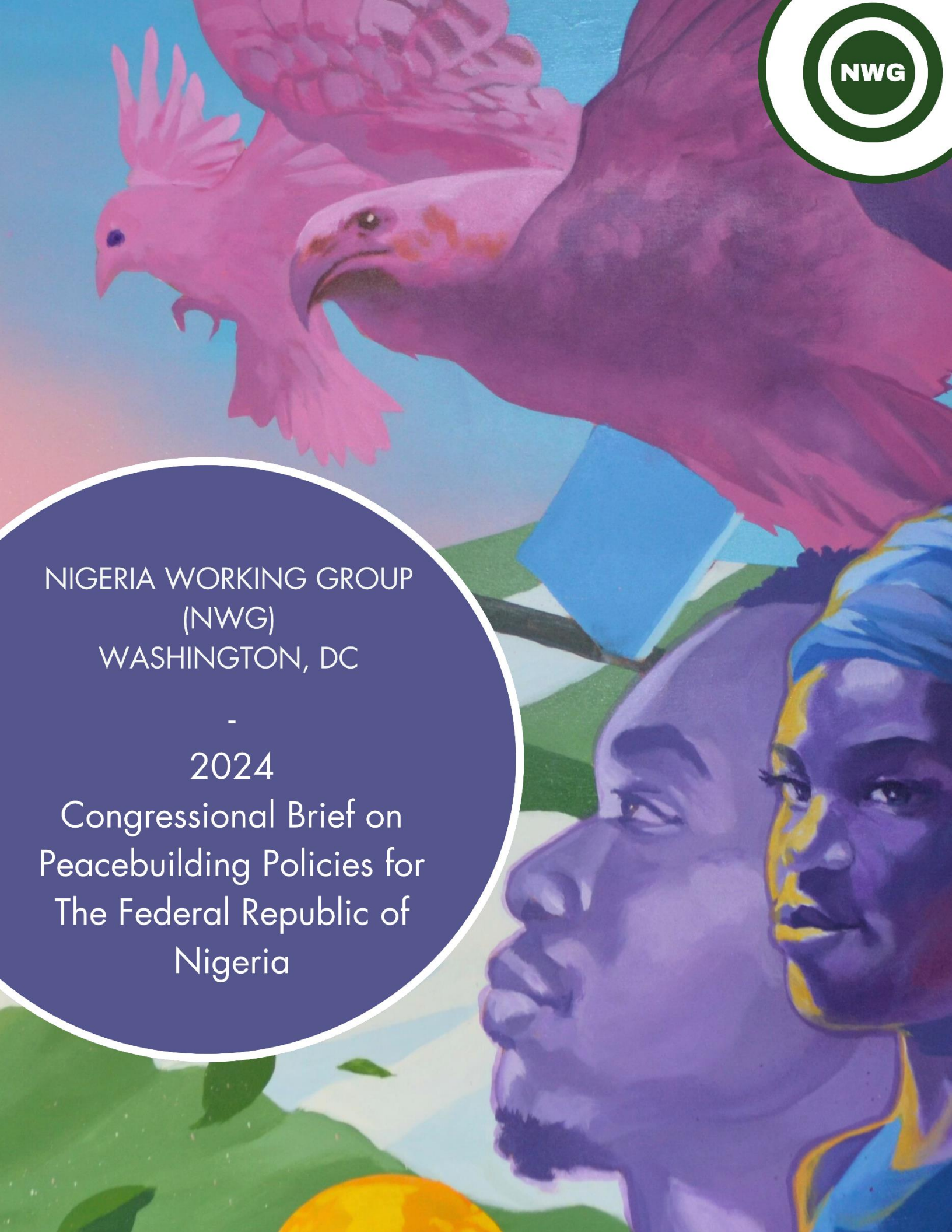




NIGERIA WORKING GROUP  
(NWG)  
WASHINGTON, DC

-  
2024

Congressional Brief on  
Peacebuilding Policies for  
The Federal Republic of  
Nigeria





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WASHINGTON, DC**

**A Congressional Brief on  
Peacebuilding Policies for  
The Federal Republic of Nigeria**

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1/9/2024

This first edition of Nigeria Working Group's congressional briefing is compiled and edited by Church of the Brethren, Office of Peacebuilding and Policy based in Washington, DC. The views presented in this document represent those of individuals and their respective organizations.

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Cover image: Aniekan Udofia

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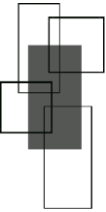
**Cover page artist:** *Aniekan Udofia.*

## I. Executive Summary

*Mary Abraham*

*Church of the Brethren, Office of Peacebuilding and Policy*

This congressional brief delves into the intricate conflict dynamics in Nigeria and the resulting complexities of peacebuilding efforts in the country. In the first article, "United States' Nigeria Policy," C. Kwuelum stresses the need for approaches tailored to the specific context. He advocates for local ownership of programs and urges a focus on addressing the root causes of conflicts. International NGOs such as the Mennonite Central Committee, are acknowledged for their role in supporting local initiatives. Additionally, Kwuelum calls for the United States government to invest in nonviolent peacebuilding mechanisms, targeting local actors and embracing contextually sensitive approaches.



In the second article, Thomas et al. highlight the challenges faced by Nigeria, particularly in urban violence, the farmer-herder crisis, and the freedom of religious belief. Search for Common Ground (Search) operates across various regions, tackling these issues. It underscores the importance of sustained U.S. engagement in the country. The authors urge the U.S. Congress to play a central role in providing assistance to address the underlying factors of conflict in Nigeria. The policy recommendations include fast-acting and flexible violence prevention funding structures. They call for US Foreign Assistance to support human rights, democracy, and peacebuilding programming to address longstanding conflicts. Moreover, the authors urge the US government to consult with a range of local actors, including youth, women, and diaspora groups. Finally, US government must offer support for institutional capacity building to address grievances and counter violent extremism.

