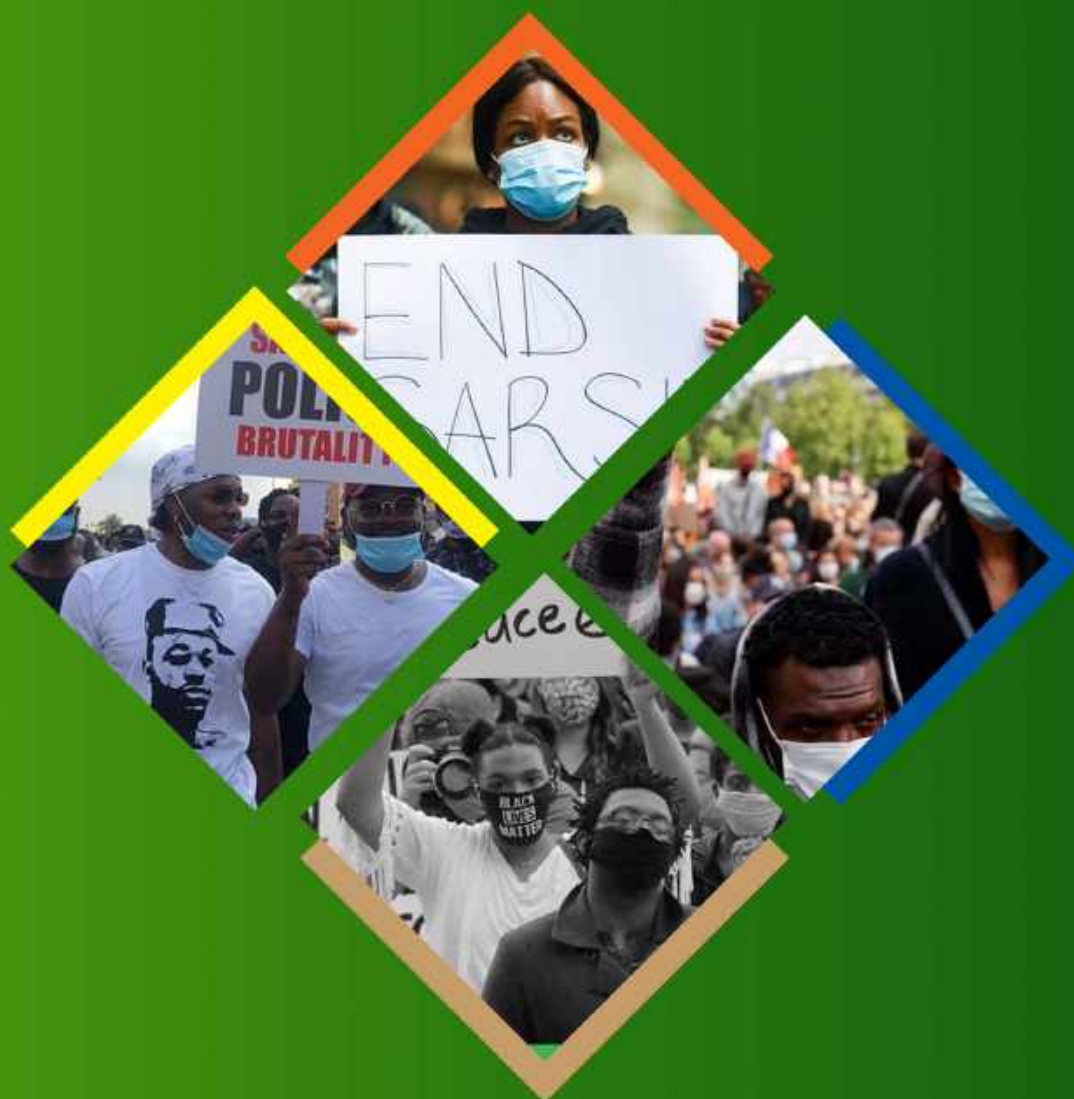


NIGERIA: NAVIGATING CIVIC SPACE IN A TIME OF COVID

VICTORIA IBEZIM-OHAERI AND ZIKORA IBEH



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METHODOLOGY

This research was conducted under the auspices of the 'Navigating the Civic Space in Fragile Settings' project, a component of the Action for **Empowerment and Accountability (A4EA) Research Programme** implemented by the UK-based Institute for Development Studies. Navigating Civic Space in A Time of COVID-19 project aims to review how a range of social, political and policy measures introduced to curb the spread of COVID-19 reshaped and shifted the dynamics of civic space in Nigeria.

Over a six-month period, an observatory panel on civic space comprising a team of Nigerian activists and organizations monitored and examined the multifaceted impacts of the COVID-19 emergency response and mapped how various actors, actions and practices were limiting the civic space, and how civil society organisations were responding. Prior to the commencement of this project, incidents of crackdowns on the civic space linked to the enforcement of COVID-19 safety protocols and lockdown rules tracked on a digital database accumulated knowledge on the underlying trends, tactics, drivers and flash-points. At monthly virtual meetings over six months, the participating organizations: (Spaces for Change, Global Rights, Youths and Environmental Advocacy Centre, Network on Police Reforms in Nigeria (NOPRIN), Centre for Community Empowerment and Poverty Eradication, a gender expert and a representative of slum and informal settlements) deliberated on these drivers, trends, analyzing and evaluating how they were opening or closing the spaces for civic action.

The following research questions shaped the content of the observatory panel discussions, informing a realistic assessment of the country-level situations:

- What was the climate of Nigeria's civic space before COVID19?
- What changes are civil society actors in the country experiencing and observing in civic space since the arrival of the pandemic?
- What strategies are civic actors, including civil society organizations developing to engage with this changing civic space?
- What other forms of social and political action are emerging that have implications for civic space?



The data gathered during the six-month-long exercise from the database tracking, media reviews, key informant interviews, case studies and the panel discussions built some evidence showing how the pandemic is exacerbating pre-existing asymmetries and magnifying existing threats to civic space. By constantly comparing the trends observed to human rights standards, emphasis focused on deepening understanding of the intersections between a global health crisis and political conditions – such as internal insurgency, social inequality, weak institutions, religious fanaticism, ethnic tensions and the slide towards authoritarianism.



CHAPTER ONE

THE CIVIC SPACE IN NIGERIA: History, Context and Governance

The Civic Space: Definitions and Scope Under Nigerian Law

The term, “civic space” is often used to describe those human rights which facilitate the ability of individuals and groups to participate in the polity and governance of their country. As an author explained, the civic space (that is the freedom and means to speak, access information, associate, organise, and participate in public decision-making) is essential to the healthy functioning and development of any society and is considered a precondition for accountable governance and social justice.¹ From this definition, it can be inferred that certain constitutionally-protected rights enable a free civic space, and those sets of rights are equally implicated when the civic space is repressed, obstructed or closed. Principal among these are rights to free expression, assembly and association.

Because these rights are central to the healthy functioning of democracy and upholding the rule of law, they form part of the fundamental freedoms accorded special legal recognition and protection under Chapter IV of the Nigerian 1999 Constitution (as amended). The establishment of a specific judicial enforcement mechanism for their speedy enforcement underscores the nexus between civil liberties and democratic accountability. Because these constitutional guarantees are so interconnected and mutually reinforcing, they bring the civic space to life by enabling engagement among citizens themselves and between citizens and the government while bolstering the dimensions of human freedoms. This essentially means that every citizen is a recognized participant in the civic space arena and can play a role in the political, economic and social life of the country. (SPACES FOR CHANGE [S4C]: 2020).²

Expression, assembly and association rights are so interconnected that the deprivation of one often triggers the violation of the others. The freedom of expression (protected under Section 39(1) of the 1999 Constitution of Nigeria) guarantees the right of citizens to air their views, engage in dialogues and express dissent on any issue through any communication channel of choice. The right to access information and press freedoms are concomitant to this right. Closely intertwined with the freedom of expression are the association and assembly freedoms (Section 40 of the 1999 Constitution) which permit citizens to form and belong to any group for the propagation of their thoughts and ideas, or belong to any political party of choice, hold and disseminate political ideologies. Civic spaces are impacted when limitations are placed on citizen’s rights, constraining their ability to organize, speak and assemble freely, thereby making interaction between themselves and with other state and non-state actors difficult.

¹ Carmen Malena, Transparency & Accountability Initiative, Improving the Measurement of Civic Space, 2015, <https://www.transparency-initiative.org/archive/wp-content/uploads/2015/05/TAI-Civic-Space-Study-v13-FINAL.pdf>

² SPACES FOR CHANGE, Database of Closing Civic Spaces in Nigeria: An Independent Review, August 2020. Please see <https://spacesforchange.org/database-on-closing-civic-spaces-in-nigeria-an-independent-review/>



1.0. INTRODUCTION

In Nigeria, as is elsewhere in the world, the drivers of shrinking civic space are not static. They shift with the times. During the military regime, civil society organizations (CSOs) as well as vocal critics of government encountered heightened repression and brutality in the hands of the then ruling junta. The era was characterised by indiscriminate arrests and incarceration of activists, numerous incidents of extrajudicial killings—such as the state-ordered execution of Ken Saro Wiwa or the assassination of democracy campaigner, Kudirat Abiola—or the enactment of plenteous decrees that ousted the constitution. These incidents, and many more, are sad reminders of the dark days of military rule when the country's civic space was completely closed.

More recently, the COVID-19 pandemic, is propelling another shift from national security to health emergency response, reconfiguring the fault lines of individual and state accountability. While it is generally agreed that coronavirus pandemic comes within the definition of a clear and present danger to public safety, entitling states to invoke derogation measures (which often restrict civil liberties) in order to avert further danger to the public, local and international monitors of the civic space have documented several incidents where repressive emergency measures have been adopted for reasons not related to containing the health crisis.

The handover to democratically-elected civilian governments in 1999 brought some respite, restoring the supremacy of the constitution and civic freedoms. Democracy, however, brought with it newer drivers and threats to the civic space. This time around, governmental restrictions on civic freedoms were reframed around the objective of protecting national security or national interest. The national security mantra gained more traction following the episodic skirmishes between regions and the rise of global terrorism, including the onslaught of insurgent groups like Boko Haram in some parts of the country. Because this standard is subjective and gives state actors a wide discretion to determine what threatens national security, that discretionary power was often exercised in ways that narrowed the civic space.

More recently, the COVID-19 pandemic, is propelling another shift from national security to health emergency response, reconfiguring the fault lines of individual and state accountability. While it is generally agreed that coronavirus pandemic comes within the definition of a clear and present danger to public safety, entitling states to invoke derogation measures (which often restrict civil liberties) in order to avert further danger to the public, local and international monitors of the civic space have documented several incidents where repressive emergency measures have been adopted for reasons not related to containing the health crisis. This baseline report sheds some light on the historical trajectory of the Nigerian civic space, particularly before and post-COVID, highlighting the emerging constraints and disruptions to political systems, and their consequential effects on the spaces for civil society and democratic engagement in the country.

1.1. History, Governance and Context of Nigeria

The area known as Nigeria, today, emerged in 1914, following Lord Frederick Lugard's amalgamation³ of the numerous ancient civilizations in the southern and northern protectorates of Nigeria for easy colonial administration. On October 1, 2020,⁴ Nigeria marked the 60th anniversary of its political independence from the British colonial rule. The very first post-independence federal and regional elections of 1964 and 1965 respectively kicked off on a tumultuous note, punctuated by incidents of violence, ethnic rivalry, electoral malpractices and boycotts. A military coup in 1966 rudely interrupted that brief democratic experiment, paving the way for the culture of dialogue and compromise – which democracy represents – to disappear. In quick succession, the country witnessed coup after coup,⁵ dotted with very short intervals of democratic experimentation until May 1999.

In the 1960s, agriculture contributed about 70% of the Gross Domestic Product (GDP) and accounted for about 90% of foreign earnings and federal government revenue. The country produced and exported agroproduce ranging from cocoa, cotton, palm oil, palm kernel, groundnuts, and rubber. In the days of agrarian economy, the northern part of the country was the leading hub of commercial agricultural production. The era of agricultural boom was short-lived in the 60s, and was brusquely replaced with crude oil in the mid-1970s. Nigeria suffered huge economic and social setbacks as a direct result of the militarization of governance. Agriculture, the mainstay of the national economy during the pre- and post-Independence era was abandoned following the oil boom of the 1970s and the enormous foreign exchange inflows that came with it. This occasioned over-dependence on oil exports while the non-oil sectors gradually slipped into extinction. Considering that the country just exited from colonial rule, with frail administrative and self-governing capacities, the 1970s was primarily a period of mistakes, trial-and-error decision-making and learning-on-the-job opportunity for the political leadership.

With a land mass of 923, 768 square kilometres and a population of more than 200 million people, Nigeria is abundantly endowed with natural resources which include reserves of crude oil and natural gas, coal, tar sands and renewable energy resources such as hydro, solar, wind and biomass. Following the discovery of crude oil in commercial quantities in 1956 and the commencement of oil production in 1958, oil has continued to play a major role in Nigerian economy. The production of low sulphur content, light crude oils – Antan Blend, Bonny Light, Bonny Medium, Brass Blend, Escravos Light, Forcados Blend, IMA, Odudu Blend, Pennington Light, Qua-Iboe Light and Ukpokiti⁶ make up to 85 percent of the Nigerian government's revenue and 96% of the country's export earnings.⁷ Along with the economic benefits from robust oil production also came three major problematic issues: environmental degradation, financial mismanagement, resource control politics, opening the doors to recurrent social conflicts. The impact of oil production on the environment is one of the most explosive sources of recurrent tensions that have constrained the civic space in Nigeria.

Nigeria is also a multicultural nation with more than 250 ethnic groups and languages. Christianity, Islam and traditional worship are the three predominant religions, with a higher concentration of Christians in the South and Muslims in the north. The plurality of cultures and religions that exists in Nigeria is so seamlessly woven into the national political and social topography to the extent that Nigerians officially identify themselves first, by their ethnic groups; secondly, by their state of origin before affirming their Nigerian nationality as a third-level form of identification. Constitutional,⁸ legislative and public policy provisions

³ Before the amalgamation, Nigeria became a British Protectorate in January 1901

⁴ Nigeria gained independence on October 1, 1960.

⁵ There were coup de etats in 1975, 1976, 1983, 1985 and 1990

⁶ <http://www.nnpcgroup.com/>

⁷ United States Energy Information Administration (EIA), 2013

⁸ Section 14(3) of the 1999 Constitution states that the composition of the government of the federation or any of its agencies shall be carried out in such a manner as to reflect the federal character of Nigeria; Section 147 (3) provides for indigeneity status of citizens, and as a criterion for appointing ministers into the federal cabinet.



legitimize this three-way identity regime initially designed to protect ethnic minorities from the threat of extinction and also prevent the predominance of persons from specific ethnic groups in political office representation. As with most multicultural societies, the country's heterogeneous trait remains both a considerable asset on one hand, and on the other, a persisting source of friction among the constituent groups. Nigeria's history is replete with episodic skirmishes and fractured relationships, strained along ethnic, cultural and religious lines. Some of the conflicts have antecedents in old animosities, but many were resource-driven, spurred by perceptions of unequal distribution of government resources.⁹

Despite having a federal structure, the constituent units lack total control of the use and management of natural resources in their domain. Instead, benefits from natural resources are centrally-controlled, and shared among states in accordance with a statutorily-defined allocation formula. The 1960 and 1963 Constitutions granted fiscal autonomy to the constituent units, but this was reversed in 1966, and has remained so, till this day. Accordingly, the control and distribution of natural resource benefits has continually fanned the flames of political crisis in Nigeria.

