



NEW YORK
CITY BAR

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His Excellency
President Muhammadu Buhari, GCFR
Office of the President
Aso Rock Presidential Villa
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Re: Calling on the Government of Nigeria and all Presidential Candidates to Encourage, Enable and Protect Free and Fair General Elections

Dear President Buhari and 2023 Presidential Candidates:

The New York City Bar Association (hereinafter “Association”)¹ calls on the Government of Nigeria and all Presidential Candidates to honor international commitments and constitutional principles by encouraging, enabling, and protecting free and fair general elections on 25 February 2023 and state elections thereafter.

The Association has been monitoring recent events in Nigeria and is concerned with the nature and scale of election-related violence, including attacks in late 2022 in the North West and

¹ More than 150 years old, the New York City Bar Association (“Association”) is an organization of over 23,000 members in New York City and elsewhere throughout the United States and in more than 50 countries around the globe. Its members include judges, prosecutors, defense counsel, government lawyers, and public interest/non-governmental organization practitioners, as well as legal academics and attorneys representing nearly every major law firm and corporation in the United States. The Association has a long and distinguished history of promoting the rule of law and human rights, including the rights of legal professionals to fulfill their professional obligations. The Association’s African Affairs Committee (Scott Caplan and Doris Toyou, Co-Chairs) and the Cyrus R. Vance Center for International Justice (Alexander Papachristou, Executive Director and Adaobi Egboka, Africa Program Director) assisted with this statement. The African Affairs Committee would like to thank Justin Loveland, Esther Akhigbe, and Olayinka Dan-Salami for their assistance in preparing this statement.

About the Association

The mission of the New York City Bar Association, which was founded in 1870 and has over 23,000 members, is to equip and mobilize a diverse legal profession to practice with excellence, promote reform of the law, and uphold the rule of law and access to justice in support of a fair society and the public interest in our community, our nation, and throughout the world.

North East,² armed violence and abduction of citizens in the South,³ attacks on Independent National Election Commission (INEC) offices,⁴ and several deaths connected with apparent attacks against election workers.⁵ We urge the Government to be vigilant and strengthen the security around election infrastructure, poll sites, and INEC offices to ensure the safety of life and property while also making sure that Nigerian voters feel safe to vote on election day. The Association also urges each of the 2023 presidential candidates, regardless of the size of their support or their concerns about the fairness of the process, to emphasize to their supporters the unacceptability of any form of political violence in connection with the 2023 elections.

Further, the Association calls on all political actors to provide elections officials with the support necessary to enable all citizens who are registered to vote to exercise their civic responsibility to vote safely and at a location closest to wherever they may be.

The Association welcomes news of a surge of new voter registrations, particularly among young people. But it urges the Government to ensure (a) greater transparency in campaign financing and in the collation and transmission of election results; and (b) reductions of historic vote-buying and other forms of corruption, as these remain ongoing threats to the rule of law and sustainable democracy. The Association encourages the Government and the courts to stamp out impunity with respect to voter fraud and election-related corruption and apply the law equally to all citizens.

There are reasons for optimism in the elections of February 2023. We commend President Buhari's commitment to constitutional term limits and Nigeria's effort under his leadership to promote the rule of law and democracy in West Africa. With the potential to be the third consecutive peaceful transition of power since Nigeria's independence in 1960, and reported to be one of the most high-stakes elections in decades, the presidential election in particular is key for the country and the continent. As the continent's most populous country and a respected leader in the region, Nigeria can enhance political and economic stability and security, both internally and beyond its borders. Conversely, any democratic backsliding could also have a ripple effect in many

² "Nigeria Election Violence Tracker, Situation Summary 13 December 2022 – 15 January 2023," Armed Conflict Location & Event Data Project (ACLED), 19 January 2023, <https://acleddata.com/2023/01/19/nigeria-election-violence-tracker-situation-summary-13-december-2022-15-january-2023/> (all links last accessed February 15, 2023).

³ Chris Ewokor, "Nigeria elections 2023: Election commission warns violence could halt elections," BBC News, 10 January 2023, <https://www.bbc.com/news/world-africa-64223646>.

⁴ Chinedu Asadu, "Violent Attacks Threaten Nigeria's Upcoming 2023 Elections," AP News, Dec. 9, 2022, <https://apnews.com/article/nigeria-government-ad45d526e58e8b03555d72226d66a86d>.

⁵ E.g., Samson Adenekan, "INEC official killed, two missing in Imo as Commission suspends CVR," Premium Times (Nigeria), Apr. 14, 2022, <https://www.premiumtimesng.com/news/headlines/523933-inec-official-killed-two-missing-in-imo-as-commission-suspends-cvr.html>; Sodiq Omolaoye, "Missing INEC staff found dead in Anambra," The Guardian (Nigeria), Oct. 1, 2022, <https://guardian.ng/news/missing-inec-staff-found-dead-in-anambra/>; Reuters, "Gunmen attack electoral office in southeast Nigeria, kill policeman," Dec. 12, 2022, <https://www.reuters.com/world/africa/gunmen-attack-electoral-office-southeast-nigeria-kill-policeman-2022-12-12/>; Ope Adetayo, "Attacks on electoral commission spark concerns for Nigeria polls," Al Jazeera, Jan. 18, 2023, <https://www.aljazeera.com/features/2023/1/18/nigeria-electoral-commission-attacks-spark-polls-concern>.

African countries that may look to Nigeria as a model. The Government must thus act swiftly to bolster voter confidence, protect election infrastructure, and increase electoral accountability.

The world is watching. The Association welcomes the involvement of the AU Special Pre-electoral Political Mission to Nigeria, civil society, and stakeholders throughout the country who are working to ensure the peaceful expression of diverse perspectives, free and fair elections, and the protection of human rights for all individuals. We stand in solidarity with the people of Nigeria.

Respectfully,

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