECTION ASSESSMENT MISSION  
TO NIGERIA  
January 20, 2015**

**I. INTRODUCTION**

This statement is offered by an international delegation organized jointly by the National Democratic Institute (NDI) and the International Republican Institute (IRI). The delegation visited Nigeria from January 15-20, 2015. The delegation's goals were to:

- assess the current political and electoral environment in the lead-up to the February 14 presidential election;
- assess preparations for the presidential election and offer recommendations to enhance citizen confidence in the process and mitigate violence; and
- demonstrate international support for Nigeria's democratization process.

The delegation comprised: Ambassador (ret) George Moose, former US assistant secretary of state for African Affairs, and vice chairman of the board of directors of the US Institute of Peace; Brigalia Bam, former chairperson of the Independent Electoral Commission of South Africa; Hon. Patrick Muyaya, member of parliament, the Democratic Republic of Congo; Pauline Baker, former president of the Fund for Peace; Michael Bratton, distinguished professor of political science and African studies at Michigan State University; Robert Lloyd, professor of international relations at Pepperdine University, and senior fellow at the Atlantic Council's Africa Center; Christopher Fomunyoh, senior associate and regional director for Central and West Africa at NDI; and Gretchen Birkle, regional director for Africa at IRI.

The delegation met with the chairman and senior officials of the Independent National Electoral Commission (INEC), one presidential candidate, senior representatives of another candidate, leaders of political parties, civic organizations, professional associations and religious bodies, as well as legislators and senior government officials. The delegation expresses its deep appreciation to everyone with whom it met for welcoming the mission and for sharing freely their views on the electoral process.

The delegation notes that the 2015 presidential race is likely to be Nigeria's most competitive election since the transition from military to civilian rule in 1999. The mission would like to underscore the growing and often expressed determination of Nigerians to ensure that the election is peaceful and credible through all phases of the process, including during the campaign period, on election day and in the post-election period after the release of final election results. The team observed that while the election management body – INEC – has undertaken several innovative steps to reinforce the integrity of the electoral system, information about these concrete steps is not widely understood by other stakeholders, many of whom stressed the need for further efforts to enhance citizen confidence and participation in the process. In the spirit of international solidarity, the delegation offers recommendations on steps that should be taken to enhance such confidence and contribute to violence-free elections in February 2015.

Both NDI and IRI have deployed international election observation missions to every presidential election in Nigeria since 1999. The two Institutes are nonpartisan, nongovernmental organizations



that support and strengthen democratic institutions and practices worldwide. Both NDI and IRI will deploy international observers to the February 14 presidential poll.

## **II. CONTEXT: MAJOR ISSUES AFFECTING THE OVERALL POLITICAL ENVIRONMENT**

The delegation found that the views of most Nigerians with regards to the upcoming polls are influenced by past issues of national significance. These include:

**History of past elections.** Since the end of military rule, Nigeria has conducted four electoral contests – in 1999, 2003, 2007 and 2011. The successful conduct of the 2011 elections marked a turning point in the country’s democratic trajectory, as it contrasted sharply with the electoral mismanagement and widespread fraud of previous polls. Even then, violence in some northern cities in the immediate aftermath of the announcement of election results resulted in over 800 deaths and tremendous destruction of property. In the public’s mind, perpetrators of election-related violence and/or electoral fraud from 2011 have not been prosecuted. Furthermore, the delegates heard that the failure to create the Electoral Offences Commission recommended by the “Justice Muhammed Uwais Electoral Reforms Panel” of 2007, and advocated for even by INEC, calls into question the commitment of the country’s political leaders to curb or deter fraud, violence and other criminal activity around elections.

**Perceptions of political power in Nigeria.** Access to public resources by government officials at the federal and state levels, and the abuse of same by some office holders intensifies competition for political power. The “winner-takes-all” frame of reference in the Nigerian political system exacerbates exclusion and inequality while ethnic, religious and regional identity is frequently manipulated by politicians for personal gain. Many political elites are alleged to dispense public resources and services through patronage networks that cater less to the broader populace and more to a select few. Many of the persons from civil society and political parties with whom the delegation met agreed that the patronage system starts with weak democratic norms and processes within political parties. For example, they point to the lack of transparency in candidate nominations or party primaries, citing cases in which the candidate preferred by party leaders is given the nomination regardless of votes cast in the primaries. As noted by a highly respected Nigerian democrat, “Once an unpopular candidate emerges through this ‘selection process,’ the leadership that anointed that candidate then has no choice but to use fraudulent means to help the candidate win.” Given that party leadership in Nigeria is mostly male, this process also discourages the meaningful participation of women in politics and their access to positions of leadership.