Multinational giants such as Shell, Chevron, Mobil, Elf, Agip and Texaco, among others, have been in the business of exploration and exploitation of the Niger Delta region's wealth of natural resources for several decades. However, the oil-rich region remains one of the poorest and least-developed parts of the country. For the man in the Niger Delta where Nigeria's oil wealth is sourced from, the current resource-sharing arrangement is widely viewed as inequitable and inconsistent with the rules of natural justice and good conscience. These perceptions, in no small measure add to the list of threats undermining the civic space and hindering the achievement of peaceful coexistence in Nigeria. The activities of militant and resistance movements challenging the oppressive levels of poverty and environmental degradation in the region continue to provoke hostilities and contentious political debates about resource control as well as a new formula for allocating resources.

1.2 Nigerian Legal System

Nigeria's 1999 Constitution sits at the apex of all the laws in Nigeria, and to that extent, any federal, state or customary law that contravenes constitutional provisions shall be voided. Comparable to the United States, Nigeria operates federal and state legal systems. The 36 states, including the Federal Capital Territory (FCT) Abuja, make up the Nigerian federation. Legislative powers shared between federal and state governments confer authority on the federal legislature to make laws that apply throughout the entire federation while the states' houses of assemblies can make laws that apply in their respective states.

In other words, special courts (called the Federal High Court) established to enforce federal laws exercise jurisdiction throughout the entire country on a number of enumerated issues. The Constitution empowers every state to establish its own sets of laws and courts to interpret and enforce them. Customary laws—such as the Sharia laws and a host of native customs—also apply in different localities with the country. Customary laws vary from place to place, especially

⁹ Dr. Kayode Fayemi; *Resurgent Regionalism and Democratic Development in Western Nigeria: Challenges and Prospects*; 2011



among ethnic groups. Special courts called “Area Courts” in northern Nigeria, and “Customary Courts” in Southern Nigeria, established pursuant to the various state edicts, are empowered to administer them in accordance with the contextual peculiarities of each locality. Appeals against the decision of the customary courts lie to the Customary Courts of Appeal of various states. These federal, state and customary laws make up Nigeria’s legal system.

Supreme judicial powers are vested in the appellate courts strategically spread across the six (6) geo-political zones and on the Supreme Court. Parties aggrieved by the judicial determinations at the various states’ and federal courts can appeal against or approach the appellate courts for a judicial review. Except the appellate courts set aside their own decisions, or overrule themselves, their decisions, especially that of the Supreme Court are final. Consistent with the legal doctrine of stare decisis, the decisions of these higher courts bind all lower courts.



CHAPTER TWO

THE NIGERIAN CIVIC SPACE BEFORE COVID-19

Beginning from 2015 when Nigeria witnessed another democratic changeover in its political leadership, the civic space has been shrinking so rapidly, engendering a climate of fear and uncertainty in the country. (OHAERI V.I: 2017).¹⁰ As of August 2020, the database of closing civic spaces in Nigeria—www.closingspaces.org—recorded 252 incidents of crackdowns on the civic space, with the primary targets being dissenting voices, vocal critics of government, protesters, journalists, bloggers and human rights defenders challenging impunity, official corruption and human rights abuses. In particular, Dadiyata, Agba Jalingo, IG Wala, Omoyele Sowore, James Abiri, Ambrose Nwaogwugwu, Audu Maikori and many others have been arrested, forcibly kidnapped, detained, slammed with phantom charges, prosecuted and/or imprisoned. One year after, the whereabouts of popular social critic, Mr Idris, popularly known as Dadiyata,¹¹ is still unknown after he was abducted by unidentified assailants who seized him from his residence in Barnawa neighbourhood of Kaduna State.

Consistent with the increasing contraction of the spaces for civic action, Nigeria scored 36.5 score in the press freedom index for 2019, a significant decline from its 49.8 score in 2007. (Nigeria - Press Freedom Index: 2019).¹² That same year, Nigeria ranked 120 out of 180 countries reviewed for press freedom, another dip from its 111 out of 180 ranking in 2015. Likewise, CIVICUS downgraded Nigeria from 'obstructed' to 'repressed' in its People Power Under Attack 2019 report.¹³ The compilation of evidence presented by the local and international civic space trackers such as the Closing Spaces Database, the Press Freedom Index and the Civicus Monitor, all point to rapidly backsliding civic freedoms in the country.

Under the military rule, journalists and activists were the major targets of government crackdowns. Advancements in digital technology have widened the umbrella of activism, allowing new entrants like bloggers, media influencers,

Under the military rule, journalists and activists were the major targets of government crackdowns. Advancements in digital technology have widened the umbrella of activism, allowing new entrants like bloggers, media influencers, freelance writers, including ordinary citizens to have greater access to online and offline spaces for civic action.

¹⁰ Victoria Ibezim-Ohaeri, Confronting Closing Civic Spaces in Nigeria, Issue 26, SUR International Journal on Human Rights, September 2017; page 1; <https://sur.conectas.org/en/confronting-closing-civic-spaces-in-nigeria/>

¹¹ Closing Spaces Database, Allegedly Kidnapped for Talking Too Much: Nearly a Year After, Nigerian Authorities 'Unaware' of Abducted Critic, Dadiyata's Whereabouts: <https://closingspaces.org/incident/dadiyata-nearly-a-year-after-nigerian-authorities-unaware-of-abducted-critics-whereabouts/>

¹² Nigeria - Press Freedom Index 2019

¹³ CIVICUS, People Power Under Attack, December 2019. Please see <https://civicus.contentfiles.net/media/assets/file/GlobalReport2019.pdf>

As digital technology is expanding the frontiers of civic action, so also has the scope of government restrictions widened, extending its claws to the new entrants whose actions make governments uncomfortable and subject them to greater scrutiny. [S4C:2020].

freelance writers, including ordinary citizens to have greater access to online and offline spaces for civic action. Consequently, the internet and social media easily handed citizens a limitless tool for expression and democratic participation, expanding the civic space beyond the traditional media outlets, the streets and town halls. On the other hand, the ever-expanding spaces for citizen-state engagement also widened the dragnet of targets of governmental crackdowns. As digital technology is expanding the frontiers of civic action, so also has the scope of government restrictions widened, extending its claws to the new entrants whose actions make governments uncomfortable and subject them to greater scrutiny. [S4C:2020].¹⁴

• *The nature of governmental restrictions*

A study categorised governmental restrictions into three, namely: (1) restrictive legislations, (2) overbroad application of existing laws and (3) non-legal restrictions taking the form of shaming, negative labelling and including the outright proscription of the activities of targeted groups.¹⁵ The categories are not exhaustive, but have been rehashed because of the sharp distinctions drawn between the drivers and impacts of civic space contractions, shining a bright light on how unacceptable these restrictions are.

- *Restrictive legislations*

Since 2014, a tidal wave of legislations containing provisions that have enormous potential to shrink the civic space have been introduced in Nigeria's state and federal legislatures. Notable among them are the Non-Governmental Organizations Regulatory Bill (NGO Bill),¹⁶ the Protection from Internet Falsehood and Manipulation Bill 2019¹⁷ (also known as the Social Media Bill) and National Commission for the Prohibition of Hate Speeches Bill 2019¹⁸—popularly known as the Hate Speech and Social Media Bills. The Social Media Bill sponsored by Senator Mohammed Sani seeks to prohibit the digital transmission of false statements and empowered law enforcement departments (the Nigerian Police Force) to order the internet service providers to disable access to users in the online location that false communication emanated from. Likewise, the Hate Speech sponsored by Senator Aliyu Sabi Abdullahi criminalized various forms of expressions that could stir up ethnic hatred and equally make it possible to sentence to death by hanging anybody convicted of spreading hate speech. Following the tradition of other NGO-targeted legislative proposals, the Civil Society Regulatory Commission Bill 2020 gives 'incidental powers' to the Corporate Affairs Commission to do anything which is calculated to facilitate the performance of the Commission's functions and general duties, including without prejudice, direct specified action to be taken or direct application of a civil society's property.

At the state level, the State Houses of Assembly of the six North-east states of Adamawa, Bauchi, Borno, Yobe, Gombe and Taraba introduced a bill in November 2019, to regulate and coordinate the activities of non-governmental organisations (NGOs) in the Boko Haram-ravaged region of the country.¹⁹ Though not yet passed into law, the above draft statutes generated

¹⁴ SPACES FOR CHANGE, August 2020, *ibid*.

¹⁵ Victoria Ibezim-Ohaeri, *Confronting Closing Civic Spaces in Nigeria*, Issue 26, SUR International Journal on Human Rights, September 2017; page 7; <https://sur.conectas.org/en/confronting-closing-civic-spaces-in-nigeria/>

¹⁶ SPACES FOR CHANGE: Legal analysis of the Proposed Act to Establish the Civil Society Regulatory Commission and for Connected Purposes <https://closingspaces.org/ngobill3-legal-analysis-of-the-proposed-act-to-establish-the-civil-society-regulatory-commission-and-for-connected-purposes/>

¹⁷ SPACES FOR CHANGE: Legal analysis of the Proposed Protection from Internet Falsehoods, Manipulations and Other Related Matters Bill, 2019: <https://closingspaces.org/legal-analysis-of-the-proposed-protection-from-internet-falsehoods-manipulations-and-other-related-matters-bill-2019/>

¹⁸ SPACES FOR CHANGE: Factsheet: Everything You Need To Know About The Hate Speech Bill, <https://closingspaces.org/factsheet-everything-you-need-to-know-about-the-hate-speech-bill/>

¹⁹ See Borno State Agency for Coordination of Sustainable Development and Humanitarian Response Bill



Whilst the real motives driving the government's impulse to fashion restrictive regulations are certainly not disclosed, it is clear that restrictive legislations principally seek to curtail organized assemblies and dissenting voices that challenge the status quo. Since non-profit organizations (NPOs), especially the non-governmental organisations (NGOs) often take the lead in initiating and coordinating varying forms of organized dissent, that probably explains the increasing use of legislative measures to target, suppress and/or limit their activities. Particularly significant to the civil society sector are legal regimes enforced in furtherance of anti-money (AML) laundering and countering financing of terrorism (CFT) measures. AML and CFT measures derive inspiration from international financial regulations like the Financial Action Task Force ("FATF"). The Money Laundering (Prohibition) Act 2011, the Terrorism (Prevention) Act No. 10, 2011 as amended, the Special Control Unit against Money Laundering ("SCUML") Regulations 2013 and 2016, and the Central Bank of Nigeria AML/CFT Guidelines 2013 are some of the major national legislations enacted in response to FATF promptings.

Domestic efforts to comply with international standards like the FATF may have opened the door for human rights abuses, by providing governments with security-based grounds to crush dissent and impose restrictions on civil society. Along this line, state actors have occasionally quoted AML and CFT refrains in their altercations with local and international NGOs. AML/CFT buzzwords have also been advanced to support the closure of humanitarian organizations after linking their operations with terrorism.

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The National Risk Assessment (NRA) (completed in 2016) identified Designated Non-Financial Businesses and Institutions (DNFIs), of which NPOs are a subset, as being amongst those sectors most vulnerable to money laundering (ML) and terrorist financing (TF). This postulation strives to lay the foundation for the imposition of stringent regulatory controls on the activities of NPOs. Despite the surging restrictions, so few national level activists and organizations are aware of the FATF, let alone know how compliance or instrumentalization of FATF by states fosters over-regulation, whether unintentional or spurious. (OHAERI V.I:2020).²²

²⁰ See Closing Spaces Database: AML/CFT category, <https://closingspaces.org/category/anti-money-laundering-counter-financing-of-terrorism/>

²¹ Action Against Hunger, Nigeria: Following Forced Closure Of Offices in Borno and Yobe States, Action Against Hunger Strongly Rejects Accusations of Supporting Terrorist Groups: <https://www.actionagainsthunger.org/story/nigeria-borno-yobe-action-against-hunger-strongly-rejects-accusations-of-supporting-terrorist-groups>

²² Victoria Ibezim-Ohaeri, FATF and Civic Space: Lessons from Nigeria, NPO Coalition on FATF, July 2020: <https://fatfplatform.org/stories/fatf-and-civic-space-lessons-from-nigeria/>

Timeline of restrictive legislative interventions in Nigeria

2014 – Bill to Regulate the Acceptance and Utilization of Financial/Material Contributions of Donor Agencies to Voluntary Organizations of 2014. The intention of this bill is to subject all foreign receipts to voluntary organizations to the regulation of the Independent Corrupt Practices Commission (ICPC). Voluntary organizations, especially non-profits would not be able to receive funds from donor agencies without registering with the ICPC. (Closing Spaces Database)

2015 – Bill for an Act to Prohibit Frivolous Petitions, popularly known as the Anti-Social Media is proposed by the government. Introduced into the Nigerian Senate in December 2015, the Bill required persons seeking to petition the conduct of state authorities and officials to swear an affidavit. Persons who published petitions not supported by an affidavit would have been deemed to have committed an offence and upon conviction, liable to six-month imprisonment without the option of a fine. (MFWA: 2016)

2016 – A Bill for an Act to provide for the Establishment of Non-Governmental Organizations Regulatory Commission known as the “NGO Bill 2016”. The lead argument in support of the Bill emphasizes the need “to regulate CSOs on matters relating to their funding, foreign affiliation and national security, and ... to check any likelihood of CSOs being illegally sponsored against the interest of Nigeria.” (SPACES FOR CHANGE: 2016)

July 2016 – Nigeria voted against Human Rights Council Resolution at its 32nd session, which requires States to commit to ensure a safe and enabling environment in which civil society can operate free from hindrance and insecurity. Nigeria is one of the 7 countries that voted against the resolution. (UN.ORG: 2016)

2016: Digital Rights and Freedom Bill 2016, sponsored by Hon. Chukwuemeka Ujam, aims to define the legal framework regarding surveillance, guarantee the fundamental privacy rights of citizens and promote the freedoms of expression, assembly and association online. Additional objectives of the bill include the application of human rights within the digital environment; provide sufficient safeguards against abuse online and provide opportunity for redress by equipping the judiciary with the necessary legal framework to protect human rights online. (PLAC 2016)

2016 – The Nigerian government conducted a National Risk Assessment (Nigeria NRA) in 2016 to identify, assess, and understand the money laundering and terrorist financing risks for the country's financial systems, including the non-profit sector, and take proportionate measures to counter any threats so identified. (NFIU 2016)

Sept – October 2019 – The scheduling of a national evaluation on AML/CFT measures triggers the need for a sector-wide response from civil society, and the Action Group on Free Civic Space formalises to carry out this work. (AGPCS: 2019)

2019: Protection from Internet Falsehoods, Manipulations and Other Related Matters Bill, 2019, sponsored by Senator Mohammed Sani Musa (APC Niger East), seeks to prevent and punish falsehoods and manipulations in internet correspondences and transmission in Nigeria. (Closing Spaces Database)

2019: National Commission for the Prohibition of Hate Speeches Bill 2019 (Hate Speech Bill). Sponsored by the Deputy Senate Whip Sabi Abdullahi, the stated objective of the bill is to eliminate all forms of hate speeches against any person or indigenous group to Nigeria. The bill contains provisions that punish written or visual material that is threatening, abusive or insulting and intended to stir up ethnic hatred against any person or person from an ethnic group in Nigeria. Sentences for violators include death by hanging where the hate speech leads to the death of another person. (Closing Spaces Database)

April 2020: Control of Infectious Diseases Bill sponsored by Hon. Femi Gbajabiamila, the Speaker of the House of Representatives is seeking to repeal the outdated National Quarantine Act 2004. The proposed legislation aims to enlarge the powers of the Nigeria Centre for Disease and Control (NCDC) to prevent and manage the outbreak of infectious diseases such as COVID-19. (Closing Spaces Database: 2020)

August 7, 2020: President Muhammadu Buhari assented to the amendments to the Companies and Allied Matters Act (CAMA) recently passed by the National Assembly. The presidential assent repealed and replaced the extant Companies and Allied Matters Act, 1990, after 30 years, introducing new legal provisions that change the regulatory environment for non-profits, with enormous potential to restrict the civic space and limit constitutionally-protected freedoms. (Closing Spaces Database: 2020)

• Overbroad application of existing laws

Under the second category, certain state and federal laws have been applied so broadly beyond the original intendment of the law to justify crackdowns on civil society or to suppress criticisms directed against those in power. (OHAERI V.I: 2017).²³ Here, existing laws are interpreted and enforced in a manner that casts the net so wide to catch all possible offenders of serious and not-so-serious misdemeanours. For instance, Nigeria's 2015 Cybercrime Law was enacted to create a legal, regulatory and institutional framework for improving cybersecurity and to ensure the protection of the critical national information infrastructure. State officials invoked this law to legitimize the arrests of Abubakar Sidiq Usman²⁴ and Musa Babale Azare in 2016. More recently, Joseph Odok²⁵, Ambrose Nwaogwugwu²⁶ and Emperor Ogbonna²⁷ were charged with terrorism on account of Facebook posts that were critical of state executives. In all of these cases, state prosecutors relied on the provisions of the Cybercrimes (Prohibition etc.) Act of 2015.

