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NIGERIA DEMOCRACY, HUMAN RIGHTS AND GOVERNANCE (DRG) ASSESSMENT

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Nigeria Democracy, Human Rights and Governance Assessment – Report Brief

NIGERIAN DEMOCRACY AT 21: TWO STEPS FORWARD, THREE STEPS BACK?

Despite important signs of underlying progress in recent years, Nigeria’s fragile democracy faces rising socio-economic and security threats while corruption, growing intolerance of opposition, and lack of political competition further dampen democratic development. To bolster efforts to promote democracy, USAID can continue its longstanding and pivotal support for civil society as the key sector pushing for democratic deepening and peacebuilding work, paying special attention to new opportunities to engage community-based organizations, trade unions, business and professional associations, and religious institutions in these efforts. Such support would include helping coalitions of these groups support opportunities for reform in the National Assembly and state legislatures to check and balance the over-powerful and under-performing executives while exploring opportunities to engage reform champions on the executive branch at national and subnational levels.

INTRODUCTION: A DARKENING PICTURE AMID RAYS OF HOPE

May 2019 marked 20 years since Nigeria’s military handed power back to civilian rule and ushered in the Fourth Republic, by far the nation’s longest-lasting efforts to build democratic government. Although few Nigerians appear interested in a return to military rule, many civic and community leaders interviewed for this report expressed growing frustration among their colleagues and constituents with increasing news of corruption among the country’s political leaders. Simultaneously, the vast majority of Nigerians suffer increasing economic and health hardships, as well as insecurity from growing criminality and insurgency. Closing political space at both the federal and state levels is also undermining much-needed political debate, credible elections, and respectful opposition just when these and other democratic rights are most needed. Some Nigerian civic leaders see the country in as deep a crisis as the darkest days of military rule under General Abacha (1993-1998), or even worse.

Yet, clearly, Nigeria has made important democratic progress over the last 20 years, much of which is not always obvious considering the steady stream of recent bad news. Perhaps most important is the growth of a deepening culture of negotiation and compromise among the political elite, backed up by a steady amount of democratic learning and a slow but discernible strengthening of key institutions like the National Assembly. Although this democratic culture is now under strain, it remains vibrant and is an essential buffer that restrains some of the destructive impulses of the elite, and springs to life in the form of civil society activity, occasional reformist policies and other corrective measures throughout the

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1 These recommendations are based on a Democracy, Human Rights, and Governance (DRG) Assessment of Nigeria to support USAID/Nigeria’s Peace and Democratic Governance (P/DG) assistance programs for the next five-year period. A six-person Assessment Team (AT) reviewed background materials and conducted fieldwork during a three-week period in December 2019, before the COVID-19 virus was identified. The team interviewed 126 key officials in different branches and tiers of government; representatives of the media, academic, private sector, and the civil society/non-governmental community; and officers working in USAID, the U.S. Embassy, and other donor and international organizations. In addition, the AT conducted 16 focus group discussions with groups of women, youth, people with disabilities, and civil society organizations. The AT conducted these interviews and focus group discussions in Kano, Plateau, Bauchi, Oyo, Lagos, Imo and Delta states as well as the Federal Capital Territory (Abuja). The assessment’s methodological approach was guided by USAID’s Democracy, Human Rights, and Governance Strategic Assessment Framework (SAF), consisting of four steps for DRG Assessments. This brief represents a condensed version of the longer report.
system. Nigerians themselves remain deeply engaged in associational life; neighborhood associations nationwide are perhaps the most effective governance vehicle in the country, addressing many basic needs even though – or perhaps in part because – they are not a formal institution of government.

Hope for democracy, therefore, remains strongest with efforts that emanate from and harness the irrepressible spirit of the Nigerian people at the grassroots level. Consequently, USAID funds have been and would be best spent on initiatives that support the actors closest to the people: civil society and community-based organizations. USAID has been standing with these groups since the beginning of the Fourth Republic, and staying the course but expanding USAID efforts to include greater networking, movement-building, conflict resolution skills and strategies to scale up their impacts at the national, state, and local levels is recommended. Engagement of Nigeria’s largest civil society groups – trade unions, religious institutions, and business and professional associations – is especially advisable in this regard. These civil society and community coalitions can then be directed at empowering reform initiatives at the most publicly-accessible institutions of government – the National Assembly and state legislatures – in order to support legislation to improve overall governance and to free local governments from gubernatorial control so that they can be more responsive to local community concerns. Recommendations also include working with reformers on the executive branch at the national and subnational levels.