**Flashpoints of insecurity and political polarization.** The 2015 elections are taking place in a difficult security environment, as an insurgency led by the extremist group “Boko Haram” continues to kill innocent citizens and attack villages and military installations in the North Eastern geopolitical zone of the country. The assessment team learned that at various times, debates over the Boko Haram insurgency have taken a partisan tone, with accusations of complacency and complicity levelled against each other by ruling and main opposition party members. Media reports allege an increase in the circulation of small arms and light weapons in some areas, notably parts of the Niger Delta, while intercommunal violence between herdsman and farmers continues in the Middle Belt. Overall, on the eve of the elections, the country is fairly polarized along partisan, regional and religious lines. Some Nigerians are fearful that should extraordinary steps not be taken to temper partisan rhetoric and stigmatization, violence could erupt in the strongholds of whichever candidate loses the presidential race.

**Declining oil prices.** Though declining oil prices have not yet become a matter of national debate, many analysts told the delegation that the effects of this decline on the country's foreign reserves, its economy and its national budget could further exacerbate tensions.

**Emergence of a strong opposition party.** The 2015 polls will likely be the most competitive elections since the return to civilian rule in 1999. While the ruling People's Democratic Party (PDP) has dominated national politics since that time, the emergence of the All Progressives Congress (APC) following the merger in 2013 of several opposition parties, has created what many Nigerians now see as a viable alternative. Several former PDP stalwarts, including state governors and national legislators, have crossed over to the APC. For the first time in recent Nigerian history, two closely matched contenders for the presidential race have emerged – incumbent President Goodluck Jonathan of the PDP and General (rtd) Muhammadu Buhari of the APC. Closely contested races are also projected for the national legislature, governorships, and state houses of assembly. As of the time of the delegation's visit, significant numbers of supporters of the two frontrunners in the presidential race believe strongly that their candidate would win.

### III. CHALLENGES SPECIFIC TO THE 2015 POLLS

**The impact of Boko Haram.** Ongoing terrorist attacks and killings of Nigerians by Boko Haram have disrupted daily life in Borno State and several local government areas (LGAs) in Yobe and Adamawa States. The presence of Boko Haram poses a political risk in that not conducting polls in significant parts of a region viewed as the stronghold of one of the contesting parties, even if for reasons of insecurity, would mean the disenfranchisement of a large number of voters. This would well call into question the legitimacy of the election in the eyes of the population, not only in the affected states but more widely. According to INEC, the three states have a cumulative total of approximately 4.5 million registered voters (Adamawa 1.5, Borno 1.9 and Yobe 1.1 million).

**Internally displaced persons (IDPs).** In the north east geopolitical zone, a number of LGAs are inaccessible because of insecurity caused by Boko Haram. The presence and de facto control of territory in these states by Boko Haram has resulted in the internal displacement of hundreds of thousands of people (IDPs). Advocacy for steps to be taken to facilitate IDP voting continues to grow, as INEC pursues its consultations with political parties and other election stakeholders on ways to facilitate such IDP voting. Nigerians recognize that it is imperative that their fellow citizens already traumatized by terrorist attacks be afforded the opportunity to exercise their constitutional rights.

**Miscommunication.** The delegation noted that a number of positive steps taken by INEC to enhance the integrity of the electoral system were either misinterpreted or misunderstood – sometimes willfully – by some segments of society. For example, while INEC introduced a biometric registry and machine-readable permanent voter cards (PVCs) to curb fraud and duplicate registrations, some critics argue that there are no legal provisions for INEC to require a PVC (in lieu of a temporary voting card), and that the biometric features of the PVC go beyond minimum requirements of Nigerian law. Similarly, INEC explains the reduction in the number of voters in the voter registry from 73 million in 2011 to 68.8 million in 2014 as a result of steps taken to expunge from the registry double registrations and underage and deceased voters. However, some critics of INEC are concerned that the new figure does not reflect the growing population of the country.

According to a recently released Gallup poll<sup>1</sup>, confidence in elections in Nigeria has eroded significantly since 2011: whereas 51 percent of Nigerians expressed confidence in the honesty of

<sup>1</sup> Jay Losecky, "Ahead of Polls, Few Nigerians Trust in Elections," Gallup, 13 January 2015, available at [http://www.gallup.com/poll/180914/ahead-poll-few-nigerians-trust-elections.aspx?utm\\_source=alert&utm\\_medium=email&utm\\_content=morelink&utm\\_campaign=syndication](http://www.gallup.com/poll/180914/ahead-poll-few-nigerians-trust-elections.aspx?utm_source=alert&utm_medium=email&utm_content=morelink&utm_campaign=syndication)

elections in 2011, that number declined to 13 percent in 2014. A number of Nigerians with whom the delegation met expressed concern that insufficient communication by the election management body – and disparagement of INEC’s efforts by some of its critics – could undermine the efficient administration of the polls.