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Overwhelming evidence from the Closing Spaces Database shows that bloggers and active citizens are the primary targets of the overbroad application of existing regulations. A lot of the charges of terrorism and cyberstalking brought pursuant to the federal cybercrimes legislation are linked to commentary posted on social media. With astonishing consistency, the Department of State Security (DSS) is the chief state actor using the cybercrime law as a weapon to facilitate the arrest and prosecution of vocal critics, bloggers and social media commentators.

²³ Victoria Ibezim-Ohaeri, Confronting Closing Civic Spaces in Nigeria, Issue 26, SUR International Journal on Human Rights, September 2017: page 1; <https://sur.conectas.org/en/confronting-closing-civic-spaces-in-nigeria/>

²⁴ BBC: Nigeria Anger Over Blogger Abubakar Sidiq Usman's Arrest, 9 August 2016, <https://www.bbc.com/news/world-africa-37024062>

²⁵ Closing Spaces Database, Nigerian Lawyer Slammed with Terrorism Charges for Criticising State Governor, Please see: <https://closingspaces.org/incident/nigerian-lawyer-slammed-with-terrorism-charges-for-criticising-state-governor/>

²⁶ Closing Spaces Database, At Last, PDP New Media DG, Nwaogwugwu Granted Bail In High Court, <https://closingspaces.org/incident/at-last-pdp-new-media-dg-nwaogwugwu-granted-bail-in-high-court/>

²⁷ TV360: 70 Days in Custody: The Case of Emperor Ogbonna, <https://www.youtube.com/watch?v=-7AihPYzCOY&feature=youtu.be>



pursuant to the federal cybercrimes legislation are linked to commentary posted on social media. With astonishing consistency, the Department of State Security (DSS) is the chief state actor using the cybercrime law as a weapon to facilitate the arrest and prosecution of vocal critics, bloggers and social media commentators. The growing body of evidence linking social media commentary and state persecution corroborates Closing Spaces Database' analytics which found that the freedom of expression—comprising press freedom (63 incidents) and the freedom of speech (53 incidents)—bear the highest share of repressive activities in the Nigerian civic environment (SPACES FOR CHANGE [S4C]: 2020).²⁸ The increasing use of the cybercrime law as a weapon to target critics is a plausible pointer to the actual motivation for the unrelenting official attempts to introduce legislations that have such sweep to regulate the social media and civil society groups.

• *Non-legal restrictions*

This category of restrictions usually takes the form of shaming, negative labelling and including the outright proscription of the activities of targeted activists and groups. In July 2019, a federal court granted the government's request to proscribe the Islamic Movement of Nigeria (IMN) and label them a "terrorist" organisation.²⁹ IMN members have continued to protest the prolonged incarceration of their leader since 2015 despite several court orders for his release. In the same vein, the government proscribed the non-violent secessionist campaigns of the Indigenous People of Biafra, IPOB. Hundreds of their members have been allegedly killed by security forces and their leader, Nnamdi Kanu, forced into exile. For the most part, the proscription of the Indigenous People of Biafra and the Islamic Movement of Nigeria lays the foundation for plastering terrorist labels on them, thereby emboldening state actors to clamp down harder on their activities.

Negative rhetoric has also been used to stifle political opposition, stigmatise activists and to smear sections of civil society. For instance, the Closing Spaces Database records 16 incidents of perceived politically-motivated attacks and prosecutions on opposition politicians (and their family members and allies), underscoring how political differences have become another driver of closing civic space in Nigeria. The Nigerian government arraigned popular politician, social critic and member of the opposition political party, Dino Melaye, twelve times in one year for a number of offences ranging from murder, corruption, and for some other unclear reasons. Similarly, myriad of objections have trailed the recent amendment of the Companies and Allied Matters Act, CAMA. Christian leaders and other vocal critics of the amended legislation have been accused of being corrupt and fearing accountability.³⁰ Attacks of this nature unleashed on opposition political leaders and civil society actors have the effect of delegitimizing their agitations for good governance, mobilizing public hatred toward them or to increase their vulnerability to stigma and ridicule. Another consequence is declining public trust and confidence in that person so labelled, and by implication, the civil society as a whole.³¹

²⁸ SPACES FOR CHANGE, Database of Closing Civic Spaces in Nigeria: An Independent Review, August 2020. Please see <https://spacesforchange.org/database-on-closing-civic-spaces-in-nigeria-an-independent-review/>

²⁹ Aljazeera News, Nigeria to Label Shia Group a 'Terrorist Organisation', 27 Jul 2019, <https://www.aljazeera.com/news/2019/07/nigeria-label-shia-group-terrorist-organisation-190727172937653.html>

³⁰ THISDAYLIVE, Fearing Accountability, CAN Steps Up Agitation against CAMA, September 2, 2020: <https://www.thisdaylive.com/index.php/2020/09/02/fearing-accountability-can-steps-up-agitation-against-cama/>

³¹ Ohaeri V, SUR Journal, Ibid.



CHAPTER THREE

PANDEMIC-INDUCED PRESSURES ON THE CIVIC SPACE

THE CORONAVIRUS PANDEMIC IN NIGERIA

Nigeria recorded its index case of COVID-19 infection on February 27, 2020. Since then, infection rates have ballooned above 165,000 cases a year later, forcing various state governments to introduce measures to contain the spread of the pandemic. Nigeria's COVID-19 national response is coordinated jointly by Nigeria Centre for Disease Control (NCDC), the Presidential Task Force (PTF) on COVID-19 and the Federal Ministry of Health. National COVID-19 Response Plan is developed around 10 pillars, encompassing scaling up surveillance, testing, isolation, contact tracing, infection prevention and control (including protection of medical staff), case management of critically unwell COVID-19 patients, risk communication and community engagement, research and emergency preparedness, security and logistics for mass care, and coordination and resource mobilization.³² Most of these responses were largely borrowed from other climes, especially the global north where the coronavirus pandemic has put national health systems under severe pressure and claimed hundreds of thousands of lives.

A freshly-minted COVID19 Regulation 2020 made pursuant to the Quarantine Act 2004 gave legal backing to the presidential directives ordering a total lockdown in three states with the then highest infection rates: Lagos, Ogun and the Federal Capital Territory, Abuja beginning from March 21. The lockdown directives involved the total cessation of all non-essential movement, ban on public gatherings, school closures and compulsory stay-at-home (SAH) for all residents. These critical preventive measures are consistent with the recommendations by global health experts for combating the spread of coronavirus. The rapid spread of infection to other regions of the country necessitated the extension of the lockdown directives beyond the initial three focal states.

³² AfricaNews: Coronavirus - Nigeria: UN, Nigerian Government Launch a COVID-19 Basket Fund to Harmonize Investments in National Pandemic Response Plan, <https://www.africanews.com/2020/04/06/coronavirus-nigeria-un-nigerian-government-launch-a-covid-19-basket-fund-to-harmonize-investments-in-national-pandemic-response-plan/>



The disease containment initiatives introduced across states include:³³

- Hurried enactment of legal frameworks legitimizing lockdowns and civil rights restrictions;
- Closure of educational institutions;
- Stay-at-home directives, including the suspension of public and private economic activities;
- Social distancing; Prohibition of public gatherings for religious, social, political and entertainment purposes as well as reduced number of passengers in public transport;
- Closure of state/national borders which includes inter-state travel ban, except for essential services;
- Economic stimulus packages and essential palliatives; and
- Contact-tracing and other disease preventive actions (e.g. fumigation, quarantine, self-isolation etc).

SECURITIZATION OF COVID-19 EMERGENCY RESPONSES

No country in the world expected the pandemic and the resulting health crisis. The sudden outbreak of the scourge forced countries, including Nigeria, to take charge and make difficult choices to contain disease spread. Emergency regulations were hurriedly passed across Nigerian states and at the federal level which severely limited certain rights and freedoms. Lagos State, for instance, enacted the Lagos State Infectious Diseases (Emergency Prevention) Regulations 2020 on the 27th day of March 2020, while the Federal Government passed the COVID-19 Regulations 2020 three days later. Calls for the repeal of the outdated legislations like the Federal Quarantine Act culminated in the introduction of two proposed federal statutes with substantially similar provisions, called National Emergency Health Bill and the Control of Infectious Diseases Bill. Although the two bills aim to enlarge governmental powers to manage and control the spread of infectious diseases like COVID-19, the restrictive nature of some of the provisions provoked public outrage, with many groups denouncing³⁴ their frightening implications for civil liberties.

The massive spread of the coronavirus across the country posed serious social, economic, legal and political challenges, necessitating state and national authorities to modify existing emergency response mechanisms and make new policy choices compatible with the new realities created. While states like Delta³⁵ relied on existing legal framework to combat the surging health emergencies, other states like Akwa-Ibom, Imo, Lagos, Cross Rivers, Abia, Rivers, Bayelsa and several others enacted new regulations that primarily detailed modalities and sanctions for enforcing quarantines and lockdowns. The flurry of regulations enacted in the wake of the pandemic stipulated adherence to lockdowns, social distancing and other health and safety protocols. Compared to countries in the global north, the lockdown measures appear to have been successful in keeping coronavirus infections and death rates low.

The methods used to enforce the precautionary and mitigating measures triggered a vast array of intended and unintended consequences, with far-reaching implications on the fundamental human rights of citizens and the civic space in general. While some states adopted harsher methods to enforce the containment measures, some others embraced less stringent means to

³³ Spaces for Change Policy Briefing Paper 011, COVID-19, Human Rights and Civic Space in Nigeria, <https://closingspaces.org/covid-19-human-rights-and-civic-space-in-nigeria/>

³⁴ Fund for Global Human Rights: Nigerian Civil Society Pushes Back on Draconian Disease Bill, May 2020: <https://globalhumanrights.org/blogs/nigerian-civil-society-pushes-back-on-draconian-disease-bill/>

³⁵ Delta State Public Health Law Cap P21 Laws of Delta State 2006



enhance compliance. Without any formal training and clear understanding of the new legal rules and health protocols, security operatives and law enforcement officers deployed to enforce COVID-19 regulations often acted outside legal boundaries, hurting civic freedoms in the process. They looked upon COVID-19 as a security issue, instead of a health crisis, and used the same policing and military tactics typically deployed to enforce law and order.

Particularly significant were the resulting spikes in human rights abuses coupled with the misuse of emergency laws to stifle basic freedoms and crack down on the civic space. The [Database of Closing Civic Spaces in Nigeria](#) tracked numerous incidents of high-handedness or the use of disproportionate force against civilians (leading to injury and deaths) by security operatives enforcing the lockdown measures. The database pinpoints state actors, especially Nigerian security forces as the primary culprits of the spikes in human rights abuses, including deaths, during the lockdown.

Corroborating the above records, a press statement of the National Human Rights Commission (NHRC)³⁶, also reported 11 deaths resulting from extra-judicial killings in different parts of the country. Out of the 11 deaths, the Nigeria Police Force was responsible for 7 deaths. Other types of violations recorded within the first two months of the lockdown include 34 incidents of torture, inhumane and degrading treatment, 14 incidents of violation of right to freedom of movement, unlawful arrest and detention, 11 incidents of seizure/confiscation of properties and 19 incidents of extortion. Again, the Nigeria Police Force accounted for 59.6% of the total cases of violations. Other types of violations recorded within the period include 34 incidents of torture, inhumane and degrading treatment, 14 incidents of violation of right to freedom of movement, unlawful arrest and detention, 11 incidents of seizure/confiscation of properties and 19 incidents of extortion. Again, the Nigeria Police Force accounted for 59.6% of the total cases of violations.

The ensuing tensions between the containment measures and specific sets of rights particularly the right to protest, associate and assemble freely, media and internet freedoms, women and minority rights, provoked concern and public discourses around the compatibility and proportionality of the imposed restrictions to the legitimate aims of government. By authorizing security operatives to use force, including military action,³⁷ to enforce COVID-19 emergency measures, state actors are ostensibly treating the pandemic—not just as a public health crisis—but as a security issue. Though this approach provides the speed and

By authorizing security operatives to use force, including military action, to enforce COVID-19 emergency measures, state actors are ostensibly treating the pandemic—not just as a public health crisis—but as a security issue. Though this approach provides the speed and toughness needed to take decisions, the securitization of emergency measures has far-reaching implications for the civic space. The wide gulf between COVID-19 responses and constitutionally-protected civil liberties led commentators and groups to conclude that the disease containment measures are reinforcing fears of deliberate governmental clampdowns on civic freedoms using COVID-19 as an excuse.

³⁶ National Human Rights Commission press release: Report of Alleged Human Rights Violations Recorded Between 13th April to 4th May, 2020 Following the Extension of the Lockdown Period, May 2020: <https://www.nigeriarights.gov.ng/nhrc-media/press-release/104-report-of-alleged-human-rights-violations-recorded-between-13th-april-to-4th-may-2020-following-the-extension-of-the-lockdown-period.html>

³⁷ Kanayo Umeh, The Guardian, Military on Lockdown: We'll Use Minimum Necessary Force in Enforcement, April 2020: <https://guardian.ng/news/military-on-lockdown-we'll-use-minimum-necessary-force-in-enforcement/>

toughness needed to take decisions, the securitization of emergency measures has far-reaching implications for the civic space. The wide gulf between COVID-19 responses and constitutionally-protected civil liberties led commentators³⁸ and groups to conclude that the disease containment measures are reinforcing fears of deliberate governmental clampdowns on civic freedoms using COVID-19 as an excuse. [S4C:2020]³⁹

For many citizens, the appearance of police and army patrols roaming the streets, mounting roadblocks and checkpoints, prohibiting inter-state travels, banning public protests and gatherings, plus the unprecedented number of arrests and detentions of citizens recorded, are reminiscent of the military regimes of the 80s and 90s when the civic space was completely closed. The repressive effects on the civic space are also magnifying other unintended consequences of the COVID-19 emergency responses such as income losses, job losses, hunger, unemployment, insecurity and homelessness. And for countries like Mali, Chad, Nigeria and Niger in the Sahel region, the pandemic appeared to have exacerbated existing security challenges. The endemic conflict not only left many in need of humanitarian aid, but also caused governments to take measures that limited humanitarian agencies from operating freely in those areas, preventing help from reaching those in critical need. Skirmishes in Southern Kaduna between Christian farmer-minorities and the pastoralist Muslims escalated, leaving fatalities on both sides.