**DEFINING THE DRG CHALLENGE: A DIVIDED SOCIETY AND DEPENDENT ECONOMY**

Nigeria’s massive ethnic and religious diversity remains perhaps the key feature of political life at all levels. Such diversity is both divisive and a driving force in the nation’s interest in democratic deepening as the only feasible solution to manage its many identity conflicts. As a result, since the 1970s the “iron frame” of a federal system of what is now 36 states has been the cornerstone of Nigerian politics that provides relative stability to the system, especially in terms of preventing the sort of massive collapse along ethnic lines that led to civil war in the 1960s. Encouraged by the federal structure, Nigerian politicians and parties also worked out informal ethnic rotation principles at the state and federal levels, as well as an ethic – backed by the Constitution – of broad ethnic/regional representation in cabinet positions and other government offices. Although this spirit of ethnic accommodation is often violated, it remains a bedrock norm by which most political life is judged.

Since the rise of national religious politics in the 1990s, striking a balance between Muslims and Christians has also been prioritized, especially at the federal level and for the religiously mixed Middle Belt states. The binary nature of this divide, however, has also fostered either/or, zero-sum perspectives on political offices that are growing in intensity and are reminiscent of the ethnic divisions of the past. The Boko Haram Islamist insurgency in the northeast combined with growing farmer-herder conflicts, which are often divided Christian-Muslim, in the Middle Belt region and increased banditry across the northwest have also aggravated religious divides nationwide.

Underlying these political trends are Nigeria’s continuing dependence on oil exports for government revenues and the massive rent-seeking economy that results. The 2018 budget expected 42% of federal revenues to come from oil, and most of the states except Lagos and Rivers are entirely dependent upon national revenues, which are highly dependent upon oil. Consequently, after nearly 12 years of high oil prices from 2003, their collapse after 2014 sent the Nigerian economy into its deepest recession since the 1980s, with only tepid recovery by 2017. Consequently, the nation, for years, has been economically producing much less in GDP than its 2.6% population growth requires, such that standards of living and unemployment (23% in 2018) are expected to worsen. With growing numbers making increasing demands
on shrinking national resources, volatility and pressures for corruption are only likely to rise in the years to come.

**ANALYZING KEY ACTORS AND INSTITUTIONS: THE CHALLENGE OF STRONG GODFATHERS AND DOMINANT EXECUTIVES**

Many Nigerians currently express misgivings about the efficacy of the political system, especially as they see government as serving the interest of elite power brokers rather than citizens’ interests. Women and persons with disabilities are systematically excluded from public life, and youth lack the economic resources needed to participate successfully in the political system. In terms of political competition, two political parties – the ruling All Progressives Congress (APC) and the People’s Democratic Party (PDP) – have controlled the polity for the last two decades, with the APC now by far the dominant party. Local and foreign election observers have repeatedly raised concerns in recent years over widespread irregularities in the election process and the lack of internal democracy in the main parties.

Consequently, the public interest has been lost in this struggle and the social contract broken because office holders owe their positions to the favor of political “godfathers” and muscle rather than the support of their own communities. These informal networks and structures are often just as important as formal institutions of the state and civil society. Yet key institutions, particularly the presidency and governors, are extremely strong and play dominant roles in the nation’s political life given their control of the massive resources from Nigeria’s oil economy. This complex interplay between formal state institutions and informal patronage networks defines Nigerian politics, and particularly plays out in critical fiscal matters. Most states and local governments are nearly entirely dependent on federal budget allocations, which flow through a joint account system that state governors unilaterally control.

This fiscal dominance allows governors to wield enormous influence over local governments, state government agencies, the legislature, and the judiciary, who thus depend on the benevolence of the governor for finances to carry out even the most basic of functions. One civic activist in Imo state summed up this concern:

> ‘There is executive overbearing attitude on the legislature, as the executive often muzzles the legislature and the judiciary. Things are interwoven because there is no clear separation of powers, and lack of financial independence of the legislature at state level affects their effective performance.’