On a parallel note, PEN America, a global advocate for free expression, operates within Nigeria. N. F Johnson and C. Omoruyi examine challenges to free expression rights during the 2015–2023 administration, citing instances of systemic media censorship, repression during the #EndSARS protests, and the Twitter ban. Policy recommendations to the US Congress include support for justice in the #EndSARS movement, assistance for journalists facing litigation, visa restrictions on free expression violators, and backing for ECOWAS' integration and human rights defense.

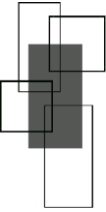
Overall, this brief emphasizes the significance of international support and engagement in addressing the intricate challenges facing Nigeria, whether in the realm of peacebuilding or the protection of free expression. It highlights the roles of international NGOs and calls for sustained U.S. engagement. The multifaceted nature of the issues requires nuanced and context-specific strategies, underscoring the need for collaborative efforts to foster positive change in the country.

## II. Introduction

*Mary Abraham*

*Church of the Brethren, Office of Peacebuilding and Policy*

The Nigeria Working Group (NWG) is a coalition of civil society organizations in Washington, D.C., focused on various issues in the Federal Republic of Nigeria, such as humanitarian efforts, peacebuilding, human rights, governance, and academia. Their inaugural publication aims to inform members of the U.S. Congress and staffers about crucial topics in Nigeria, fostering an informed decision-making process for a mutually beneficial relationship between Nigeria and the United States. This first edition covers three main topics: the state of multi-stakeholder peacebuilding initiatives, threats to free expression in Nigeria, and the history of violence in the country. Each section discusses organizational initiatives, their successes and setbacks, and concludes with proposals for meaningful engagement with the U.S. Congress and the Federal Government. The views presented in the document represent those of individuals and their respective organizations.



The historical context of violence in Nigeria sets the backdrop for both articles, highlighting challenges such as the Boko Haram insurgency, banditry, mass kidnapping, and inter-communal conflicts. Local ownership is identified as a key factor for effective interventions, but governance issues and human rights abuses hinder peacebuilding efforts. The global pandemic underscored the need for local ownership, participation, and equitable collaboration.

In the Plateau state, specific examples are given, such as the Mennonite Central Committee supporting peace clubs in schools for attitude transformation and peace education. Also, contextual initiatives on rebuilding lives and economic independence through anti-radicalization training and campaigning against drug abuse. The success of local peacebuilding initiatives emphasizes the importance of collaborative partnerships that incorporate local wisdom. Therefore, NWG urges the U.S. government to invest in nonviolent peacebuilding with the help of local actors and support USAID's localization agenda.

Lastly, the PEN article notes that, despite the Nigerian Constitution guaranteeing freedom of expression, the government's actions often contradict this right. During President Buhari's 2015–2023 administration, there were setbacks, including the use of cybercrime and anti-terrorism laws to suppress journalists, restrictions on social media and internet access, and limitations on peaceful assembly. The article urges President Bola Tinubu, a former pro-democracy activist, to take concrete measures to protect free expression, calling on Congress to support policies for a stronger human rights regime in Nigeria.

### **III. The United States' Nigeria Policy: An Equitable and collaborative partnership with Nigerian local actors is inevitable and imperative**

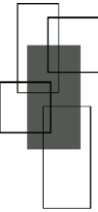
*Charles Kwuelum*

*Charles Kwuelum serves as senior peace education and advocacy associate, international for Mennonite Central Committee U.S. at the Washington DC Office.*

Nigeria's context is unique, and its emerging conflict dynamics are constantly changing. Therefore, peacebuilding approaches toward Nigeria's conflict dynamics are inevitably complex and multidimensional to confront and transform the scenarios. Security challenges such as Boko Haram insurgency, banditry, mass kidnapping for ransom and criminal gangs tend to shape the web of inter-communal and localized violent conflicts, thereby posing difficulty to interventions that have previously been designed to address specific conflicts and building resilience. Governance issues, including human rights abuses, tend to exacerbate peacebuilding interventions especially when political legal frameworks such as anti-nongovernmental organization legislations restrict operationalization of peacebuilding mechanisms.

Also influencing peacebuilding and development successes in Nigeria is lack of ownership of peacebuilding processes and the feeling of a sense of exclusion, which signifies less involvement of contextual knowledge and local wisdom by actors in conflict-affected communities. It is pertinent to acknowledge that contextual knowledge, which enshrines and understands the pattern of emerging conflict dynamics, tends to highlight the importance of context, culture, and the actors. Notably, peacebuilding approaches tend to navigate the tensions between violent conflict situations and environments because, inevitably, our environment is shaped by the cultures and structures affected by violence. Therefore, to translate local wisdom into a unique response in the form of intervention, it is pertinent to create a safe and healthy space for actors engaging the local dynamics. Also, interventions must be holistic and should adequately address root causes of conflicts, to attain just peace and wellbeing.

During the global pandemic, and as nations were under lock down and services inaccessible, the global peacebuilding community inevitably had an opportunity for reflective interventions. Also, unlearning to learn, and acknowledging the importance of those actors residing in conflict-affected contexts in their effort toward sustainability of peacebuilding and development programs. Such an opportunity enabled the nurturing of the culture of ownership, participation and equitable partnership and collaboration. Also, strengthening the capacity of actors and engender mutual learning. Evidently, the management of peacebuilding processes and emerging program and project cycle dynamics by actors residing in the conflict-affected communities indicate their potentials and ability to transcend stereotyping. It necessitates an unprecedented shift and rethinking and transforming the peacebuilding and development mindsets or perspectives.