COVID-19 AND THE CHANGING DYNAMICS OF THE CIVIC SPACE

Collision with civil liberties: Lockdowns, social distancing, travel bans, compulsory face masks, closed public buildings top the list of the enforced adaptations and social changes considered as the “new normal” in the wake of the pandemic. Certain new normal adjustments like travel bans, social distancing and lockdowns particularly had higher potential for human rights infractions. A litany of documentations such as the Closing Spaces Database⁴⁰, ICNL’s COVID-19 tracker⁴¹ and Article 19⁴² indicate that the rights most implicated include the freedom of movement, freedom of assembly, right to personal liberty, right to property, freedom of expression and of course, press freedoms. The collision between these health-premised adjustments and the securitized methods of enforcement engendered not just a wide range of intended and unintended consequences, but also interfered significantly with constitutionally-protected freedoms.

New transgressions emerge: The pandemic equally paved the way for new transgressions to emerge and equally enlarged governmental powers to reprove and deter them. Across the country, numerous citizens were arrested for violating interstate travel bans and failure to wear face masks. Sometimes, the consequences for non-compliance with health protocols were cruel. Whether it is the alleged shooting of a motorcyclist for not wearing a facemask by policemen in Imo State, South East, Nigeria,⁴³ or the sex-for-freedom cases reported in the Rivers State⁴⁴ or the extortions that accompanied arrests made in parts of Lagos State,⁴⁵ South West, Nigeria, all these experiences illuminate how the enforcement of facemask policy designed to tackle the pandemic fueled new forms of human rights abuses across the country.

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<https://www.icnl.org/covid19tracker/>

⁴¹ Article 19 press release: Nigeria: COVID-19 Response Should Not Be Used to Violate the Right to Life and Intimidate Journalists, May 1, 2020. Accessed via <https://www.article19.org/resources/nigeria-covid-19-response-should-not-be-used-to-violate-the-right-to-life-and-intimidate-journalists/>

⁴² Chidiebere Okeoma, The Punch, Policeman kills Okada Rider for Not Wearing Face Mask, Published July 10, 2020; Accessed via <https://punchng.com/policeman-kills-okada-rider-for-not-wearing-face-mask/>

⁴³ Phillip Obaji Jnr, Aljazeera, Women ‘Abused’ by Police

⁴⁴ Enforcing COVID-19 Rules in Nigeria, published 9 Sep 2020; Accessed via <https://www.aljazeera.com/features/2020/9/9/women-abused-by-police-enforcing-covid-19-rules-in-nigeria>

⁴⁵ Bloomberg, Ruth Olorunbi, ibid.

³⁸ Victoria Ibezim-Ohaeri, COVID-19: The Legality and Limits of the President’s Emergency Powers, Premium Times, March 2020;

³⁹ <https://opinion.premiumtimesng.com/2020/03/30/covid-19-the-legality-and-limits-of-the-presidents-emergency-powers-by-victoria-ibezim-ohaeri/>

⁴⁰ SPACES FOR CHANGE, COVID-19, Human Rights and the Civic Space in Nigeria, March 2020; <https://spacesforchange.org/covid-19-human-rights-and-the-civic-space/> <https://closingspaces.org/tag/covid-19/>

Exponential increase in gender-based and sexual violence: Substantiated media reports of victims raped (sometimes at gunpoint) for not wearing a facemask further reveal how mask enforcement measures heightened the risk of sexual exploitation and violence targeted at women. An influx of rape cases across the country was particularly noted during the lockdown months. According to the Lagos State government-run Domestic and Gender Violence Response Team, there has been a 60 percent increase in domestic violence, 30 percent rise in sexual violence, and 10 percent increase in physical child abuse.⁴⁶ Only 11 out of 3,000 sexual and gender-based violence (SGBV) cases have been successfully prosecuted in six states of the country,⁴⁷ underscoring the need for accountability. Movement restrictions and isolation did not only increase the prospect of gender-based violence, but particularly made it difficult for victims stuck with their abusers to get help from appropriate quarters.

Rising attacks on free speech and media freedoms: Documentations on the Closing Spaces Database suggest an increment in attacks on free speech and media freedoms during the pandemic. The documented attacks stretch from the arrests of journalists on account of their journalistic duties to the victimization of citizens for engaging in sensitive rhetoric. A case in point is the continued detention of popular Nigerian atheist, Mubarak Bala based on a Facebook post on April 27 where he expressed certain reservations about Islam's Prophet Muhammad. The following day, he was arrested for blasphemy and transferred to Kano, a conservative state in Nigeria popular for its intolerance for religious dissent. Authorities have since held Mubarak in detention for over three months, refusing to formally charge him for any offence, but yet subjecting him to solitary confinement and denying him access to his lawyers and associates.

Discriminatory enforcement of health regulations: The selective enforcement of COVID-19 health protocols did not help matters. While the prohibition of public gatherings and social distancing rules were strictly enforced in public convergences of a social nature, the same rules were suspended for political gatherings. Campaign rallies by leading political parties like the All Progressives Party (APC) and the Peoples Democratic Party (PDP) in Edo State during the September 2020 governorship elections unheeded social distancing or precautionary measures for coronavirus prevention, powering narratives that Nigerian elites and political class are above the law.⁴⁸ The consequence is that ordinary citizens and the underprivileged were often apprehended for defaulting COVID19 protocols, while the rich and ruling elites freely organized large gatherings like election rallies, burials and weddings without hindrance.

THE COVID-19 TIMELINE

Nigeria's considerably low-infection rates witnessed in the early days of the pandemic dramatically turned around within a few weeks. A lone case of infection confirmed on February 27, 2020 swelled to 65 cases across 8 states and one fatality in the first 30 days. The sharp rise in disease spread saw Nigeria imposing restrictions and mitigating measures, with implications on the fundamental human rights of citizens and the civic space in general. The timeline of infection, pandemic spread, official containment measures and civil society responses are detailed below:

1. February 27, 2020: NCDC confirms the first case of COVID-19 in Nigeria. The carrier was an Italian citizen who works in Nigeria and returned from Milan, Italy to Lagos, Nigeria on the 25th of February 2020. During the first 30 days of COVID-19 in Nigeria, those who tested positive were returnees from abroad, fuelling local perceptions that the disease is elitist. 70.0% of those who tested positive for COVID-19 were male, and 30.0% were female. Nigerian Center for Disease Control (NCDC March 2020)

2. March 23, 2020: Because of low testing figures, compounded by the lack of adequate databases for contact details, the government began to trace suspected patients primarily

⁴⁶ Ejiro Umukoro, Premium Times, Amidst COVID-19 Lockdown, Nigeria Sees Increased Sexual and Gender Violence, June 5, 2020: <https://pulitzercenter.org/stories/amidst-covid-19-lockdown-nigeria-sees-increased-sexual-and-gender-violence>

⁴⁷ Nigeria Lawyer, Only 11 Out Of 3,000 Gender-Based Violence Cases Prosecuted – FG, April 15, 2021; Accessed via <https://thenigerialawyer.com/only-11-out-of-3000-gender-based-violence-cases-prosecuted-fg/>

⁴⁸ Mudiaga Affe, Premium Times, Nigeria: Edo Election – APC, PDP Flout Covid-19 Guidelines in Campaigns, Published 16 September 2020; Accessed via <https://allafrica.com/stories/202009160808.html>

through public appeals. Low response to public appeals is probably prompting the proposal to use the police and the military to enhance contact-tracing. (Closing Spaces Database: March 23, 2020)⁴⁹

3. March 24, 2020: The House of Representatives passed the Emergency Economic Stimulus Bill 2020 to provide support to individuals and 50 percent tax rebates to businesses that are registered under the Companies and Allied Matters Act so they can use this saving to retain their workers.

4. March 24, 2020: The Nigerian Presidency barred certain media houses from covering its activities. The actions were reportedly taken to contain the spread of COVID-19. The ban which was to last for an unspecified period limited the ability of journalists to accurately cover and report presidential initiatives to defeat COVID-19.⁵⁰

5. March 26, 2020: Lagos State, the epicenter of COVID-19 infections took the lead in developing a legislative response to the pandemic. Lagos State House of Assembly passed the *"Bill for a Law to Combat and Stop the Spread of Corona Virus Pandemic in Lagos State and for Connected Purposes"*.⁵¹ The law establishes the Coronavirus Trust Fund and also stipulated a fine of N100,000 for defaulters, one-month imprisonment in the correctional centre or three months community service.

6. March 26, 2020: The private sector in Nigeria established The Coalition Against COVID-19 (CACOVID) which raised over \$72 million for the purchase of food relief materials and to provide medical facilities and equipment in different regions of the country. (CACOVID: 2020).

7. March 27, 2020: As of March 27, total positive cases rose to 81 and swelled further to 1337 cases by April 27, 2020. By the first 100 days of coronavirus in Nigeria (by June 7 2020), cases jumped to 12486. National Center for Biotechnology Information (NCBI Jun 22: 2020)⁵². The three states with the highest number of confirmed COVID-19 cases are Lagos (10,510 cases, 128 deaths), the Federal Capital Territory (FCT) (1,870 cases, 33 deaths), and Oyo (1,380 cases, 12 deaths) as of June 22, 2020. These states account for about 54 percent of total confirmed cases, and 29 percent of deaths. (Brookings: July 2, 2020)

8. March 30, 2020: To contain disease spread and transmission, the Federal government signed the COVID-19 Regulations I of 2020⁵³, which ordered a lockdown of Lagos, Ogun and the FCT for an initial period of 14 days with effect from 11 pm on Monday, 30th March 2020. These states then had the highest statistics of infections. The lockdown was characterised by the total cessation of all non-essential movement, ban on public gatherings, restrictions on interstate travels, school closures and compulsory stay-at-home (SAH). Airports and land borders were also closed while strict conditions for seaport activities imposed. Only health workers and frontline responders working in the pharmaceuticals, food and downstream petroleum sectors were exempted. Other states across the country also introduced similar restrictions. (SPACES FOR CHANGE: May 2020)⁵⁴

9. Taking a cue from the federal government, various states of the federation hurriedly enacted legislative responses to the pandemic. The Lagos State Emergency Coronavirus Pandemic Bill 2020, sponsored by Speaker Mudashiru Obasa, scaled the first, second and third readings and eventual passage at lightning speed. Rivers State House of Assembly also passed Quarantine Coronavirus (COVID-19) and Other Infectious Diseases Regulations and Executive Orders. The state legislature in Akwa-Ibom passed the Quarantine and Restriction of Movement Regulation 2020. In Cross River, the Cross River State Epidemic and Pandemic Law 2020 was passed. This trend was witnessed across states.

⁴⁹ <https://closingspaces.org/nigerians-should-be-prepared-for-tougher-military-measures-amid-the-corona-virus/>

⁵⁰ Punch Newspapers: Villa Coverage: PDP, CSOs Knock Buhari For Barring PUNCH, Others, published March 26, 2020. Accessed via <https://punchng.com/villa-coverage-pdp-csos-knock-buhari-for-barring-punch-others/>

⁵¹ Vanguard News, Lagos Assembly Passes Bill to Combat COVID-19 Spread, Published March 26, 2020; Accessed via <https://www.vanguardngr.com/2020/03/breaking-lagos-assembly-passes-bill-to-combat-covid-19-spread/>

⁵² NCBI accessed via <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC7307993/>

⁵³ Download the Regulations on Closing Spaces Database: <https://closingspaces.org/president-buhari-signs-the-covid-19-regulations-2020/>

⁵⁴ SPACES FOR CHANGE, COVID-19 Responses in Nigeria's Oil Extraction Zones, MAY 3, 2020, <https://spacesforchange.org/covid-19-responses-in-nigerias-oil-extraction-zones/>

10. April 1, 2020: The federal government announced plans to make transfers of 20,000 Naira (\$52) to poor and vulnerable households registered in the National Social Register (NSR). A civil society organization, Africa Network for Environment & Economic Justice (ANEEJ) and MANTRA partners also began the nationwide monitoring of disbursement of money to poor Nigerians. The Federal Ministry of Humanitarian Affairs Disaster Management and Social Development also announced plans to distribute food rations to vulnerable households.

11. April 2020: Disproportionate use of force to enforce COVID-19 regulations observed in different parts of the country. In an unfortunate show of force to maintain COVID-19 lockdown, trigger-happy soldiers allegedly killed a petrol attendant in Abia,⁵⁵ a taxi driver in Calabar⁵⁶ and one Joseph Pessu in Delta State. Five persons were killed at Trikania in Sabogeri Nasarawa under Chikun Local Government Area of Kaduna State during a clash between youths and police enforcing the stay-at-home order in the state.⁵⁷

12. April 2020: SPACES FOR CHANGE [S4C] is part of a coalition of human rights groups in Nigeria, working together under the banner of [Action Group on Free Civic Space](#). The group issued a joint statement,⁵⁸ reminding state actors at the federal and state levels that emergency situations and associated containment measures must align with the country's national, regional and international human rights obligations. Not only that, SPACES FOR CHANGE, as a member of the broader coalition, escalated incidents of COVID-19 violations it tracked and verified on the Closing Spaces Database to national law enforcement agencies. Prompted by S4C's petition registered as NHRC/M/V/2020/005/, the National Human Rights Commission is currently investigating the killing of Mr. Joseph Pessu by military officers enforcing the lockdown in Delta State.

13. April 13, 2020: President Buhari signed COVID-19 Regulations II of 2020 into law made pursuant to sections 3 and 4 of the Quarantine Act. This regulation provided for the extension of restriction/cessation of movement in Lagos, FCT and Ogun State for another 14 days. (Closing Spaces Database)⁵⁹

14. April 17, 2020: SPACES FOR CHANGE [S4C] and 4 member organizations of the Action Group on Free Civic Space have come together to constitute Action Group Legal Helplines to enhance access to justice for victims of COVID-19 lockdown in Nigeria. The combined legal teams from the five organizations jointly provided free legal services, which included securing police bails for those in custody, sending urgent actions to police authorities and other security agencies, providing legal representation in courts and amicus curiae briefs, deploying ADR processes and petitioning relevant agencies responsible for addressing human rights violations resulting from the imposed restrictions.

15. May 4, 2020: The Nigerian government begins the easing of restrictions introduced due to COVID-19 in Abuja and Lagos. Selected businesses and offices were allowed to open from 09:00 to 18:00 (local time) provided they decontaminate workspaces and ensure that social distancing and hygiene measures are enforced. Curfews and bans on all forms of public gatherings remained in place. States like Ogun extended the lockdown to Wednesday, May 6, and Friday, May 8.

16. May 25, 2020: The Independent National Electoral Commission (INEC) released a document, "Policy on Conducting Elections in the Context of the COVID-19 Pandemic". The policy directive was issued in preparation for the governorship elections in Edo and Ondo States, as well as nine bye-elections in legislative constituencies across seven states in Nigeria.


⁵⁵ The Punch, Trigger-Happy Soldiers Have Allegedly Killed A Petrol Attendant in Abia, published April 7, 2020; Accessed via <https://punchng.com/trigger-happy-policeman-kills-petrol-attendant-in-abia-2/#:~:text=A%20petrol%20attendant%2C%20Chibuisi%20Okameme,Government%20Area%20of%20Abia%20State>.

⁵⁶ Closing Spaces Database, Soldiers Kill Taxi Driver in Calabar For Carrying Passengers Who Were Not Wearing Face Masks, Accessed via <https://closingspaces.org/incident/soldiers-allegedly-kill-taxi-driver-in-calabar-for-carrying-passengers-who-were-not-wearing-face-masks/>

⁵⁷ Vanguard News, LOCKDOWN: Nigerians React to Killings by Security Agents, Published April 18, 2020; Read more at: <https://www.vanguardngr.com/2020/04/lockdown-nigerians-react-to-killings-by-security-agents/>

⁵⁸ COVID-19: Civil Society Group Cautions Security Agents Against Using Rights Abuse to Enforce Lockdown, Published April 5, 2020; Accessed via <https://sundiatapost.com/covid-19-civil-society-group-cautions-security-agents-against-using-rights-abuse-to-enforce-lockdown/>

⁵⁹ See <https://closingspaces.org/covid-19-regulations-no-2/>



17. June 10 and 11 2020: The House of Representatives conducted a public hearing on the controversial Control of Infectious Diseases Bill on the 10th and 11th of June, 2020. Among several groups that made submissions on the Bill include the Nigeria Governors' Forum, National Human Rights Commission, the Action Group on Free Civic Space.