Citizens, thus, have little voice in local, state or federal governance. The private sector also depends significantly on federal and state contracts. The federal presidency enjoys similar primacy and prerogatives as the governors, but the last two decades have seen significant growth in the independence of the federal legislature and judiciary. However, recent years have shown worrying signs of backsliding toward absolute presidential dominance. The ruling party continues to attempt to muzzle and restrict civil society and the media by restricting freedom of speech through sponsorship of perceived anti-democratic bills, namely the Social Media Regulation Bill, a Hate Speech bill, and a third for the regulation of NGOs. At the grassroots level, civil society is even weaker, citizens rarely engage with any level of governance, and the media struggles to play a viable watchdog role. Widespread abuse of human rights has resulted,

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2 KII Imo state, December 2019.
especially from the police and military, and there are insufficient checks within government to enforce existing human rights protections.

CONSIDERING USAID’S OPERATIONAL AND PROGRAMMATIC ENVIRONMENT

U.S. interests in Nigeria have shifted over the last few years from primarily economic concerns grounded in Nigeria’s oil production to security interests spurred by the rise of the Boko Haram insurgency and growing insecurity and state fragility nationwide, demonstrated in part by an increase in U.S. military aid. In reaction to this growing fragility, USAID’s largest investments in Nigeria in 2019 were in humanitarian relief ($397 million), followed by health ($300 million).

Nigeria’s continued struggle with dysfunctional institutions, systematic human rights violations, women’s exclusion from public life, high youth population and unemployment, and the decline in citizen’s trust and confidence in state and non-state actors all fall within top USAID priorities. USAID’s recently completed civil society activity in Nigeria, Strengthening Advocacy and Civic Engagement (SACE), focused on increasing civil society capacity and its engagement with public institutions, targeting both government and civil society actors. USAID has also put forth programming to support legitimate and credible elections and the political participation of marginalized groups, including women, youth, and persons with disabilities. Nigeria’s deeply ingrained corruption culture, however, poses major constraints for USAID partners in working with the Nigerian government, especially at the state and local levels.

OUTLINING THE PROPOSED DRG STRATEGY: CREATING REFORM PRESSURES FROM THE BOTTOM AND THE TOP

Given these constraints and the troubling deterioration of the democracy, human rights, and conflict situation over the past five years, a focus on several key avenues of opportunity that could help to rebuild the social contract and take advantage of opportunities for reform over the next five years may help to reverse Nigeria’s democratic backsliding. Despite growing government hostility to civil society and the difficulties the sector faces, it remains extremely vibrant and offers the best hope for channeling and harnessing the rising public frustrations over irresponsible governance. Moreover, USAID brings its strong commitment to civil society over the past 20 years, as well as extensive links to community-based associations nationwide through its health, agricultural, humanitarian, and other programs, such that work with these sectors is a comparative advantage for the agency.

Consequently, USAID may wish to consider continuing its commitment to support civil society’s role in deepening democracy in Nigeria and expanding it where possible in several ways. First and foremost, engaging community-based organizations (CBOs) more extensively in democracy and peacebuilding activities would contribute to democracy building efforts. These neighborhood associations are present in nearly every community across the nation and represent the closest thing to a responsive local government that most Nigerians experience. Engaging CBOs in larger good governance and peace coalitions and connecting them to civil society groups would help to expand the influence of both CSOs and CBOs and provide important vehicles for trainings and capacity building assistance. USAID could include democracy and peacebuilding trainings in the assistance that its agriculture, humanitarian, and other programs give to CBOs in order to help build these networks. Such network building would help CBOs and civil society groups to become more effective advocates and partners in democratic policy making, planning, and implementation with key reformists in government, especially in the legislatures. Through the work of these groups, active and mobilized citizens will then help to foster a political cultural shift to rebuild Nigeria’s social contract.
Paying special attention to Nigeria’s largest and most influential civil society groups – religious institutions, trade unions, and business and professional associations – would also be beneficial to democratic deepening. Although each of these sectors has its own dynamic and would require specific engagement strategies, each of them has extensive impacts on society and the economy and can be pivotal in pushing government toward reforms. Political elites are naturally aware of this, such that all of these sectors are subject to regular carrot-and-stick pressures from political parties and godfather networks, and many of their affiliates are embedded in local patronage networks to varying degrees. Despite such limitations, these groups remain deeply influential and have had important democratic impacts at key times. Programming to help them restore greater independence and build larger coalitions at the federal, state, and local levels in cooperation with CBOs and other CSOs would be pivotal in shifting Nigeria back in the direction of democratic progress. Religious institutions, in particular, although deeply diverse, collectively have representation in every community in Nigeria and have shown a growing willingness to support peace and democracy efforts at the national level.