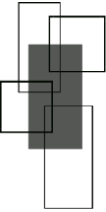


International nongovernmental organizations (INGOs) operating in Nigeria mobilize funds from foreign donors to do psycho-social trauma support programs, peace education, the alternative to violence program, peace clubs, interfaith de-radicalization programs, early warning and early response mechanisms, healthcare, water sanitation and Hygiene, food security and livelihoods projects, humanitarian relief, and development initiatives. As implementers or contracting organizations, they engage local nongovernmental organizations (LNGOs) or actors with templated intervention designs, which sometimes are devoid of presupposed attention to contextual needs or needs assessment. Often, the constantly changing conflict patterns and dynamics reveal gaps in our interventions as they do not meet the needs of the directly affected communities.

According to Global Peace Index 2023, the average level of global peacefulness is deteriorating[i]. Also, since the inception of GPI, the political terror scale, political insecurity, refugees, and internally displaced persons have reached their worst score. To contextually transform causes of violence and prevent conflict in Plateau state where communal and interethnic and religious conflicts are exacerbated by cattle rustling, criminality, and banditry, Mennonite Central Committee supports



the Emergency Preparedness Response Teams and Justice Development and Peace Caritas, for example, in establishing peace clubs in formal educational institutions[ii]. The peace club program seeks to transform and change hearts for peace, alongside stereotypes, bias, and hatred, which are the result of animosity and the relationships among communities in the region along the lines of ethnicity and religion, characterized by suspicion and distrust. It incorporates peace education on nonviolence toward the mentorship of students who work to cultivate an attitude of acceptance, affirmation, and respect of human dignity, and respecting their differences. EPRT/JDPC are co-designers and collaborators with MCC in the design of the peace club curriculum, thereby promoting equitable partnership, participation, local ownership, mutual accompaniment, and strengthening of the capacity of collaborating actors in the context and culture. Today, due to the positive impact of the initiative, the government of Plateau state has adopted and incorporated these peace clubs into the state education curriculum.



As the peace club initiative broadly addresses radicalization and extremism, another locally and culturally sensitive program was designed by the Center for Community Actions for Peace and Development (CCAPAD) to de-radicalize minds in Plateau state through training and campaigns against drug abuse, personal transformation, skills acquisition, and empowerment. MCC supports CCAPAD's effort to rebuild the lives [iii] of young adults in communities ravaged by drugs and violent extremism, addressing joblessness and social menace, through an interfaith lens. Emmanuel Bala Sawa and other Christian and Muslim beneficiaries acquired various skills such as shoe and bag making, tailoring bed sheet production, barbing salon, beauty make-up, and GSM repairs among others, to cater for themselves and contribute positively to their communities by mentoring younger ones. Start-up packs of tools and equipment provided by MCC epitomize economic freedom and an opportunity for self-reliance and resilience to crime for the beneficiaries.

Collaborative and equitable partnerships in the peacebuilding and development process enable local actors to explore long term local resources for the sustainability

of community led programs and projects. Also, it enhances accompaniment as a value and principle, thereby highlighting the importance of acknowledging and addressing the intangible needs of actors.

The United States investment in nonviolent peacebuilding mechanisms must target local actors or capacities for peace since their contextual knowledge and wisdom will complement the broader international peacebuilding frameworks. International peacebuilding actors must be open to incorporating sometimes, unique unconventional and unscientific approaches that are locally generated and contextually and culturally sensitive. Congress should support USAID's localization agenda, which aims to highlight effective programming, capacity strengthening, and principles of equitable partnership to address localized violence and dynamics. The localization process is an intentional and strategic investment of partnering with local actors to jointly improve performance and make the U.S. nonviolent peacebuilding investment and approach effective. Also, it affirms, appreciates, respects, and enables mutuality in the relationship between international nongovernmental organizations and local nongovernmental organizations. Availability of resources is influential to the various successful local peacebuilding initiatives, which rekindles enthusiasm for collaboration with locally grounded peacebuilding.

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[i] <https://www.economicsandpeace.org/reports/>

[ii] [mcc.org/stories/pursuing-what-makes-peace-Nigeria](http://mcc.org/stories/pursuing-what-makes-peace-Nigeria)

[iii] [mcc.org/stories/Nigeria-preventing-radicalization-through-rebuilding-lives](http://mcc.org/stories/Nigeria-preventing-radicalization-through-rebuilding-lives)

## IV. The Search for Common Ground

*Philip Oke-Thomas, with additions from Amanda Feldman & Sara Hagos*

Africa's most populous country, Nigeria, faces multiple challenges that impact the political and social fabric of the country. With offices in Abuja, Maiduguri, Jos, and , Search for Common Ground (Search) works in various contexts related to urban violence, freedom of religious belief, the farmer-herder crisis, and countering violent extremism in Nigeria. While Nigeria struggles with banditry, economic hardship, and violent extremism, the current state of peacebuilding in Nigeria seeks to address the underlying multifaceted issues that continue to affect the lives of many across Nigeria. With the conclusion of the hotly contested presidential elections in February 2023, sustaining US engagement with Nigeria and the newly formed Nigerian government will be of utmost importance. While each region in Nigeria experiences its own challenges, this section focuses on three core peacebuilding themes in Nigeria that should remain a priority for how the US Congress engages with Nigeria.

### 1. Urban Violence & Security

The threat of increased levels of urban violence looms over Nigeria as it hosts some of the fastest and largest growing cities in Africa. Conflicts throughout Nigeria have significantly contributed to the migration of people to cities with the hope of escaping violence and the prospects of economic opportunities. Although, with half of Nigeria's over 200 million population residing in urban settings, it is imperative that Congress pay closer attention to the country's poor governance, insufficient urban planning/infrastructure, unemployment, and deep social divides.

Urbanization alone comes with several hurdles, but with broader security matters such as but not limited to Boko Haram, separatist movements, and indigenous/settler dynamics raise immense concern that as urban areas rapidly expand, so will violence. The amount of physical violence taking place in cities will be a clear indicator of the need for dedicated peacebuilding mechanisms throughout Nigeria.