18. June 2020: The second phase of the gradual easing of the lockdown ended on June 29. In the second phase, government relaxed restrictions on banking operations and worship places. The easing of the lockdown was for an initial period of four weeks – spanning June 2nd – 29th. It was extended for another month spanning June 30 to July 27. During this period, interstate travel outside curfew hours was allowed. Also on June 29, the government approved the re-opening of schools only for students of graduating classes, to allow them prepare for examinations. That is, Primary 6, Junior Secondary School 3 and Senior Secondary School 3.

19. June 25, 2020: At a virtual federal executive committee meeting, the government announced a \$6bn stimulus package to support businesses hardest hit by the coronavirus pandemic. A committee led by Vice-President Yemi Osinbajo put forward the proposal.

20. July 2020: BUDGIT and Socio-Financial Rights and Accountability Project (SERAP) filed a Freedom of Information request, demanding accountability for the expenditure of the COVID-19 funds. SERAP asked the federal government (FG) and Central Bank of Nigeria (CBN) to provide spending details of public funds and private sector donations to the country's poor and most vulnerable people.

21. July 8, 2020: Nigeria resumed domestic flights. However, only Abuja and Lagos airports reopened on July 8, while other airports in other major cities reopened July 11 and July 15. Curfews remained place in Lagos and Ogun States. Security agents were reportedly taking advantage of the 10pm – 4am curfew in Lagos and Ogun States to harass, exploit and extort defaulters.⁶⁰

22. August 2020: Resurgence of violence in Southern Kaduna despite curfews. Armed men of Fulani ethnicity who were reportedly travelling in trucks attacked Apiashyim and Kibori villages. Six people died and 20 homes were burnt down in Apiashyim, and seven people were killed in Kibori. (CSW: August 2020)

23. 30 August 2020: Nigeria witnessed declining number of COVID-19 infections as the number of patients treated and discharged exceeded the number of positive cases detected. Although testing also dropped significantly during the period, records showed that infection rates as of August 30 stood at 138 confirmed cases across 14 states compared to the 561 confirmed cases recorded on June 30 from 19 states.⁶¹

24. September 5, 2020: Nigeria reopened Lagos and Abuja airports for commercial international flights. Airports were closed since March 23 to all but essential international flights as part of the country's efforts to combat the COVID-19 pandemic.

25. September 25, 2020: The Nigerian government commissioned and handed over the Infectious Disease Centre (IDC) in the Federal Capital Territory to the management of the University of Abuja Teaching Hospital (UATH), Gwagwalada. The center formed part of efforts to provide the necessary infrastructure and resources for infectious disease management, especially highly pathogenic infectious disease cases, including critical medical and laboratory equipment.

⁶⁰ Closing Spaces Database, Law Enforcement Agencies Exploiting Curfew Enforcement to Harass and Extort Citizens Supposedly in Default, Accessed via <https://closingspaces.org/incident/law-enforcement-agencies-exploiting-curfew-enforcement-to-harass-and-extort-citizens-supposedly-in-default/>

⁶¹ Federal Ministry of Health, Declining Cases of COVID-19 In Nigeria: Health Minister Calls for Caution, Accessed via https://www.health.gov.ng/index.php?option=com_k2&view=item&id=751:declining-cases-of-covid-19-in-nigeria-health-minister-calls-for-caution



26. October 2020: Continuous decline in the number of infections recorded across the country. As of 13 October, Nigeria recorded 60,430 positive cases out of 558,313 samples tested. Infection rates and weekly fatalities figures remained low, but NCDC however cautioned that lower daily counts of new infections could be attributed to reduced testing.⁶² Due to the low infection rates, the government directed schools across the country to reopen after 6 months of closure. Pupils and students were required to adhere to the guidelines for the reopening of schools announced by the presidential task force on COVID-19.

27. November 2020: NCDC announced that its surveillance system recorded a sharp increase in cases in the last week (30th of November to the 6th of December). The average number of daily cases recorded during this period was higher than was recorded between September - November

28. December 10, 2020: Increasing number of confirmed cases ushers in the second wave of coronavirus prompting the NCDC to issue a public health advisory. Lagos, Kaduna and the Federal Capital Territory have the highest number of infections, while the proportion of people who have tested positive increased from 3.9% to 6.0%.⁶³ The government ordered all states in Nigeria to activate at least one public health laboratory for COVID-19 diagnosis and for the reopening of isolation and treatment centres closed during the period of decline.

29. December 21, 2020: The country recorded the highest number of 1,145 new COVID-19 cases on 17 December. The Presidential Task Force on COVID-19 (PTF) recommended the closure of bars, clubs, event and recreational venues, and restaurants across the country for five weeks. In Lagos, public events, including religious gatherings are limited to 50% of the capacity of the facility.

30. January 2021: Infection rates continued to rise. The Federal Government announced the extension of the guidelines of phase 3 of the eased lockdown by one month following the rising cases of the coronavirus disease in the country and the expiration of phase 3 of the eased lockdown. Although NCDC had often reiterated that COVID-19 testing is free for public health purposes, information published on the US embassy website indicate that testing fees range from N39,500 to N50,400.⁶⁴ No restrictions are imposed for international travel, but a negative COVID-19 PCR test within 4 days (96 hours) before departure, is required.

31. January 27, 2021: Many Nigerians no longer take COVID-19 precautions seriously. President Muhammadu Buhari signed Coronavirus (COVID-19) Health Protection Regulations 2021 into law as part of efforts to increase compliance to COVID-19 protocols. Defaulters of the regulations risk a fine or a term of six months imprisonment or both.

⁶² OCHA Relief Web, Nigeria Flash Update: COVID-19 in Nigeria passes the 60,000-case mark (14 October 2020), Accessed via <https://reliefweb.int/report/nigeria/nigeria-flash-update-covid-19-nigeria-passes-60000-case-mark-14-october-2020>

⁶³ NCDC, Public Health Advisory Following Increase in Number of COVID-19 Cases in Nigeria, December 11, 2020; Accessed via <https://ncdc.gov.ng/news/280/public-health-advisory-following-increase-in-number-of-covid-19-cases-in-nigeria>

⁶⁴ See US Embassy website: <https://ng.usembassy.gov/u-s-citizen-services/covid-19-information/>



Patterns of COVID-19 Restrictions on the Civic Space

Securitization of health emergency responses: From the above, three notable patterns of exploitation of emergency powers have been observed. The first is the securitization of health emergency responses. The shoot-at-sight directives to security operatives to shoot any person that tries to escape from quarantine and isolation centers,⁶⁵ deploying maximum force including military action to enforce compliance with safety protocols—such as wearing of face masks, social distancing and ban on public gatherings—compounded by the overzealous conduct of security forces during the lockdown evince how securitized emergency measures are causing unwarranted fatalities, violating human rights and shrinking the civic space. The spikes in arrests, extortions and detentions further establish that police officers discountenanced official directives barring them from detaining suspects for minor offences during the lockdown. The enforcement of public safety measures by security forces inadvertently aided an increase of wrongful arrests, detention of citizens, including denying victims the right to legal representation, timely and fair hearing and ultimately, access to justice.

three notable patterns of exploitation of emergency powers have been observed. The first is the securitization of health emergency responses.

The second pattern of misuse of emergency powers manifests in the form of executive and regulatory overreach.

Arrests and detentions comprise the most popular sanction regimes deployed by security forces to either coerce their targets into submission or deterring their targets from particular types of conduct. The inclusion of omnibus clauses granting the police unfettered powers to arrest and detain persons suffering infectious diseases simply reimported the long-held forcible methods of societal regulation into COVID-19 emergency responses, opening the gateway for unrestrained repression of civil liberties. In the same vein, the appearance of police and army patrols roaming the streets, mounting roadblocks on checkpoints, prohibiting motorists from crossing inter-state borders, banning public protests and gatherings, forced back reminiscences of the military regimes of the 80s and 90s when constitutional freedoms were suspended by the then military junta. Consistent with the coercive methods of regulatory enforcement rampant during the military rule, the pandemic also opened a new window for the continuity of coercive state conduct, and further provided the cover of legitimacy for the ensuing consequences.

Executive and regulatory overreach: The second pattern of misuse of emergency powers manifests in the form of executive and regulatory overreach. The pandemic provided a trigger for the tidal wave of hastily-enacted health

⁶⁵ Nnamdi Akpa, The Guardian, Umahi Orders Shoot on Sight of Escapees from Isolation Centres, March 2020, <https://guardian.ng/news/umahi-orders-shoot-on-sight-of-escapees-from-isolation-centres/>

regulations containing numerous provisions that restrict civic freedoms and narrow the space for civic action. Critical policy decisions were hurriedly made with very minimal consultation and involvement of the civil society and other critical sectors. Without such broad consultation, the disparate health needs, prejudices and biases prevalent in a multi-cultural, multi-ethnic and plural environment, are often overlooked. Not only that, whilst border and airspace closures fall within the realm of federal jurisdiction, numerous state governors closed their states' waterways, air and land borders, which includes prohibition of inter-state/inter-town travels, except for essential services. In other words, state governors were invoking the doctrine of necessity to exercise powers ungranted by the constitution in the name of containing the spread of coronavirus.⁶⁶ Travel and movement bans particularly interfered with the organisation of public demonstrations and also hampered the ability of lawyers to provide legal services for clients in faraway locations and informal communities. These approaches adopted by state governors across the country fuel fears that emergency measures are being repurposed to further close space for civil society.

Federal-States' Regulatory Divergence: The third trend to note is the political friction arising from the conflicting regulations enacted at the federal and state levels for the handling of the pandemic⁶⁷ with the result that citizens and corporate entities adhering to federal regulations have been found to be acting in contravention of state regulations. Nothing illustrates the state-federal regulatory divergence more than the Rivers State Government versus Caverton and Exxon Mobil saga. Paragraph 8 of Rivers State Quarantine (Coronavirus and Infectious Diseases) Regulation, 2020 suspends flight operations and prohibits persons landing at the airports in the state to transit into or through the state to any neighbouring state. Relying on the essential service exemptions granted to petroleum distribution and retail companies under Regulation 1(6) of the Federal COVID-19 Regulations 2020, the Caverton Group, a private helicopter service company that renders flight support to oil companies obtained a counter approval from the federal aviation minister to fly passengers engaged in essential services in the oil and gas industry. Caverton's pilots and passengers were arrested and remanded in custody when they flew into the airport in River State in contravention of the state's COVID-19 regulations. Where more than one law governs a violation, it occasions jurisdiction cherry-picking and confusion regarding which law should be applied to defaulters. Also, the multiplicity of regulations emboldens state and federal actors to cast their nets so wide to catch more defaulters of COVID-19 regulations, increasing their eligibility for harsher punishment.

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⁶⁶ SPACES FOR CHANGE, COVID-19, Human Rights and the Civic Space: ibid

⁶⁷ Kelvin Ebiri, The Guardian, Wike, FG Disagree Over Arrest of Carveton Pilots, Passengers, April 2020: <https://guardian.ng/news/wike-fg-disagree-over-arrest-of-carveton-pilots-passengers/>



CHAPTER FOUR

HEIGHTENED CIVIC TENSIONS DURING A PANDEMIC

Heightened civic tensions witnessed near to the outset of the pandemic, and more particularly when state-mandated lockdowns were enforced in most parts of the country warranted investigations examining the relationship between COVID-19 and the surging internal melees. From the rising hate speeches to the rapid spread of fake news to the resurgence of ethnic and religious conflicts in some parts of the country to the mismanagement of COVID-19 funds and more recently, the youth-led #ENDSARS protests and the accompanying trend of cancel culture, these highly disruptive events informed socio-political and academic debriefings, including within the observatory panel to ascertain the extent the pandemic was fuelling these tensions. The following case studies put forward a typology for examining the relationships between COVID-19 and the cascading crises across regions and shed light on how official responses to the pandemic is reproducing new threats to the civic space.

Case Study I

The Conflict in Southern Kaduna, Northwest Nigeria

The resurgence of conflict during the lockdown in Southern Kaduna, particularly in Kajuru Local Government Area, brings to light how a pandemic can be exploited to perpetuate pre-existing ethno-religious agendas and to deliberately target critics. Tensions over land rights between agrarian and pastoral communities and religious differences between Muslim and non-Muslim populations form the crux of the seasonal conflicts in Southern Kaduna that have spanned several decades. Located in North-West Nigeria, Kaduna has a population of approximately 6.1 million people. Surrounded by thick, green vegetation, the people of Southern Kaduna comprising the predominantly-Christian Adara farmers are famed for their agrarian lifestyles and agro-produce such as maize, groundnut, ginger, and rice. The largely-Muslim Fulani tribe are herders of cattle occupying the north of the state.

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The Hausa-Fulani stronghold on political power demonstrated by their firm grip on the state's political, economic and religious structures have been a source of tension between them and the non-Muslim ethnic minorities. The Hausa-Fulani tribe of the Muslim faith has historically occupied the major political positions beginning from the office of the governor down to the local council leaders. The current governor El Rufai's 2015 election that fielded Muslim-Muslim flagbearers, as against the public expectation of a Muslim-Christian ticket, reinforced the minority group's claims of ethno-religious domination and exclusion from governance structures. Ignoring the state-wide segregation along religious and ethnic lines, former Governor Mohammed Makarfi went ahead to introduce Sharia (Islamic) law in Kaduna State in 2000⁶⁸, triggering a major religious crisis. The imposition of Sharia law did not just ignore the secular character of the state, but also aggravated the deep-seated divisions between adherents of Christian and Muslim beliefs.

Just like Makarfi, subsequently governors neither took steps to assuage the grievances of ethnic minorities and ensure swift delivery of justice to the affected populations. Hit with allegations of glaring bias and cover-up of the scale of the fatalities by the media, the religious community and the civil society, El-Rufai-led Kaduna State authorities pushed back with counterclaims refuting any links between the deadly crisis and illegal and forcible land takeovers. In fact, Kaduna State governor still regards the protracted violence as nothing but a media hype.⁶⁹ Consequently, agitations against political marginalization, religious domination and economic strangulation of the non-Muslim minority have caused violent conflicts between the two tribes for several decades. According to one report, the violence fueled by these divisions has claimed about 20,000 lives since 1980.⁷⁰

Major features of the renewed violence in Southern Kaduna range from revenge killings, mass murders, charred bodies, fleeing villagers, abandoned homes, looting, kidnappings, attacks on farming populations and Christian minority communities. The handling of the security crisis in Southern-Kaduna provoked fierce rebukes disapproving the perceived bias of the Kaduna State government towards the Christian minority populations. Particular aggravating the situation, the complacency of the Federal and State governments in responding to the humanitarian crisis resulted in hundreds of deaths, loss of properties and mass displacement of natives.