The delegation concluded that there is a paramount need for more, and more regular, updates and increased service announcements to the public regarding progress in election preparations, including with regards to the procurement and distribution of PVCs and other materials, to dissipate mistrust among citizens.

**Election administration.** The delegation is concerned that millions of *permanent voter cards* (PVCs) have not yet been distributed by INEC. Although INEC plans to move the distribution of PVCs from the LGA level down to the level of wards (which are closer to the polling points), that exercise has not started in all states. Moreover, some Nigerians stated that in a number of states, the distribution exercise has repeatedly been postponed in some locations, leading to further erosion of trust in INEC. Some Nigerians are still unsure whether a voter without a PVC, but whose name is on the register, will be allowed to vote on election day and what arrangements will be put in place to adjudicate such matters.

Similarly, INEC brands the *voter card readers* (VCRs), a handheld machine that will be used to scan the biometric voter cards, as an innovation in Nigeria that would strengthen the integrity of the voting process; however, the procurement of the VCRs is still underway and not all card readers have been delivered to INEC. INEC is confident the delivery will be made and has issued guidelines to address card reader malfunction. INEC also views the card reader as a confidence building measure that would allow the commission to track the number of accredited voters and make sure they match the figures to be reported on the results sheet. Yet, some Nigerians are apprehensive about what would happen should the remaining VCRs not be delivered on time, or should many of these new machines malfunction on election day.

While INEC has specific plans for recruiting and deploying *ad hoc poll workers* that would include current and former members of the National Youth Service Corps and students in tertiary education institutions, some members of the public are concerned that training of these workers has yet to begin.

**Violence in pre-election period.** The delegation heard reports of recent election-related violence in Jos, Plateau State and Port Harcourt, Rivers State, and the use of inflammatory messages by some party officials and supporters, sometimes delivered through print and social media. Some interlocutors alleged that in response to these acts of violence and utterances, certain elements of the security services have not conducted themselves evenhandedly. Security services interviewed by the delegation denied this allegation. Lack of confidence in the security services, were it to persist, could as just one example provide an excuse for vigilante activity, which would then raise the risk of spiraling partisan violence at the state and local levels. The delegation learned that unlike during past elections when interagency collaboration among security services was a challenge, INEC has created and co-chairs with the national security adviser, the “Interagency Consultative Committee on Election Security” (ICCES), to facilitate seamless coordination. ICCES committees have been created at the state and LGA levels as well.

Despite political polarization, many Nigerians are hopeful that the political situation of the country will not degenerate as a result of the polls. There is a very significant pool of Nigerians within and outside of political parties (what some called the ‘third voice’) which “sees the larger interests of the country and votes for Nigeria.” This ‘moderate center’ should be encouraged to speak up and help restrain more extreme positions in the lead up to the elections, as well as in the post-election period.

A greater focus on issue-based campaigns and the substantive difference between party platforms would enrich the political discourse and allow voters to make informed choices on election day.

**Risk that candidates may not accept the outcome of meaningful polls.** Many Nigerians believe that having two strong and closely matched parties in competition provides an incentive for the effective deployment of party agents by political parties so as to minimize or deter fraud while increasing confidence in the electoral outcome. Others are more skeptical and argue that the losers in close races may reject an unfavorable outcome. The delegation urges candidates and parties to respect electoral outcomes within the framework of Nigerian electoral law. The delegation applauds the signing on January 14 of a pledge by 11 of the 14 presidential candidates which exhorts Nigerians to reject incitement to violence before, during and after the election. The delegation strongly supports this “Abuja Accord” – signed in the presence of former United Nations Secretary General Kofi Annan – which can serve as the foundation for a broad campaign for violence-free elections. Nigerian civic and political leaders with whom the delegation met agreed on the urgency of implementing the Accord and ensuring that its provisions are communicated to party supporters at grassroots level across the country. In the words of one political leader with whom the delegation met, “Leaders have to drum [the Accord] into the ears of their supporters.”