Research has identified linkages between the broader violent extremism carried out by armed groups like Boko Haram and urban crime in Nigeria. Rapidly urbanizing cities with an acute need for equally progressing infrastructure and oversight often become sites of criminal activity. To mitigate the effects of urban violence and the structural driving forces fueling other types of violence in Nigeria, Search has sought the expertise of practitioners and academics deeply engaged in the urban violence space and has hosted convening in several areas of Nigeria. These convenings seek to unveil the root causes of urban violence as witnessed in recent times and proffer lasting and sustainable solutions to emerging conflicts, with a view of birthing urban cities with structures and institutions capable of withstanding the pressure and consequences of urbanization. As polarization continues to impact divided communities in Nigeria, urban areas will bear the brunt of the violence.



## **2. Farmer-Herder Crisis**

For decades, Nigeria has seen alarming levels of conflict between farmers and herders throughout the country. By 2019, clashes between farmers and herders in rural Nigeria have contributed to the death of thousands of people. The farmer-herder conflict is rooted in factors including, but not limited to, environmental degradation, scarce resources, and the declining relevance and power of traditional authority in both farming and herding communities. Both Nigerian federal and state governments' responses to this conflict have been largely reactive and rely on the usage of physical force by military or police forces, which have resulted in less than ideal outcomes.

In response to this dire conflict, Search identified the need to bring together a diverse group of academics, practitioners, and policymakers to think about how to better address and reduce the tensions between farmers and herders. From that came the Forum on Farmer and Herder Relations (FFARN) which has played a key role in advancing peacebuilding to the front of internal responses by policymakers.

By utilizing a personal agency, we have brought together Nigerian citizens to make a positive change in the conflict environment around the farmer-herder conflict. In addition to influencing federal and state policymakers to center peacebuilding in their approaches to forthcoming national policies regarding pastoralism, agriculture, and rural land management, it is crucial to amplify community-led conflict resolution mechanisms and to break down the ethnic, religious, linguistic, and cultural barriers that perpetuate the divisions between farmers and herders. As the farmer-herder crisis escalates in Nigeria, Nigeria will continue to **lose close to \$14 billion in annual revenue** due to the conflict. This loss in revenue and food production will negatively impact food prices throughout West Africa.

### 3. Freedom of Religious Belief

Since 2016, Search has worked in Nigeria supporting freedom of religious belief. During this time, we have implemented programs that engage religious leaders, civil society, youth, women, media, and government stakeholders to bridge religious divides, promote religious freedom, and foster ethno-religious understanding and collaboration.

The communal tension between Christian and Muslim communities in Nigeria continues to be a major point of division in the country. Addressing these issues inherently creates a two-track dichotomy between Northern and Southern Nigeria. Search works within this context to address national and local divisions within the freedom of religious belief in Nigeria. Our projects, Building Consensus on the Protection of Holy Sites in Northern Nigeria & Naija Youth Unite Project bring together religious leaders, community stewards, and young people around topics of religious tolerance, protection of holy sites and places of worship, and pushes young people to address community divisions along religious lines. It is important to center institutional legitimacy within the context of freedom of religious belief in Nigeria, as traditional and religious leaders can play an important role in advancing peacebuilding efforts. Within this highly sensitive context, we strive to build bridges within communities and enhance the capacity of individuals to advance religious tolerance from a grass-roots perspective.

#### **4. Peacebuilding in the Context of Nigeria:**

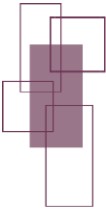
As Nigeria continues to grapple with deep insecurity, criminality, and the effects of climate change on local communities; peacebuilding programming in Nigeria strives to resolve the factors that perpetuate violence and conflict. Key peacebuilding structures go towards addressing intercommunal violence, mediation capacity building, and supporting the development of youth and women's groups. The US remains a key partner in conflict prevention and community reconciliation programming spanning across Nigeria. The rise in violence in Nigeria is an added layer of concern on top of the existing complex crises facing the most densely populated African country. These recommendations are based on the current need in Nigeria and the ways the US Congress can provide meaningful assistance in addressing deeply rooted conflicts. Search for Common Ground and other fellow organizations welcome further engagement from Both House and Senate offices on the topic of peacebuilding and programming in Nigeria

##### **A. Policy Recommendations**

The various issues areas that we detailed above play a direct role in Nigeria's continued stability. As peacebuilding in Nigeria looks to address the underlying factors of conflict, the US Congress has a central role to play in providing integral assistance in Nigeria.

- By making violence prevention funding structures fast-acting and flexible, the US can be a trusted partner in addressing complex issues in Nigeria. The US Congress and the Biden administration should prioritize human rights, democracy, and peacebuilding within the US's foreign assistance towards Nigeria.
- People to People Reconciliation and the Complex Crises Fund are two examples of critical funding structures that continue to address conflict and enhance peacebuilding in Nigeria.
- The US Congress must prioritize resource investments that prompt the Department of State and USAID to fully fund peacebuilding programming that addresses longstanding conflict.

- Understanding the root causes of conflict will be key to addressing multifaceted issues in Nigeria. Congress should prioritize the prevention of harm when developing policies that seek to affect long-standing conflicts like the Boko Haram insurgency and the farmer-herder crisis.
- Congress should consult a wide range of local and civil society actors, including youth, women, and diaspora groups, to ensure policies are informed by people's lived experiences.
- When engaging Nigeria on freedom of religious belief, it is important to integrate faith actors together into peacebuilding interventions while avoiding an "us vs. them" dichotomy between Christians and Muslims in Nigeria.
- By supporting institutional capacity building, the US Congress can help ensure those affected by the actions of Boko Haram, bandit groups/gangs, separatists, cultists, and religious militants have the necessary access to justice needed to address grievances.
- Supporting Nigeria's judicial system and the integral disarmament, demobilization, and reintegration programs will better support Nigeria's efforts to counter violent extremism across the country.