A national news site described the situation in Southern Kaduna as follows:

Abandoned homes, deserted compounds and desolate communities are nowadays, common scenes in parts of southern Kaduna. Insecurity-fueled fear has forced many residents – mostly women and children – to find abodes (elsewhere). In many of the attacked communities, only courageous men dare stay back and spend the night. Every man has now become a vigilante while their wives and children are scattered across the safe(r) parts of Kaduna.⁷¹

A 24-hour curfew imposed in the restive parts of the state appeared to have contributed to the spikes in deadly violence. The pandemic-induced dusk-to-dawn curfews prevented attacked Christian communities from organizing counterattacks and resorting to self-help. Complying with the state-ordered curfews, they stayed indoors, while their attackers moved about freely and ambushed communities at night, burning houses and maiming every living creature in sight. Corroborating these claims, Mission Africa International reports that over 109 communities in Zangon Kataf, Kauru, Kajuru, Chikun and Kaura have been living in permanent displacement with over 50,000 people living either in recognized IDP camps or with relatives.⁷²

⁶⁸ Olatunji E. Alao, PhD, Ayuba Gimba Mavalla, PhD, Kaduna State Sharia Crisis of 2000: The Lessons and Challenges after Sixteen Years, IOSR Journal of Humanities and Social Science (IOSR-JHSS), Accessed via <http://www.iosrjournals.org/iosr-jhss/papers/Vol.%2021%20Issue10/Version-12/B2110120814.pdf>

⁶⁹ Premium Times, El-Rufai decries Southern Kaduna crisis 'media hype', August 17, 2020, Accessed via <https://www.premiumtimesng.com/news/top-news/409374-el-rufai-decries-southern-kaduna-crisis-media-hype.html>

⁷⁰ Chatham House: Violence in Southern Kaduna Threatens to Undermine Nigeria's Democratic Stability, 15 February 2017, Accessed via <https://www.chathamhouse.org/2017/02/violence-southern-kaduna-threatens-undermine-nigerias-democratic-stability>

⁷¹ The Cable: Conflict in a Pandemic (II): The Deserted Villages of Southern Kaduna Where Only the Brave Dare Reside, October 6, 2020, <https://www.thecable.ng/conflict-in-a-pandemic-ii-the-deserted-villages-of-southern-kaduna-where-only-the-brave-dare-reside>

⁷² The Cable, *ibid*.



Aid workers and media groups are also facing difficulties in accessing vulnerable populations in need while simultaneously ensuring the safety and security of their staff in the volatile locations.⁷³ The alleged cover-up by state authorities also hampered credible assessments of the urgency and extent of humanitarian response needed in the troubled areas. As if the devastation wreaked by violence was not enough, the COVID-19 restrictions triggered other adverse social and economic consequences. Adherence to the stay-at-home and social distancing protocols affected the planting, harvesting and trading of farm produce during the pandemic. Faced with mounting food shortages and transportation difficulties, food prices soared far beyond the reach of the predominantly poor populations. The massive destruction of crops, farmlands and houses when violence peaked left rural farmers without incomes, food and shelter, dealing on a fatal blow on their traditional livelihoods.

Under Nigerian law, restrictions during an emergency like the COVID-19 pandemic must be supported by a clear legal basis to protect public health and safety, and any extraordinary measures taken during this period must be reasonably justifiable for the purpose of dealing with the situation. (Section 45 (2) of the Nigerian Constitution 1999). Any derogation from the constitutionally-protected guarantees must comply with rigorous due process provisions relating to proportionality and non-discrimination against specific groups. In Southern Kaduna, questions have been raised about the proportionality of the coronavirus emergency measures and the ways official response to the pandemic was exploited for other purposes unrelated to healthcare.


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The selective application of sanctions for curfew violations also reeks of discrimination. While Fulani cattle herders continued to operate with impunity, four local youths from the minority Majuju and Kibori villages who breached the curfew to tend to farmlands were arrested, detained in Kaduna Metropolis, and have reportedly been denied bail since 26 June.⁷⁵ The failure of security forces to halt the

⁷³ OCHA, Humanitarian Needs Overview Nigeria, Issued December 2019, See page 15; Accessed via https://www.humanitarianresponse.info/sites/www.humanitarianresponse.info/files/documents/files/ocha_nga_2020hno_30032020.pdf

⁷⁴ Christian Solidarity Worldwide, CSW Press Statement, At Least 33 Killed in Southern Kaduna State Despite 24-Hour Curfew, August 7, 2020, <https://www.csw.org.uk/2020/08/07/press/4755/article.htm>

⁷⁵ CSW Press Statement, *ibid.*



sporadic attacks and lack of accountability for these killings have continued to inflame existing ethnic and religious cleavages. None of the attackers have been apprehended nor brought to justice till date, increasing villagers' vulnerability to constant invasion and brutal attacks. Previous statements credited to the Kaduna governor disclosing he paid compensation to rampaging Fulani herdsmen to stop the killings in Southern Kaduna generated extensive backlash, reinforcing long-standing local narratives of preferential treatment for certain groups.

Ostensibly, attacks on farming communities soared despite the dusk-to-dawn curfew in force. Likewise, the heavy security deployment to the state (comprising the Army, Special Forces of both the Army and the Air Force), did not translate into the restoration of calm. The mounting tension prompted the Nigerian Senate to call for the sack of Nigeria's service chiefs.⁷⁶ Allegations of conspiracy and political motivation for the killings also gained ground amid speculations that security agents failed or refused to respond to legitimate reports of impending or ongoing attacks. Security forces have instead, resorted to arresting and intimidating locals and protesters demonstrating peacefully against the wanton destructions. The clamp down on aggrieved demonstrators, and in particular, the continued disappearance of a social critic popularly known as Dadiyata have resurrected conversations about the worsening levels of repression in the state.

A 2017 study conducted by Spaces for Change revealed that Kaduna government leads the pack among states intolerant of media criticisms.⁷⁷ Consistent with this rating, the state governor, Nasir El Rufai and the Kaduna State government are famed for their vicious litigation campaigns against vocal critics.⁷⁸ About 23 underaged persons from Adara community have reportedly been in detention since September 2018.⁷⁹ The long list of critics that have faced or currently facing prosecution in Kaduna includes Audu Maikori, Adamu Abdullahi, Barak Zebede, Segun Onibiyo, Steven Kefason, Luka Binniyat, Dr. John Dan Fulani, Midat Joseph and many more.⁸⁰ Notwithstanding the intensity and regularity of the crackdowns on critics, the state authorities have not succeeded in drowning out calls for accountability for the escalating attacks. Beyond using COVID-19 as an opportunity to perpetuate pre-existing ethno-religious agendas and to deliberately target critics, the incremental erosion of respect for civic freedoms clearly point to a rapidly closing space for civil society in Kaduna State.

The failure of security forces to halt the sporadic attacks and lack of accountability for these killings have continued to inflame existing ethnic and religious cleavages. None of the attackers have been apprehended nor brought to justice till date, increasing villagers' vulnerability to constant invasion and brutal attacks. Previous statements credited to the Kaduna governor disclosing he paid compensation to rampaging Fulani herdsmen to stop the killings in Southern Kaduna generated extensive backlash, reinforcing long-standing local narratives of preferential treatment for certain groups.

⁷⁶ Vanguard Newspapers, *ibid*.

⁷⁷ The Niche, Kaduna Tops States Intolerant of Media Criticism, Study Reveals, <https://www.thenicheng.com/kaduna-tops-states-intolerant-of-media-criticism-study-reveals/>

⁷⁸ Gloria Ballason and Chidi Odinkalu

⁷⁹ Nigeria Mourns, "Let Justice Be Done Though the Heavens Fall.", April 11, 2019, Accessed via <https://www.nigeriamourns.org/justice-not-conquest-in-the-southern-kaduna-killings/>

⁸⁰ TheCable, Odinkalu Lists El-Rufai's Critics Facing Persecution, September 1, 2020, <https://www.thecable.ng/odinkalu-lists-el-rufais-critics-facing-persecution>

Case Study II

COVID-19 FUNDS

The pandemic opened a new vista of opportunities for citizens and civil society organizations to deepen their demand for accountability in public expenditure for healthcare and social welfare provisions. The Nigerian government received huge monetary donations from multiple national and international donors supporting national efforts to combat the spread of the coronavirus pandemic. Complementing the sum of N25.8 billion⁸¹ relief fund donations by 107 Nigerian companies and notable individuals,⁸² the World Bank approved the sum of \$114 million⁸³ to bolster national capacity to prevent, identify and respond to the dangers associated with the coronavirus pandemic. In sharp contrast to the relief fund donations framed around the objective of Corporate Social Responsibility (CSR) initiatives, international financial assistance in the form of a \$100 million credit facility from the International Development Association (IDA) and \$14 million grant from the Pandemic Emergency Financing Facility aimed to ramp up efforts to contain the Covid-19 outbreak across the 36 states and the Federal Capital Territory through grants provided from the COVID-19 Preparedness and Response Project (CoPREP). Having raised over \$72 million,⁸⁴ the organized private sector under the banner of Coalition Against COVID-19 (CACOVID) also donated food relief materials to ameliorate the economic hardship triggered by the pandemic. Amongst other donations received from the religious community, over 190 catholic parishes in Lagos donated and distributed palliative items that reach more than 100, 000 households.⁸⁵

The pandemic opened a new vista of opportunities for citizens and civil society organizations to deepen their demand for accountability in public expenditure for healthcare and social welfare provisions.

These massive receipts triggered fresh calls for transparency and resource accountability. The disbursement of conditional cash transfers packaged as COVID19 palliatives to 10,695,360 poorest and most vulnerable Nigerians particularly piqued the interest of civil society watchdogs. The Monitoring and Recovered Assets through Transparency and Accountability (MANTRA)⁸⁶ project monitored government's transparency in disbursing Abacha's US\$322.5million looted funds, which the government used to provide COVID-19 palliatives to citizens. The former military dictator, General Sani Abacha's loot was repatriated to the country in early 2018 from Switzerland following a negotiation agreement between the Swiss and Nigerian Governments that the funds be used in supporting indigent Nigerians through cash transfers as a component of the country's National Social Investment Program.

⁸¹ Nairametrics, Updated: List of All Companies and Billionaires that Have Contributed to COVID-19 Relief Fund, April 18, 2020; <https://nairametrics.com/2020/04/18/list-of-all-companies-and-billionaires-that-have-contributed-to-covid-19-relief-fund/>

⁸² Among the biggest donors so far are the CBN and Alhaji Aliko Dangote, both of whom contributed N2 billion each. Other notable companies and prominent billionaires also donated N1 billion each, including Tony Elumelu, Modupe & Folorunsho Alakija, Abdulsamad Rabiu, Segun Agbaje, Herbert Wigwe, Oba Otedeko, Femi Otedola, Mike Adenuga, Jim Ovia, Raj Gupta, John Comantatous, MTN Nigeria, and the Nigerian Deposit Insurance Corporation, NDIC.

⁸³ Nairametrics, COVID-19: World Bank Approves \$114 Million Response Funds for Nigeria, August 8, 2020, <https://nairametrics.com/2020/08/08/covid-19-world-bank-approves-114-million-response-funds-for-nigeria/>

⁸⁴ Brookings, How Well Has Nigeria Responded to COVID-19?, Published July 2, 2020; Accessed via <https://www.brookings.edu/blog/future-development/2020/07/02/how-well-has-nigeria-responded-to-covid-19/>

⁸⁵ Interview with Father Raymond Anuliefo, December 7, 2020, Lagos

⁸⁶ ANEEJ, Covid 19: 748,684 Households Received N16.3billion From Recovered \$322.5million Abacha Loot - <https://www.aneej.org/covid-19-748684-households-received-n16-3billion-from-recovered-322-5million-abacha-loot-mantra-report/>

Controversy trailed the diversion and rebranding of recovered funds as COVID19 palliatives for poorer citizens, raising many questions regarding the criteria for the disbursement and the selection of beneficiaries. The National Social Net Coordination Office developed a register of vulnerable citizens in 2018 when the loot was repatriated. The government relied on the same register to effect disbursements in the months of January to April 2020. These payments were ostensibly presented to beneficiaries as COVID-19 palliatives because the disbursements coincided with the lockdown.

In addition to the MANTRA project, watchdogs across states scaled up monitoring of the relief and CoPREP funds disbursed to states to bolster the fight against the pandemic at the subnational levels. For instance, a civil society organization, Africa Network for Environment & Economic Justice (ANEEJ) and MANTRA partners also began the nationwide monitoring of disbursement of conditional cash transfer of N20,000 to poor Nigerians. In states like Edo and Kwara, coalitions of civil society organizations (CSOs) formed working groups to monitor COVID-19 spending and the disbursement of palliatives. In other states, CSO monitoring initiatives ranged from tracking beneficiaries to issuing statements and letters urging state governments to publish public spending of coronavirus donations received. Undaunted by the civil service bureaucracy and information non-disclosure practices across states, accountability campaigns for COVID-19 funds surged especially as widening socio-economic inequalities, job and income losses, and other unintended consequences of the emergency response measures pushed vast swathes of the population to the brink.

Because efficient access to information is crucial to the success of resource accountability campaigns, CSOs took advantage of freedom of information legislations, specifically Nigeria's Freedom of Information (FOI) Act 2011, to compel official disclosure of COVID-19 expenditures.

Because efficient access to information is crucial to the success of resource accountability campaigns, CSOs took advantage of freedom of information legislations, specifically Nigeria's Freedom of Information (FOI) Act 2011, to compel official disclosure of COVID-19 expenditures. One such information request by two CSOs compelled the federal government to disclose a spending of N30.5BN between April and July 2020.⁸⁷ In sum, the government received a total of N36.3bn in COVID-19 fund donations (from the public funds and donations from Banks, Nigerians, non-governmental organisations) out of which N30.5BN was spent, representing 84% of the total amount. These official disclosures provoked further inquiries into the particulars of the beneficiaries, and the proposed plans for the outstanding balance of N5.9 billion in the COVID-19 Eradication Support Accounts. At the state level, similar pressure mounted on state executives by a forum of civil society organizations forced the executive to explain how 3Billion Naira was spent on COVID-19 pandemic in Akwa-Ibom State.⁸⁸

⁸⁷ The Accountant-General of the Federation, Mr. Ahmed Idris, disclosed this in response to the Freedom of Information request dated 10 August 2020, sent to him by the Socio-Economic Rights and Accountability Project and Connected Development.

⁸⁸ Business Day, Civil Society Demands Accountability for 3Billion COVID-19 Funds in Akwa-Ibom, July 31, 2020, <https://businessday.ng/coronavirus/article/civil-society-demands-accountability-on-n3bn-covid-19-fund-in-akwa-ibom/>



The huge spending on COVID-19 palliatives did not translate to benefits for millions of people living on the margins, unable to feed their families, renew the rent for their homes and small shops, pay utility bills and cater for the needs of their dependents because of the prolonged lockdown. The federal government's grants of cash transfers to the poorest of the poor did not reach many, just as the discriminatory distribution of palliatives between states in the northern and southern regions sparked outbursts of marginalization and exclusion.⁸⁹ The Minister of Humanitarian Affairs and Disaster Management, Sadiya Farouq in charge of distributing the coronavirus palliatives was under fire from various quarters, with calls for her resignation dominating web pages.

Local discontent surged in the absence of social protections to cushion the increasing hunger and deprivation during the lockdowns. The shocking discovery of palliatives hoarded in government-owned storehouses at the peak of the #ENDSARS protests validates claims of misappropriation of COVID-19 resources, especially the CACOVID-donated relief materials. As protests spread like wildfire across state capitals, mobs of citizens raided the hoarded relief materials, especially food items during the violence that trailed the #EndSARS protests. Stakeholders across sectors joined angry citizens to berate state and federal authorities for their insensitivity to the plight of millions of people experiencing hunger as storage facilities holding tons of relief materials were burglarized in more than ten states across Nigeria.⁹⁰ The growing consciousness and ability to hold state and federal political leaders to account for the COVID-19 funds encouraged sentiments of solidarity among like-minded citizens, who drew on social capital they generated from online and offline spaces.