#### IV. NIGERIAN LED INITIATIVES TO ADDRESS THESE CHALLENGES

Despite the challenges listed above, the 2015 polls provide an opportunity for political parties, INEC, the government, media and civil society to build upon and expand the advances from 2011 to ensure peaceful and credible elections. Many Nigerians take pride in the country being Africa’s most populous nation, endowed with vast reserves of oil and minerals, fertile land, and a resilient population, and recognize that the country has the capacity for enormous prosperity and regional leadership. The delegation noted a strong commitment by INEC and multiple civil society organizations to enhance citizen confidence and participation in the election as well as mitigate violence around the polls.

**Non-violence campaigns.** Nigeria’s vibrant civil society has been a driving force in the promotion of an inclusive, transparent and peaceful electoral process. Many prominent individuals and organizations are contributing to the promotion of peaceful participation, urging Nigerians to exercise their democratic rights and civic responsibility, and to ensure that their votes count. For example, the *2face Foundation*, sponsored by the musician *2face Idibia*, and *Youngstars Foundation* have launched “*Vote Not Fight: Election no be war,*” as a nationwide youth get-out-the-vote (GOTV) campaign. At GOTV events and concerts, youth sign a “Vote Not Fight” nonviolence pledge. Other initiatives include: *Enough is Enough’s* RSVP, or *Register, Select, Vote and Protect*, a peaceful election participation campaign; Open Society Initiative for West Africa’s (OSIWA) *Situation Room*; the *Dreams4Naija Campaign*; the *CLEEN Foundation’s* violence monitoring campaign; the *Foundation for Partnership Initiatives in the Niger Delta’s* (PIND) *Partners for Peace (P4P)* project; as well as the *National Bar Association’s* and *Labor Union* voter education and awareness series.

**Voter education.** Many Nigerian civil society groups are engaged in creative initiatives to educate voters about the electoral process, including initiatives such as: the *9jaVoter project* by *West African NGO Network (WANGONET)*, which has produced a mobile voter education app to increase youth participation; *Human Rights Monitor Nigeria*, which is distributing election information cards and posters; the *Nigerian Women’s Trust Fund*, whose multimedia campaign focuses on the benefits of increased women’s political participation; the women’s political education sessions conducted by the non-partisan *Women in Politics Forum* to increase women’s chances to run successful campaigns for office; the *Youth Alliance on Constitution and Electoral Reform (YACORE)* and its awareness

campaign to educate northern youths on non-violence ahead of the 2015 polls; and the “*On the Road to 2015*” voter education radio program conducted by the *Partners for Electoral Reforms (PER)*.

**Presidential debates.** The Nigerian media plans to organize candidate debates to include presidential and vice-presidential debates in the coming weeks. If successful, these debates would send a message to Nigerians across the country that competition for high office is a debate of ideas and should not result in violence. The optics of the two main contenders on the same stage and engaged in meaningful discussion of issues pertinent to the electorate would elevate political discourse, assuage concerns of excessive polarization and enhance the possibility that the winner would be gracious in victory and the loser accept the outcome.

**The Abuja Accord.** This agreement, signed by 11 of 14 presidential candidates, commits the signatories to run issue-based campaigns; to refrain from violent acts and inflammatory speech before, during and after the elections; and to speak out against any such violence. The Accord reinforces the party Code of Conduct renewed by political parties in 2013. The Accord is widely hailed as an encouraging development that provides civil society, the media and the international community with a yardstick against which to hold candidates and parties accountable for their conduct in violence-free polls.

**INEC communication.** INEC has created a media corps as a mechanism for sharing information with the media and the public at large, and should enhance its effectiveness and frequency in the remaining weeks leading to election day.

**Religious leaders.** Highly respected leaders, such as the Sultan of Sokoto and the Cardinal of Abuja, have launched the Nigeria Inter-Faith Initiative for Peace, which aims to mitigate the negative impact of polarization along religious lines. This and similar initiatives should be encouraged to expand their mission to include appealing to their followers to take actions to contribute to peaceful polls.

**Citizen monitoring of electoral processes.** Drawing upon lessons learned and best practices acquired over the last four elections, citizen monitoring groups continue to play a critical role in providing Nigerians with accurate information on the integrity of the electoral process. Their programs and activities deter and detect irregularities during voter registration, in the pre-election period, on election day, and in the post-election period. One civil society network, the Transition Monitoring Group (TMG) – a coalition of over 400 civil society organizations – will, for the second time in a presidential election, use statistical random sampling methodology or ‘Quick Count’ to monitor election day processes and to verify the accuracy of official voting results.