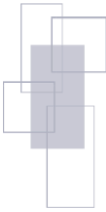


## V. Nigeria: Free Expression in Recession

### **PEN AMERICA: A free expression advocacy organization**

*Contributor: Christian Omoruyi, Government Affairs Liaison at PEN America, Washington, DC*

*With review from Nadine Farid Johnson, Managing Director of PEN America and Free Expression Programs at Washington, DC*



PEN America stands at the intersection of literature and human rights to protect free expression in the United States and worldwide. We champion the freedom to write, recognizing the power of the word to transform the world. Our mission is to unite writers and their allies to celebrate creative expression and defend the liberties that make it possible. Founded in 1922, PEN America is the largest of the more than 100 centers worldwide that make up the PEN International network. PEN America works to ensure that people everywhere have the freedom to create literature, to convey information and ideas, to express their views, and to access the views, ideas, and literature of others. Our strength is our membership—a community of more than 7,500 novelists, journalists, nonfiction writers, editors, poets, essayists, playwrights, publishers, translators, agents, and other writing professionals, as well as devoted readers and supporters who join with them to carry out PEN America’s mission. We are proud to have several luminaries from the Nigerian diaspora as active members, including acclaimed novelists Chimamanda Ngozi Adichie and Teju Cole.

Free expression is enshrined in the Nigerian Constitution, which recognizes a right to “freedom of expression, including freedom to hold opinions and to receive and impart ideas and information without interference.” Yet, despite this constitutional guarantee, the Nigerian government has continued to show dyspeptic regard for free expression in the Fourth Republic, the current iteration of democracy that has endured since 1999. Gone is the dark era when authorities in 1995, defying international warnings, sent human rights activists Ken Saro-Wiwa and the Ogoni Nine—for whom our organization advocated as Nigeria’s military junta muzzled



their powerful protests against environmental degradation in the Niger Delta—to the gallows. But in ways both oblique and overt, remnants of the country’s authoritarian past continue to color the government’s approach to protecting free expression, with mammoth implications for more than 200 million Nigerians’ fundamental freedoms.

The 2015–2023 administration of President Muhammadu Buhari, a retired army major general who left office on May 29, oversaw worrisome rollbacks of free expression rights. Nigerian authorities during Buhari’s tenure invoked cybercrime and anti-terrorism statutes to smother journalists, arbitrarily restricted social networking platforms and internet traffic, and repeatedly curtailed peaceful assembly. Buhari’s insistence that he followed the virtues of an urbane, 21<sup>st</sup>-century “converted democrat”—despite ousting a democratically elected government in a 1983 coup—proved overstated. As a veteran of Nigeria’s pro-democracy movement in the 1990s and past political exile, we hope President Bola Tinubu will direct his new administration in implementing concrete measures to stanch the hemorrhage of free expression in the country. In the following sections, we discuss the state of affairs in Nigeria for free expression and share policy recommendations Congress should advance that will support the emergence of a stronger human rights regime in Africa’s most populous democracy.

## **A. Analysis**

### **1. Systemic Media Censorship**

In Nigeria, the fraught tug-of-war between state and society over the bounds of free expression has been significantly contested in its dynamic and heterogeneous media landscape. The National Broadcasting Commission (NBC), the country’s federal broadcast regulator, targeted several media outlets throughout the Buhari administration on constitutionally suspect grounds, wielding financial sanctions to negate the free expression rights of journalists and the press. Authorities invoked national security to quash unflattering media coverage of the government’s efforts

against terrorism and insecurity.<sup>1</sup> Recently, in August 2022, the NBC levied fines of five million naira (\$11,000) on four media outlets for airing a BBC documentary that explored banditry in Nigeria.<sup>2</sup> According to the NBC, the outlets flouted the national broadcasting code by “promoting the activities of bandits and undermining Nigeria’s national security” and distributing content that “incites or is likely to incite violence among the populace, causing mass panic, political and social upheaval or security breaches, among other disruptions.”<sup>3</sup>

The NBC has also strayed from institutional neutrality in the country’s politics, taking on the reputation of a partisan umpire. For example, weeks before February’s presidential election, the NBC fined Arise News TV and TVC for airing “derogatory” and “unfair” comments, particularly a press briefing in which a party official from the All Progressives Congress leveled a corruption accusation against Atiku Abubakar, the candidate from the rival People’s Democratic Party.<sup>4</sup> Repeated instances of interference in independent media by the NBC and the federal Nigerian Communications Commission have betrayed a caprice on the part of Nigerian government officials to impugn good faith reporting of the news and the role of the press as a fountainhead of accountability.<sup>5</sup> This informed PEN International’s opposition to now-withdrawn amendments to the National Broadcasting Commission Act that sought to empower the wayward NBC with

<sup>1</sup> Patrick Egwu, “As Nigerian Broadcasters Are Fined for Airing Critical Documentaries, Press Freedom Advocates Fear the Worst Is Yet to Come,” Reuters Institute for the Study of Journalism, October 11, 2022, <https://reutersinstitute.politics.ox.ac.uk/news/nigerian-broadcasters-are-fined-airing-critical-documentaries-press-freedom-advocates-fear>.

<sup>2</sup> Solomon Elusoji, “NBC Fines DSTV, Trust TV, Startimes, Others over Documentary on Bandits,” Channels Television, August 3, 2022, <https://www.channelstv.com/2022/08/03/nbc-fines-dstv-trust-tv-startimes-others-over-documentary-on-bandits/>.

<sup>3</sup> Ibid.