⁸⁹ The Guardian, CSOs Accuse FG of Excluding Niger Delta from COVID-19 Interventions, (April 22, 2020) <https://guardian.ng/news/csos-accuse-fg-of-excluding-niger-delta-from-covid-19-interventions/>

⁹⁰ Voice of America, Nigerians Justify Massive Looting of COVID-19 Supplies, October 27, 2020 , <https://www.voanews.com/covid-19-pandemic/nigerians-justify-massive-looting-covid-19-supplies>

Case Study III

New entrants in the civic space arena

The emergence of new voices and vibrant actors on the civic space arena add an interesting dimension to the new normal foisted by the pandemic. Prominent on this list of rising voices and actors are politically-aware citizens, health workers, students, religious groups, teachers' unions, senior judicial officers, pensioners, state attorney generals, corporate establishments and many more. With this new trend, activism is no longer the exclusive reserve of civil society, trade unions and media advocates, but a wider group of private actors and associational bodies campaigning extensively online and offline against various social issues, injustices and restrictions, including demanding better welfare for their members and holding the government accountable.

The entrance of healthcare workers into the civic space arena comes at a watershed moment in the nation's history when a pandemic exposed the depth of infrastructural dysfunctionality and unpreparedness of national emergency response systems. Panel discussions with two health professionals and leaders of the major health union bodies in the country—Nigeria Union of Allied Health Professionals and Medical Guild—provided deep insights into the plight of health workers since the start of the pandemic.⁹¹ Reports of health workers on duty arrested for violating the lockdown directives,⁹² the absence of personal protective equipment (PPE) and medical infrastructure needed to support intensive care and manage infectious diseases, widening inequalities in access to health care, poor remuneration, the absence of insurance for health workers compounded by insufficient budgetary allocations to healthcare, topped the list of reasons that forced health unions to embark on industrial action and other forms of protests.⁹³ Another issue that stoked fierce policy debates is the non-payment of hazard allowances, which greatly affected the morale of health workers during the pandemic. Consequently, no sector has suffered brain drain more than the healthcare sector.

Lockdown rules exempted frontline workers carrying out essential services, but the discriminatory enforcement of exemptions between health workers in public and private institutions opened a vista of opportunity to initiate positive change. Unlike labor unions, medical personnel hardly ever resort to street protests, loud assemblies and direct confrontations with state authorities. While protests by

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⁹¹ Interviews with the presidents of the Nigeria Union of Allied Health Professionals and Medical Guild during the September 2020 observatory panel meetings

⁹² THISDAY, Curfew: Lagos Doctors Protest Police Harassment, Begin 'Indefinite Sit-at-Home', May 20, 2020, <https://www.thisdaylive.com/index.php/2020/05/20/curfew-lagos-doctors-protest-police-harassment-begin-indefinite-sit-at-home/>

⁹³ Aljazeera News, Nigerian Doctors Strike Over Lack of PPE, Welfare Concerns, published 15 Jun 2020; Accessed via <https://www.aljazeera.com/news/2020/6/15/nigerian-doctors-strike-over-lack-of-ppe-welfare-concerns>

health workers weren't new, health unions are characteristically conservative, known for employing more diplomatic and less-contentious methods to resolve industrial disputes. The pandemic is not just turning the tides but also reshaping the dynamics of medical activism. Health unions like the Medical Guild admit that while they are still striving to strike a balance between full-blown unionism and handling purely professional disagreements, the advent of coronavirus has deepened their understanding of the interconnectedness and interdependence of all social and economic issues, and the imperativeness of collaborative problem-solving across sectoral divides.

Apart from health workers, other actors that made a radical entrance into the civic space arena include celebrities (entertainers, musicians, actresses and brand ambassadors), social media influencers, churches and religious leaders, mothers' groups and active young citizens determined to hold government to account. Celebrities like Genevieve Nnaji⁹⁴ and social media influencers such as Segun Awosanya⁹⁵ leveraged their massive online followership to post messages that went viral within minutes, catalyzing a bout of no-holds-barred commentary among peers. Celebrity posts on social media⁹⁶ characteristically critiqued the underperformance of political leaders, demanding critical reforms across sectors. The Catholic church in Lagos increased the tempo of their public exhortations, imploring the government through press statements, live broadcasts and homilies to embrace "Dialogue not Force," and take practical steps to heed and implement protesters' demands.⁹⁷

Using the paradigm of collective moral responsibility to frame issues broadens the support base more rapidly.⁹⁸ The bulging youth-led activism witnessed since the time of COVID-19 is attributable to many factors especially increased political consciousness in an era of digital literacy. The self-organizing cultures prevalent on social networking sites enhances engagement options enabling social media users to network, strategize, coordinate and pass information about proposed offline actions. This heightened utilization of the internet as a tool for democratic engagement paved the way for active citizens to break news and disseminate eye-witness accounts at greater speed and less cost, and reduce their dependence on the major news outlets.

Professional bodies across sectors equally joined the bandwagon of radical activism. Bowing to social media pressure in October, the Nigeria Bar Association waded into the case of Yahaya Sharif-Aminu, the Kano singer sentenced to death by the Kano Upper Sharia Court for blasphemy. Yahaya had limited access to legal representation, preventing him from appealing the death sentence within

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⁹⁴ Genevieve Nnaji's Twitter handle, <https://twitter.com/GenevieveNnaji/status/1316362875808690176>

⁹⁵ SEGA L'éveilleur's Twitter handle, @segalink: <https://twitter.com/segalink>

⁹⁶ Arise News, Police Brutality: John Boyega, Genevieve Nnaji, Davido, Cuppy Back #EndSARS Campaign, Oct. 10, 2020, <https://www.arise.tv/police-brutality-john-boyega-genevieve-nnaji-davido-cuppy-back-endsars-campaign/>

⁹⁷ Catholic Archdiocese of Lagos, Dialogue, Not Force, <https://lagosarchdiocese.org/newsdetail.php?tab=361>

⁹⁸ Victoria Ibezim-Ohaeri, Open Global Rights, How to Confront Restrictive Legislation in Nigeria, <https://www.openglobalrights.org/Ho-%20to-confront-restrictive-legislation-in-Nigeria/>



the statutory time allowed by law. In April, health professionals in Akwa-Ibom State clashed with the state government, demanding improvements in healthcare infrastructure in the state, and the welfare of medical personnel. Likewise, Nigerian doctors in state-run hospitals embarked on strikes over complaints of poor welfare and inadequate protective equipment. Protests led by dozens of tertiary institutions' students under the aegis of the National Association of Nigerian Students (NANS) over hike in electricity tariff and petrol price immediately after the easing of the lockdown restrictions attracted firm warnings from state authorities.⁹⁹ Irked by the spikes in sexual violence linked with the outbreak of the COVID-19 pandemic, often resulting in grievous bodily harm, psychological trauma and even death, FIDA Nigeria (International Federation of Women Lawyers) led street demonstrations and provided free legal assistance to victims.¹⁰⁰

The churches also offered some promise for new mechanisms for civic action. Long before COVID-19, the Catholic Church and their affiliate body, Justice Development and Peace Commission (JDPC) have been longstanding contributors and participants in civic engagements, especially in the area of voter education. Mounting insecurity in the country characterized by serial massacres of helpless communities by gunmen, targeted attacks on church buildings including bombings, the recurrent kidnapping and killing of Catholic priests¹⁰¹ and parishioners across states propelled angry reactions from the church and JDPC. The Catholic Bishops of Nigeria went beyond the rhetoric of official communication and press releases and embarked on mass rallies across the country to register their displeasure.

Forced to observe a government ban on large gatherings to halt the spread of coronavirus, the Pentecostal churches who were disproportionately affected by the lockdown-linked arrests pushed back with prophecies and outbursts that sparked more controversy. While Christ Embassy pastor, Chris Oyakhilome linked the virus to 5G networks and a plot to create a "new world order", other church leaders like bishop David Oyedepo of the Living Faith Church led the agitation for the reopening of churches, describing the shutdown as an attempt to cripple Christianity. Consistent with the push back from Nigeria's Pentecostal churches, Islamic clerics also felt threatened by perceived attempts by secular powers to regulate their religion. The orthodox churches—Catholic, Presbyterian, Anglican—however supported the government-backed restrictions, evincing how COVID-19 polarized religious outlooks during the pandemic.

⁹⁹ The Punch, Police Warn NANS Over Planned Protest Against Fuel Price Hike, September 13, 2020, <https://punchng.com/police-warn-nans-over-planned-protest-against-fuel-price-hike/>

¹⁰⁰ International Federation of Women Lawyers, FIDA Nigeria Cries Out Against the Rise in Gender Based Violence, June 3, 2020, <https://fida.org.ng/2020/06/fida-nigeria-cries-out-against-the-rise-in-gender-based-violence/>

¹⁰¹ Catholic News Agency, Nigerian Priest, Kidnapped for A Second Time in Two Years, Has Been Released, <https://www.catholicnewsagency.com/news/nigerian-priest-kidnapped-for-a-second-time-in-two-years-has-been-released-45296>



Case Study IV

#ENDSARS

Nothing has caused widespread disaffection and anger more than the rising state of insecurity in the country, mounting economic hardship, extra-judicial killings by law enforcement officers, gender-based violence and increasing petrol prices and electricity tariffs. The pervasiveness of these problems also provided the needed fuel for protests to erupt. Pockets of demonstrations observed in different parts of the country on October 1—the commemorative date of Nigeria's 60th Independence anniversary—illustrates how easily the outburst of public outrage erupted at every given opportunity, with the disenchanted young citizens ingeniously turning national festivities and other important occasions into new avenues of social action.

Certain notable incidents illustrate the rise of the people power, and a vicious collision of that power with sovereign power. What started as peaceful protests across the country by young protesters demanding accountability and an end to the brutal policing operations of a unit of the Nigerian Police Force, known as Special Anti-Robbery Squad (SARS) degenerated into full blown civil unrest that shook the country's socio-economic and political foundations for several weeks. The campaign to end SARS, **popularly known as the #ENDSARS**, dates back to online-based agitations that began in 2018 against the activities of SARS operatives known for extorting, profiling good-looking or well-dressed young people through random police stop-and-searches, stealing, kidnapping, raping young ladies, and carrying out extra-judicial killings. #EndSARS campaign moved from the web to the streets **following the** shooting of a young man in Delta state by a SARS officer.¹⁰² The video of the killing went viral on the internet, sparking outrage and anger by many young Nigerians who have for several years, endured wanton arrests, harassment, extortion, detention and torture by SARS operatives.

Youths cleaning up protest grounds in a commendable show of responsibility attracted huge endorsements for the demonstrations. Live performances and free entertainment at the rallies provided by several A-list celebrities and musicians like Burna Boy and Davido attracted huge crowds. The crowded gatherings created opportunities for sensitization, professional networking, uncensored conversations and building the bonds of solidarity among peers. For instance, following robust sensitization campaigns

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¹⁰² Daily Post: SARS Allegedly Kills Man in Delta, Flees with Victim's Car [VIDEO], October 3, 2020, <https://dailypost.ng/2020/10/03/sars-allegedly-kills-man-in-delta-flees-with-victims-car-video/>



that hinted that soldiers respect the national flag as a symbol of allegiance, protesters sang the national anthem and waved Nigerian flags when military invaded the Lekki tollgate.

Sequel to speculations that Nigeria's central bank had directed banks to block protesters from raising funds through the formal banking channels, tech companies like Flutterwave helped protest promoters to raise funds through alternative platforms, enabling groups like the Feminist Coalition to raise over Thirty-Seven Million Naira through crowdfunding and cryptocurrencies. A solidarity tweet by Twitter's chief executive, Jack Dorsey, incensed federal executives, but energized protesters to sustain the tempo of street action. In solidarity with the young protesters, the Catholic Church celebrated a mass at the Lekki tollgate, affording protesters the opportunity to stay put, worship and receive communion right there at the protest ground. Fast-food companies like Chicken Republic and other corporate bodies showed solidarity by showing up at the rallies and providing food and drinks for protesters. The strategic combination of these events, specifically the participation of celebrities, Flutterwave's crowdfunding platform, the Catholic church's public show of solidarity, the catering support by Chicken Republic and Jack Dorsey's endorsement demonstrate the energizing influence brand psychology had on the #ENDSARS protests. Civil society organizations operated in the background, providing backend mobilization, fundraising and logistical support, while associational bodies like the Red Cross and Nigerian Bar Association rendered free medical and legal assistance to wounded and arrested protesters.

Beyond the massive external support for the protests, sophisticated organizing and coordination happened behind the scenes. Of specific significance is the establishment of classless organizational structures and new practices of engagement and moderation, merging both participatory organizing techniques with digital horizons. The account below sheds some light on this unique process evolved:¹⁰³

'...we developed groups like the environmental team, stage management team, communication team, protocol team and so forth. This arrangement helped to inject order, enabling organizers to make substantial progress. Apart from the 5for5 agenda that formed the crux of our demands, we had to create another unique agenda for the campaign ground which consisted of feeding the teeming crowd and entrenching the concept of family in everyone. We also recruited the services of local area boys and transferred the responsibility of security to them. By recruiting and paying the area boys to act as security watchdogs over the protest, we were able to fend off security threats that would have been perpetuated by local hoodlums and troublemakers. The tight security and the spirit of family we entrenched in the protest gave people protesters the confidence and energy needed to be part of the campaign.'

¹⁰³ Anonymous interviews with Lekki protesters; December 8, 2020.



Street action persisted after the government failed to honor protesters' demands for SARS to be scrapped. Bowing to pressure, the Nigerian government indeed dissolved SARS, but immediately replaced it with a new outfit known as Special Weapons and Tactics Team (SWAT).

Street action persisted after the government failed to honor protesters' demands for SARS to be scrapped. Bowing to pressure, the Nigerian government indeed dissolved SARS, but immediately replaced it with a new outfit known as Special Weapons and Tactics Team (SWAT). No official investigations were launched into the reported atrocities perpetrated by SARS officers and nobody was tried and punished for those crimes. Images culled from various social media sites on the closing spaces database signpost the use to extreme force and cruelty to quell peaceful protests across the country.¹⁰⁴ The attacks on protesters reached its peak when security operatives comprising a combined team of policemen and soldiers opened fire on #EndSARS protesters at a tollgate in Lagos. From the way authorities responded to the protesters' demands—particularly by deploying maximum force to disperse protesters and allegedly using hoodlums to infiltrate peaceful protests—exacerbated tensions and unwittingly contributed to the rise of civil disobedience and ultimate breakdown of law and order.

Protests have often been met with resistance. From the #RevolutionNow protests to the #ENDSARS campaigns, security operatives have consistently deployed a variety of strategies to curtail public assemblies. First, COVID-19 social distancing protocols, which includes the prohibition of large gatherings, are readily invoked to justify bans on gatherings of more than 50 persons and all forms of protests. Marchers, including journalists covering the protests, who defied the directive were harassed, arrested, and detained.¹⁰⁵ In other instances, police operatives blocked protest grounds, preventing demonstrators from mobilizing enough numbers to start collective action. As was witnessed during the COVID-19 lockdown, state executives across the country also adopted curfews as a popular strategy for suppressing protests and restricting further public assemblies. Edo, Rivers, Lagos and Imo topped the list of states that imposed curfews, with soldiers stationed in strategic places to disperse mass gatherings.¹⁰⁶ Unlike other states where substantial compliance with curfew orders was observed, Lagos protesters persisted, with the protests more concentrated at the Lekki Toll Plaza with even bigger crowds

As stated before, the October 20, 2020 shooting of live ammunitions at peaceful protesters at the Lekki toll gate represents the height of state's determination to use maximum military force to suppress civil demonstrations. Before the soldiers arrived, there were glaring signs that the

¹⁰⁴ Action Group on Free Civic Space, #ENDSARS/ENDSWAT: Violent Attacks on Peaceful Protesters Must Stop!