Along with these efforts to build greater pressure for democracy from the grassroots, USAID may consider supporting reform efforts at the top of the political system, particularly in the National Assembly and state legislatures. Although the powers of the executive overshadow legislators and regularly intimidate them into compliance with executive preferences, especially at the state level, the National Assembly in particular has shown growing capacity for independence at times and has important constitutional powers that could help to democratize Nigeria further in the coming years. Moreover, the Assembly will be the key battleground for a number of fundamental issues for democratic development over the next four years. In the short term, several anti-democratic bills are already under consideration in 2020, including a hate speech bill that restricts freedom of speech and includes a provision for use of the death penalty in some cases. In addition, new amendments for state assembly, local government, and judicial autonomy will be introduced shortly, and a new version of the vetoed 2018 Electoral Act will likely be submitted, which included important election reforms such as direct transmission of results from the polling units to the federal level.

Given the widespread corruption concerns in working with the Nigerian government at any level, however, direct support to legislators may be less advantageous than helping civil society groups and coalitions to work with reformists in the legislatures to help them move forward progressive policies. Key legislators and their aides, as well as reformists in the executive, as needed, could be engaged in some of the same training packages and coalition building activities as civil society groups.

USAID could build upon its past progress with civil society and community-based organizations by working on: (i) capacity building, including institutional and technical; (ii) civic education, using a range of tools and media; (iii) CSO and CBO network strengthening; and (iv) strengthening of reformists in government, especially the legislatures. Strengthened CBOs can more effectively engage local and state governments and the National Assembly in public policymaking, development planning, and program implementation, while more capable state and national CSOs can advocate for democratic reforms and support CBOs in developing their capacity for impact in governance.

Possible activities to support these goals could include:

- A “democracy package” of capacity building could be provided for state CSOs, CSO networks, federations, and specialized support CSOs in a range of technical and institutional assistance areas. Such areas include policy research and advocacy, nonviolence mobilization and conflict resolution approaches, civic education training programs, and how to get their networks, sectoral and
thematic, involved in engaging the federal and state government in a coordinated advocacy campaign. Special programs to engage religious institutions, trade unions, professional associations, and business associations in these areas should also be considered. CBOs should also receive such capacity building packages, including internal and external knowledge and skills, with special attention to nonviolent social movement and conflict resolution trainings.

- Institutional grants to CBOs to help them create grassroots movements that engage the state executive and legislature directly, and the National Assembly as well in partnership with civil society groups. Civic action micro-grants could provide resources to enable CBOs to put the training they have received into practical use.

- Civic education campaigns in selected localities could be conducted through CBOs, schools (in cooperation with the Education program), and LGA and state level legislative bodies, while youth volunteers could be engaged in local civic education and community mobilization, much like a civic action corps, building local youth movements for democratic deepening.

- Local media strengthening, including mainstream and social media, could be supported, as could community radio and listening forums.

Other initiatives could seek to assist reformists in the National Assembly and other institutions of government to introduce pro-democracy and peacebuilding legislation and policies, strengthening legislatures and other arms of government to balance the power of the executive and foster power sharing. These could include:

- Extensive skills and support services could be provided to National Assembly members and their staff. Such services could be channeled through civil society groups to help them be more effective in promoting key legislation and resisting regressive policies. Support could include legislative drafting, coalition building, social media strategies, research, and building broad bases of public support with CSOs, CBOs, and constituents. If possible, select state assemblies and local government councils could also benefit from such assistance, as could key reformists in executive agencies in certain contexts.

- Joint civic training for federal, state, and local level legislators could be supported, as well as for perhaps government officials, together with CBOs. Such trainings could be combined with capacity building and re-orientation of government officials on electoral reforms, especially at the local level.

- Public information forums could be supported, including on planning and budgeting that bring together government leaders with CBOs, CSOs, and local communities at targeted government levels. Other citizen-led accountability mechanisms such as community or performance score cards or community bulletin boards could also be considered.

- Joint civic action grants for projects primarily related to improvements to public service delivery that are approved in the joint planning and budgeting section could be provided.