<sup>4</sup> Olawale Ajimotokan, “NBC Fines Arise TV, TVC N2M over Alleged Breach of Broadcasting Code,” *THISDAY*, February 3, 2023, <https://www.thisdaylive.com/index.php/2023/02/03/breaking-nbc-fines-arise-tv-tvc-n2m-over-alleged-breach-of-broadcasting-code?amp=1>.

<sup>5</sup> Tomiwa Ilori, “In Nigeria, the Government Weaponizes the Law against Online Expression,” *Global Voices*, December 17, 2021, <https://globalvoices.org/2021/12/17/in-nigeria-the-government-weaponises-the-law-against-online-expression/>.

broad regulatory authority over all online media in the same manner as broadcast media.<sup>6</sup> Legislation enacted in the name of public order and national security during the Buhari administration and that of his predecessor Goodluck Jonathan has too often enabled the targeting of media skeptics and painted dissent under a broad brush of endangerment to national security.<sup>7</sup> Such legal indeterminacy frees officials to circumvent Nigeria's protection for free expression guaranteed in its 1999 Constitution.

In a comprehensive November 2022 report, PEN America's Artists at Risk Connection and the Southern Africa Human Rights Defenders (SouthernDefenders) highlighted stifling government interference and censorship targeting Nigerian artists in media and their regional counterparts in sub-Saharan Africa.<sup>8</sup> In 2021, the National Film and Video Censors Board (NFVCB), the federal agency that regulates the film and video industry in Nigeria, censored over 2,000 films.<sup>9</sup> Nigerian authorities seldom hesitate to meddle in the country's famously inventive and obstreperous film and video industry—popularly dubbed Nollywood—notwithstanding the fact that at a sectoral value of \$6.4 billion, only Hollywood eclipses it globally.<sup>10</sup> In the first quarter of 2023, the NFVCB received and censored just 280 newly produced films.<sup>11</sup> Still, Nigerian filmmakers remain a principal

<sup>6</sup> "Nigeria: Stop Government Attacks on Free Speech," PEN International, July 22, 2022, <https://www.pen-international.org/news/sv3f605gl5gfa483n0z870aligp7mj>.

<sup>7</sup> Ibid.

<sup>8</sup> *We Have Always Had to Fight: African Artists on Human Rights and Artistic Freedom*. New York, New York: PEN America Artists at Risk Connection, November 22, 2022, <https://artistsatriskconnection.org/story/we-have-always-had-to-fight-african-artists-on-human-rights-and-artistic-freedom>.


<sup>9</sup> "2000 Nigerian Films Were Censored in 2021—NFVCB," *Premium Times*, January 27, 2022, [premiumtimesng.com/entertainment/nollywood/508232-2000-nigerian-films-were-censored-in-2021-nfvcb.html](https://premiumtimesng.com/entertainment/nollywood/508232-2000-nigerian-films-were-censored-in-2021-nfvcb.html).

<sup>10</sup> Emameh Gabriel, "At \$6.4 Billion, Nollywood Ranks Second Fastest Growing Movie Industry Globally, Says Bank CEO," *THISDAY*, November 20, 2022, <https://www.thisdaylive.com/index.php/2022/11/20/at-6-4bn-nollywood-ranks-second-fastest-growing-movie-industry-globally-says-bank-ceo?amp=1>.

<sup>11</sup> Ademola Olonilua, "Nollywood Produced 280 Movies in 2023 First Quarter: Censors Board," *Daily Trust*, April 25, 2023, <https://dailytrust.com/nollywood-produced-280-movies-in-2023-first-quarter-censors-board/>.

target of maximalist interventions by government censors to rein in artistic expression and impress orthodoxies upon the populace. The regional bodies to which Nigeria is a party have rebuked its efforts to retrench expression. Precisely, the Economic Community of West African States (ECOWAS) Court of Justice ruled in March 2022 that Section 24 of the Cybercrime Act, an anti-cyberstalking provision the government repeatedly abused to punish critical journalists and dissidents who unearthed corruption and embarrassed public officials, was illegal.<sup>12</sup> The court enjoined the Nigerian government from applying the law and ordered its revision.<sup>13</sup> However, only around 30 percent of ECOWAS' judgments are actually enforced by member countries.<sup>14</sup> Nigeria defiantly continues to invoke the Cybercrime Act to criminalize free expression in civic space.<sup>15</sup>

## 2. #EndSARS Repression



The Buhari administration resorted all too willingly to repression of popular expression amid upswells in political activity, as epitomized by its response to the #EndSARS protest movement. The #EndSARS movement, inspired by Nigerian Twitter users, suffused in early October 2020 amid widespread outrage over a viral video encapsulating the violent abuses of the Special Anti-Robbery Squad (SARS), an unaccountable unit of the Nigerian Police.<sup>16</sup> Young Nigerians took to the streets in massive demonstrations nationwide to call for SARS' disbandment and an end to violence at the hands of officials. Nigerian state and federal authorities responded harshly to the protests, overseeing a crackdown that on October 20 culminated in

<sup>12</sup> Emma Woollacott, "Nigerian Cybercrime Law Ruled Illegal over Human Rights Concerns," *Forbes*, April 14, 2022, <https://www.forbes.com/sites/emmawoollacott/2022/04/04/nigerian-cybercrime-law-ruled-illegal-over-human-rights-concerns/?sh=3481aed01409>.

<sup>13</sup> Olatunji Olaigbe, "ECOWAS Court Orders Nigeria to Amend Cybercrime Law," *The Record*, April 1, 2022, <https://therecord.media/ecowas-court-orders-nigeria-to-amend-cybercrime-law>.

<sup>14</sup> Oghenekevwe Uchekukwu, "Over 106 Court Decisions Yet to Be Implemented by ECOWAS States," International Centre for Investigative Reporting, May 10, 2023, <https://www.icirnigeria.org/over-106-court-decisions-yet-to-be-implemented-by-ecowas-states/>.