## V. RECOMMENDATIONS

The delegation believes that with sufficient political will, many of the immediate challenges can be addressed in ways that enhance citizen confidence and participation in the election and hence mitigate violence during and after the polls. In the spirit of international cooperation, the delegation therefore offers the following recommendations for review and consideration:

**Confidence building measures.** There is a perceived gap between those election preparations that have been undertaken by INEC and what some stakeholders understand to be the status of election preparation. This miscommunication is contributing to heightened tension around the election process. All parties should ensure that citizens have the knowledge and information they need to vote, and that citizens have confidence their vote will contribute to a credible electoral process.

### **Communications**

- INEC should improve its communication strategy with voters, to include, for example, daily press briefings and more frequent public service announcements, including in local languages, in order to bridge any miscommunication on electoral preparedness and voting procedures.
- INEC should undertake a concerted voter education effort to demonstrate to the public the use of new technology such as the PVCs and card readers.
- INEC should better inform stakeholders and make publicly available contingency plans to expeditiously repair or replace technical broken-down equipment. They should also inform the public in advance of procedures such as those that relate to the handling of voters who appear on the voter list but do not have a PVC. It is important that the INEC response to these anticipated problems be uniform across the country.
- INEC should commit to make public in its final results the results from each polling unit. Making the commitment public prior to election day would add transparency to the process and enhance citizen confidence in election results.
- Political parties and candidates should focus on issue-based campaigns that address national priorities such as security, the economy and governance.
- Civil society should continue monitoring the election process and advocating for improvements in its integrity.
- The media should elevate civil discourse and report accurately, responsibly and professionally, in line with the media code of ethics, in order to contribute to raising voter awareness and education.
- The international community should continue to monitor and report publicly on the actions of individuals who violate the spirit of free and fair elections before, during and after the election.

### **Election administration**

- INEC should urgently complete the distribution of PVCs to get them in the hands of the voters. INEC should also urgently complete the procurement of card readers, and communicate relevant information on these issues to the electorate as soon as possible in advance of election day.
- INEC should accelerate recruitment and training of polling officials.
- INEC should explore ways to increase voting by Internally Displaced Persons (IDPs) and ensure that properly registered IDPs are not disenfranchised.
- INEC should make maximum efforts and take concrete steps to avoid the disenfranchisement of sizeable populations in LGAs in north eastern states impacted by the Boko Haram insurgency. The government should make all possible efforts to provide the security and support necessary for the conduct of elections in those areas. INEC should facilitate consensus building around these efforts among all stakeholders.
- INEC should fully implement its gender policy that fosters gender equity in the recruitment and deployment of poll workers.

### **Political parties**

- Political parties and candidates should focus on issue-based campaigns that address national priorities, such as security, the economy and governance.
- Political parties should train and deploy party agents to all polling sites to facilitate evidence-based monitoring of voting activities and documentation of any irregularities that may occur.
- Political parties should adhere to the rule of law and respect the INEC guidelines for political parties, specifically provisions that deplore the use of violence and inciteful language.

**Violence mitigation.** Many of the foregoing measures would contribute to mitigating violence. In addition, the delegation recommends the following:

**Government of Nigeria**

- The Government of Nigeria (GON) should reinforce security measures within the framework of the law and without intimidation to facilitate the conduct of polls in all 36 states and the Federal Capital Territory.
- The GON should reiterate to all security services their constitutional obligation to be professional and impartial in guaranteeing election security for all citizens.

**Political parties**

- Political parties and candidates should actively undertake voter and civic education so their supporters can be better informed and conduct themselves peacefully before, during and after the polls.
- Political parties and candidates should sensitize party supporters at the grassroots level on the political party Code of Conduct and provisions of the Abuja Accord and the commitment of candidates and party leaders to avoid and reject violence.

**Civil society**

- The delegation appeals to religious groups across inter-denominational faiths, traditional and community leaders, media and civil society organizations, including trade unions, youth and women's organizations, to launch a concerted and collective national movement for violence-free elections.
- The delegation urges contingency planning in the event of post-election violence and encourages the creation of a network of agents of peace across communities.

**The international community**

- The international community should expand and intensify its observation efforts to provide objective assessments of and recommendations on the electoral process, prior, during and after the election.
- The international community should more forcefully convey its belief that election-related violence will have consequences for the legitimacy of the election outcome.
- International partners should intensify their efforts to support the electoral process, including initiatives by Nigerian civil society.

NDI and IRI will continue to observe the electoral process and will issue additional statements as appropriate. NDI and IRI will deploy international election observers to the February 14 presidential poll, and will cooperate with other international observation missions and nonpartisan election observation efforts by Nigerian citizen groups in accordance with the Declaration of Principles and Nigerian law.

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