<sup>15</sup> Sarah Spicer, "Nigerian Journalist Agba Jalingo Charged with Cybercrime over Report on Governor's Relative," Committee to Protect Journalists, January 26, 2023, <https://cpj.org/2023/01/nigerian-journalist-agba-jalingo-charged-with-cybercrime-over-report-on-governors-relative/>.

<sup>16</sup> Mayeni Jones, "Nigeria's #EndSars Protests: What Happened Next," *BBC News*, October 6, 2021, <https://www.bbc.com/news/world-africa-58817690>.

the indiscriminate use of live fire by Nigerian security forces in Lagos on unarmed protesters in the Lekki Toll Gate massacre, which killed at least 12 civilians<sup>17</sup> and provoked outcry from the international community.<sup>18</sup> The unrest of October 2020, which claimed the lives of over 55 civilians nationwide, marked a gory escalation in the government's rollback of civic spaces and attacks on free expression, which came with glaring impunity.<sup>19</sup> To make matters worse, Nigerian authorities extended their crackdown on peaceful mobilization to the internet, blocking websites belonging to organizations that were active in #EndSARS protests<sup>20</sup> and throttling online association.<sup>21</sup> PEN America condemned the Nigerian government's response to the protests<sup>22</sup> and pressed the Buhari administration in a joint coalition letter to disavow internet shutdowns as a tactic of repression.<sup>23</sup>

### ***3. Twitter Ban***

Nigeria gained international notoriety in June 2021 when it became the world's first democracy to categorically ban Twitter after the site removed a tweet from President Buhari that threatened violence against Igbo secessionists in the country's southeast. The Nigerian government conveyed a vague rationale for the

<sup>17</sup> "#EndSARS Movement: From Twitter to Nigerian Streets," Amnesty International, July 29, 2021, <https://www.amnesty.org/en/latest/campaigns/2021/02/nigeria-end-impunity-for-police-violence-by-sars-endsars/>.

<sup>18</sup> "Nigeria: Bachelet Condemns Army Killings, Calls for 'Root and Branch' Reform of the Security Forces." United Nations Office of the High Commissioner for Human Rights, October 21, 2020. <https://www.ohchr.org/en/press-releases/2020/10/nigeria-bachelet-condemns-army-killings-calls-root-and-branch-reform?LangID=E&NewsID=26405>.

<sup>19</sup> "Perpetrators Must Face Justice in Nigeria after #EndSARS Panel Confirms Shootings of Protesters at Lekki Toll Gate," Amnesty International USA, November 16, 2021, <https://www.amnestyusa.org/reports/perpetrators-must-face-justice-in-nigeria-after-endsars-panel-confirms-shootings-of-protesters-at-lekki-toll-gate/>.

<sup>20</sup> "MRA Condemns Blocking of Three Websites Associated with #EndSARS Protests," African Freedom of Expression Exchange, December 8, 2020, <https://www.africafex.org/digital-rights/mra-condemns-blocking-of-three-websites-associated-with-endsars-protests>.

<sup>21</sup> "Nigeria: Stop Government Attacks on Free Speech," PEN International, July 22, 2022, <https://www.pen-international.org/news/sv3f605gl5gfa483n0z870aligp7mj>.

<sup>22</sup> "PEN America Demands End to Violence against Protesters in Nigeria," PEN America, November 6, 2020, <https://pen.org/press-release/pen-america-demands-end-to-violence-against-protesters-in-nigeria/>.

<sup>23</sup> "#KeptOn: Joint Letter on Keeping the Internet Open and Accessible in the Federal Republic of Nigeria," Access Now, October 21, 2020, <https://www.accessnow.org/wp-content/uploads/2020/10/KeptOn-Nigeria-Open-Letter.pdf>.

ban—Minister of Information and Culture Lai Mohammed cited the “persistent use of [Twitter] for activities that are capable of undermining Nigeria’s corporate existence.”<sup>24</sup> PEN America decried Nigeria’s ban as “an outrageous assault on its citizens’ rights to receive information and express themselves online.”<sup>25</sup> The diplomatic missions of the United States, United Kingdom, Canada, Ireland, and the European Union in Nigeria jointly denounced the ban.<sup>26</sup> Complemented with government orders directing news broadcasters to cease use of Twitter for information gathering and promptly delete their accounts<sup>27</sup>, the ban curtailed millions of citizens’ access to crucial information, including COVID-19 data uploaded to the platform from the Nigerian Center for Disease Control.<sup>28</sup> The Nigerian government lifted its ban on Twitter in January 2022 after exacting concessions from the site for resumed operations in the country. But the ECOWAS Court of Justice struck at Abuja again, ruling in July 2022 that the ban was unlawful.<sup>29</sup> According to the Court, the ban infringed on freedom of expression and the freedom to access information and media codified in the International Covenant on Civil and Political Rights (ICCPR) and the African Charter on Human and People’s Rights (ACHPR), international human rights conventions to which Nigeria

<sup>24</sup> Federal Ministry of Information and Culture, June 4, 2021, 11:53 AM, <https://twitter.com/FMICNigeria/status/1400843067062734858>.

<sup>25</sup> “Nigeria’s Twitter Ban Is ‘Outrageous Assault on Citizens’ Rights,” PEN America, June 14, 2021, <https://pen.org/press-release/nigerias-twitter-ban-is-outrageous-assault-on-citizens-rights/>.

<sup>26</sup> “US, EU Condemn Nigeria’s Twitter Ban,” Voice of America, June 6, 2021, [https://www.voanews.com/a/africa\\_us-eu-condemn-nigerias-twitter-ban/6206697.html](https://www.voanews.com/a/africa_us-eu-condemn-nigerias-twitter-ban/6206697.html).

<sup>27</sup> “Nigeria Orders Broadcasters Not to Use Twitter to Gather Information,” *Reuters*, June 7, 2021, <https://www.reuters.com/world/africa/nigeria-orders-broadcasters-not-use-twitter-gather-information-2021-06-07/>.

<sup>28</sup> Ebuka Onyeji, “Twitter Ban: NCDC Delays COVID-19 Update as Nigeria Records 26 New Cases,” *Premium Times*, June 6, 2021, <https://www.premiumtimesng.com/news/top-news/465949-twitter-ban-ncdc-delays-covid-19-update-as-nigeria-records-26-new-cases.html?tztc=1>.

<sup>29</sup> Jason Kelley, “Nigerian Twitter Ban Declared Unlawful by Court,” Electronic Frontier Foundation, July 25, 2022, <https://www.eff.org/deeplinks/2022/07/nigerian-twitter-ban-declared-unlawful-court-victory-eff-and-partners#:~:text=The%20Economic%20Community%20of%20West,expression%20and%20access%20to%20media>.

is bound.<sup>30</sup> The judges ordered Nigeria to never reprise the ban. Unfortunately, a lax ECOWAS implementation and enforcement regime for its Court's decisions means that Abuja cannot be counted on to comply with the order.

### **B. Policy Recommendations**

Congress can and should play a role in supporting a vibrant civil society, an independent media ecosystem, and robust democratic guardrails in Nigeria to further a polity that respects and reinforces free expression and derivative human rights. We suggest the following measures:

- Pass a resolution supporting the demands for justice, accountability, and meaningful police and security sector reforms in Nigeria articulated by the #EndSARS movement and Nigerian civil society organizations as the policy of the United States.<sup>31</sup>
- Urge the Department of State to support Nigerian journalists and news organizations that face financially cumbersome litigation from government officials in retaliation for their work with disbursements from the Department's recently launched media liability fund.<sup>32</sup>
- Urge the Department of State to impose visa restrictions on Nigerian nationals who threaten and violate the free expression rights of citizens participating in civic life, solidifying the precedent established by Secretary of State Antony Blinken after the 2023 general election campaign.<sup>33</sup>

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<sup>30</sup> Ibid.

<sup>31</sup> See U.S. Congress, House, *Supporting the demands of the #EndSARS movement for justice, accountability, and meaningful police and security sector reforms in Nigeria and calling upon the President and the Secretary of State to safeguard and promote the protection of freedoms of thought, assembly, and expression in Nigeria and around the world*, H.Res. 235, 117<sup>th</sup> Congress, 1<sup>st</sup> session, introduced in House April 2, 2021, <https://www.congress.gov/bill/117th-congress/house-resolution/235/text>.

<sup>32</sup> See "Media Freedom: Safety and Sustainability," U.S. Department of State, December 9, 2021, <https://www.state.gov/media-freedom-safety-and-sustainability/>.

<sup>33</sup> See "Taking Steps to Impose Visa Restrictions on Individuals Involved in Undermining the Democratic Process during Nigeria's 2023 Elections Cycle," U.S. Department of State, May 15, 2023, <https://www.state.gov/taking-steps-to-impose-visa-restrictions-on-individuals-involved-in-undermining-the-democratic-process-during-nigerias-2023-elections-cycle/>.

- Support ECOWAS' politico-economic integration in West Africa, particularly the Court of Justice, by encouraging the defense of human rights and the rule of law; strengthening implementation, enforcement, and accountability structures for binding legal judgments; and facilitating the sharing of expertise.

If implemented, these policies will be welcome steps in clarifying a U.S.-Nigeria relationship predicated on shared values that advances the fundamental freedoms of a populace comprising nearly one-sixth of all Africans. Amid regional insecurity, backsliding, and coup fever, a freer Nigeria can augur a freer Africa.



## VI. About the Authors and the Artist

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**Nadine Farid Johnson** serves as the Managing Director of PEN America Washington and Free Expression Programs. A multidisciplinary leader with a longtime focus in democracy, human rights, and governance, she has a breadth of experience across the public and private sectors. In Washington, Nadine spearheads PEN America's engagement with the United States government on free expression issues in the U.S. and around the globe, focusing on matters of foreign policy, tech policy, privacy, and educational censorship. She is the co-author of PEN America's seminal report on school book bans, *Banned in the USA: The Growing Movement to Censor Books in Schools* (2022). A frequent media contributor, her commentary has appeared in *The New York Times*, *The Wall Street Journal*, *The Atlantic*, *World Politics Review*, *Al Jazeera*, *The Hill*, *The Daily Beast*, *NPR*, and other national and international publications, and she has appeared on outlets including PBS and CNN International. Nadine is a former United States diplomat whose work spanned the Middle East, Africa, Europe, and multilateral affairs. She served as the executive director of the ACLU of Kansas, and was previously a professor of constitutional, international, and intellectual property law at Gonzaga University and a Climenko Fellow and Lecturer on Law at Harvard Law School. In the private

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**Aniekan Udofia**, the cover page artist is a reputed painter and illustrator living in the Washington, DC area. His works are often autobiographical in nature. He presents it through multi-layered compositions, suggestive narratives, and straightforward human forms. Udofia garnered national attention in the early 2000s with his illustrations, working for publications such as XXL, Vibe, DC Pulse, Frank151, While You Were Sleeping, and The Source. His murals share the rich history and culture of the different communities they are created in, whether it's the gagged George Washington on 15th and U Street or the very bright and colorful Marvin Gaye in the Shaw area of Washington DC, and his most famous Ben's Chili Bowl mural. Udofia's public works speak for themselves. His clientele list includes Toyota, American Express, the Office of Unified Communications, Murals DC, the Museum of Public Art, and many other business owners and property owners. Aniekan lives and works in his studio in the Adams Morgan area of Washington DC.

The cover page artwork is from a mural that was commissioned for the NWG art exhibition in February 2023.

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