Published October 21, 2020, <https://closingspaces.org/endsars-endswat-violent-attacks-on-peaceful-protesters-must-stop/>

¹⁰⁵ Committee to Protect Journalists, Police in Nigeria Assault, Arrest Journalists Covering #RevolutionNow Protests, published August 26, 2019; Accessed via <https://cpj.org/2019/08/police-in-nigeria-assault-arrest-journalists-cover/>

¹⁰⁶ Business Day: ENDSARS Protests and the Season of Curfews, published October 25, 2020; Accessed via <https://businessday.ng/editorial/article/endsars-protests-and-season-of-curfews-in-states/>



protest was going to get bloody. First, the Lekki Concession Company (LCC) officials (managers of the Lekki tollgate) unexpectedly began to put off the billboard lights off at the toll gate. Days before, LCC officials had declined protestors' appeals to put off the lights for a minute during the candlelight procession held for all dead victims of police brutality in Nigeria.¹⁰⁷ Shortly after the lights went off, trucks of soldiers arrived the scene, shooting sporadically, which left many injured and a controversial number of persons killed. The military invasion of the protest ground shortly after the commencement of Operation Crocodile Smile launched by the Nigerian army counters official statements refuting claims that the military exercise was not targeted at #ENDSARS protesters.¹⁰⁸

The shootings provoked national and global outrage, amplifying calls for accountability for the past and present victims of brutality. An 8-man Judicial Panel of Inquiry and Restitution has been constituted to investigate the shootings, plus other cases of police brutality in the state. The Lagos State Government set up the judicial panel pursuant to Section 5 of Tribunals of Inquiry Law, Laws of Lagos State, 2015. Reports of targeted attacks, including threats, directed at protestors that testified at the panel have been documented, forcing many to either flee the country or go into hiding.¹⁰⁹

Without doubt, the #ENDSARS protests marked a watershed moment in the trajectory of civic space in Nigeria. The nationwide protests may have waned, but the crackdowns on protestors have not relented. Numerous underhand tactics employed by state actors to clamp down on #EndSARS promoters and collaborating civil society organizations, include the heightened surveillance and deregistration of civil society watchdogs demanding accountability for the shooting of protestors. In series of news bulletins, SPACES FOR CHANGE further catalogued the tactics and official rhetoric employed by state actors to clamp down on EndSARS protesters.¹¹⁰ The intensity of the crackdowns tracked by civil society groups raise serious concerns about the mounting repression of civic freedoms in the country while puncturing the sincerity in government's promise to meet the key demands of protestors.¹¹¹

¹⁰⁷ Anonymous interviews with Lekki protestors; December 8, 2020.

¹⁰⁸ Vanguard, JUST IN: 'Operation Crocodile Smile' Not against #EndSARS Protesters & Army, <https://www.vanguardngr.com/2020/10/just-in-operation-crocodile-smile-not-against-endsars-protesters-%E2%80%95army/>

¹⁰⁹ Anonymous interviews with Lekki protestors; December 8, 2020.

¹¹⁰ SPACES FOR CHANGE newsletter, <https://spacesforchange.cmail19.com/t/ViewEmail/i/1B08C8C897C875B52540EF23F30FEDED>

¹¹¹ SPACES FOR CHANGE Newsletter, Tracking Crackdown of EndSARS Protesters, November 2020, <https://spacesforchange.cmail19.com/t/ViewEmail/i/1B08C8C897C875B52540EF23F30FEDED>



CHAPTER FIVE

CIVIL SOCIETY RESPONSES TO SHRINKING CIVIC SPACE IN NIGERIA

Across the globe, the work of charities, non-governmental organizations (NGOs), and humanitarian groups—all often regarded as non-profit organizations (NPOs)—have gained tremendous traction over time and space. In Nigeria, NPOs form part of the broader civil society, operating in various forms such as social movements, student unions and nationalists engaged in pro-independence struggles. Civil society organizations in Nigeria operate mainly as non-profit local or international non-governmental organizations (INGOs), depending on the nature of their registration, the scale and reach of their operations and the type of work they engage in. They carry out different kinds of good works, with their activities reaching millions of people, particularly in the areas of education, health, security, agriculture, policy formulation, democracy, governance, gender rights, public rights advocacy, and so forth. (SPACES FOR CHANGE: 2019).¹¹² So huge is the non-profit sector that it garnered over \$13.85 Billion in foreign financial inflows to the Nigerian economy between 2015 and 2016.¹¹³

As detailed in **Chapter Two** above, certain state and federal laws have for too long, been applied so broadly beyond the original intendment of the law in order to justify crackdowns on civil society or to suppress criticisms directed against those in power.¹¹⁴ Existing laws have been interpreted and enforced in a manner that casts the net so wide to catch all possible offenders of serious and not-so-serious misdemeanors. For instance, Nigeria's 2015 Cybercrime Law was enacted to create a legal, regulatory and institutional framework for improving cybersecurity and to ensure the protection of the critical national information infrastructure. State officials have often invoked this law to legitimize the arrests of bloggers and charge them for terrorism on account of Facebook posts that were critical of state executives.

Consequently, civil society actors have long before the pandemic, deployed a wide range of strategies to confront the upswing in governmental restrictions on human and corporate freedoms. At the time, state actors often cited national interest or national security reasons as justification for the restrictions on the civic space. The crackdowns on activists such as Aku Obidinma, Femi Adeyeye and Gloria Ballason give deep insights into how the mantra of state and national security has been broadly applied in violation of the freedoms of expression, association, and religion or belief. It has also provided justification for surveillance of vocal critics and advocacy organizations working to hold leaders accountable. The result was the exercise of governmental power in ways that considerably repressed human freedoms and contracted the spaces for civic engagement.

¹¹² SPACES FOR CHANGE, Unpacking the Official Construction of Risks and Vulnerabilities for the Third Sector in Nigeria, March 2019, page 8, <https://spacesforchange.org/unpacking-the-official-construction-of-risks-and-vulnerabilities-for-the-third-sector-in-nigeria/>

¹¹³ Bamaga Bello, The Challenges of Regulating NPOs for AML/CFT Compliance: A presentation made at the GIABA Regional Workshop on the Development of Effective Frameworks and Structure to fight against ML/TF through Non-profit Organizations (NPOs) from 4th - 6th April, 2018 at Abuja, Nigeria. Bamaga Bello, FNIM was then the Director of the Special Control Unit against Money Laundering, pg 4.

¹¹⁴ Victoria Ibezim-Ohaeri, Confronting Closing Civic Spaces in Nigeria, Issue 26, SUR International Journal on Human Rights, September 2017: page 1; <https://sur.conectas.org/en/confronting-closing-civic-spaces-in-nigeria/>

Groups like Spaces for Change (S4C) and the Policy and Legal Advocacy Center (PLAC) take the lead in patrolling and analysing legislations with restrictive elements to gauge their consistency with human rights standards and national interest considerations. Because understanding the provisions of the proposed restrictive statutes is necessary to empower advocates to push back and confront the restrictions headlong, S4C and PLAC routinely leverage on their convening power to sensitize and galvanize civil society advocates to interrogate legislative prescriptions considered too restrictive.

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Collaborative initiatives are also popular. For instance, the Action Group on Free Civic Space built solidarity to ensure that government regulations (framed around national security, anti-money laundering (AML) and countering terrorism financing (CFT)) do not shrink civic space. Within a short time, the coalition grew in strength in numbers, shared expertise and research and built capacity amongst individual activists/bloggers, and created good working relationships with national and international AML/CFT regulators.¹¹⁵ The Civil Society Situation Room¹¹⁶ has been conducting training sessions for civil society groups and election observers, increasing their ability to monitor violations of electoral guidelines, incident reporting on election days, as well as how to use the deployment and observation checklists. In this way, citizens' rights to associate and assembly freely, as well as participate in political governance processes are continuously checked and monitored for restrictions.


Knowledge-sharing initiatives like the Closing Spaces Database provide the raw material and evidence actors need to frame and inform their strategies and interventions. The database has been tracking and documenting crackdowns on the civic space in Nigeria and West Africa. It began by tracking incidents in Nigeria from 2015, and extended coverage to the West African sub-region in 2017. The database represents the first step in combating restrictions on the civic space, by identifying and demonstrating the manner, tactics, and extent state actors and their collaborators are limiting civic expression and participation in governance. Global Rights¹¹⁷ tracking of casualties of conflicts, violent clashes and extrajudicial killings also heightened the tracking of violence-related deaths across the country. The evidence generated from these knowledgebuilding initiatives serve as springboards engendering other forms of policy and advocacy action. For instance, prompted by S4C's petition,¹¹⁸ based on its incident tracking, the National Human Rights Commission launched an investigation into a killing of a civilian by military officers enforcing the lockdown in Delta State.

¹¹⁵ International Civil Society Center (ICSC), Spaces for Change: From informal networks and collaboration to the Action Group for Free Civic Space in Nigeria, 2019, page 1: <https://icscentre.org/2020/04/22/from-informal-networks-and-collaboration-to-the-action-group-for-free-civic-space/>

¹¹⁶ Nigerian Civil Society Situation Room: Situation Room Prepares Observers for Bayelsa and Kogi Governorships, September 2019: https://www.placng.org/situation_room/sr/situation-room-prepares-observers-for-bayelsa-and-kogi-governorships/

¹¹⁷ Global Rights, Mass Atrocities Casualties Tracking, 2019 Report: <https://drive.google.com/file/d/10ICbaCOgz5tQqXIUaxEHNkPIIIeoJV2/view>

¹¹⁸ Mr. Joseph Pessu's killing: Petition reference number is NHRC/M/V/2020/005/



• Civil Society Responses to COVID-19 Pressures on the Civic Space

- Policy resistance and contestations

As the government battled with the rapidly-spreading strange disease, critical policy decisions were made with very minimal consultation and involvement of civil society and other stakeholders. Emergency regulations hurriedly reviewed or freshly-enacted across states were particularly done without activating the mechanisms for participative and inclusive contributions. Hasty decision-making shorn of broad-based stakeholder inputs bred lapses in provisioning for the disparate health needs, prejudices and biases prevalent in a multi-cultural, multi-ethnic and plural environment like Nigeria. Consequently, it became clear that local realities were largely incompatible with the borrowed emergency responses, with the poor and low incomes working mainly in the informal economy being the visible brunt bearers.

Civil society organizations mobilized resistance and joint action against policies and laws that incorporated forcible methods of health monitoring and disease prevention. For instance, the Nigerian parliament considered the Control of Infectious Diseases Bill 2020 as a strategic legal framework for repositioning and strengthening the national disease control body, NCDC, and relevant health officials to undertake the important task of preventing and managing the outbreak of infectious diseases. The bill, among other things, granted overreaching powers to law enforcement officers or the police to apprehend persons suffering from infectious diseases. Another provision conferred unparalleled powers to NCDC to detain members of the public and minors, indefinitely, at a hospital or undisclosed locations if they are suspected to be carriers of an infectious disease.

As part of a vibrant campaign to halt the passage of the bill, groups like SPACES FOR CHANGE | S4C issued briefers, factsheets and short videos that examined the contentious provisions of the bill with a view to deepening understanding of the limitations placed on the enjoyment of human rights and fundamental freedoms. Together with 94 Nigerian organizations under the aegis of the Action Group on Free Civic Space, they submitted and presented a joint legal memorandum to legislators at a public hearing held in June 2020. Members of the group attended the public hearing and presented the group's position on the bill. Yielding to advocacy pressure, the Nigerian parliament backed down and reversed its plans to pass the bill hurriedly without a public hearing.

- Digital assemblies

For the civil society community, the pandemic-induced disruptions to the traditional forms of organizing equally brought many positives. Coronavirus may have interfered with the organisation of public demonstrations, street actions and formal events such as conferences, workshops and seminars, but civil society actors and activists adapted to the disruptions by leveraging on advancements in digital technology to achieve their social justice agendas. Some organizations are taking advantage of internet trends and hashtags to raise public awareness, converge for digital protests, demand action on issues and speak truth to authorities. For instance, Twitter -



fuelled protests against the intimidation of a female rape victim spurred a wide range of discourse online and offline, forcing authorities to intervene and probe the rape allegation involving a celebrity. Almost 15,000 individuals signed a petition demanding the United Nations to strip the popular singer of his ambassadorship endorsement, signalling **cancel culture** as a developing form of protest on social media.

Subsequent events demonstrate that the cancel culture has come to stay, and now forms an integral part of civic space activism in Nigeria. In August, a fierce Twitter campaign triggered the disinvitation of Kaduna Governor El-Rufai as a keynote speaker at the 60th Annual General Conference of the Nigerian Bar Association (NBA), the statutory body of all lawyers called to practice law in Nigeria. Within hours the campaign kicked off on social media, no fewer than 3,000 lawyers¹¹⁹ signed the petition asking the NBA to withdraw the invitation. The campaign came on the heels of the governor's odious human rights records and notoriety for disobedience to court orders, coupled with his alleged poor handling of the unceasing bloodletting in Southern Kaduna.

- Incident tracking and analysis:

For some other organizations, the pandemic presented an opportunity to scale up the tracking and documentation of atrocities and violations of civic freedoms. For instance, both the Closing Spaces Database and the NHRC documented numerous incidents of violations perpetrated by the Nigerian Police Force enforcing COVID-19 lockdown measures. Global Rights¹²⁰ tracking of casualties of conflicts, violent clashes and extrajudicial killings also heightened the tracking of violence-related deaths across the country. The evidence generated from these knowledge-building initiatives served as springboards engendering other forms of policy and advocacy action. For instance, prompted by S4C's petition,¹²¹ based on its incident tracking, the National Human Rights Commission launched an investigation into a killing of a civilian by military officers enforcing the lockdown in Delta State.

- Collaborative initiatives

The pandemic also forced changes in the way civil society actors work in terms of strategy and results. The organizations taking on civic space issues sometimes work in silos, and reinvent the wheel. The movement restrictions necessitated rights groups, active citizens and activists to expand on new strategies, working more collaboratively and maximizing scale of impact. In a concerted effort to ensure that restrictive emergency measures are not exploited to

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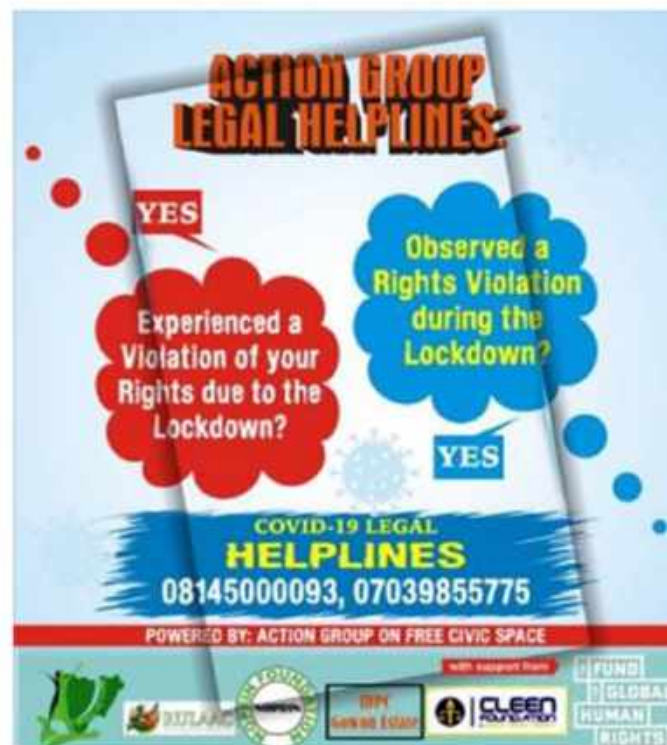
¹¹⁹ Innocent Anaba, NBA NEC Withdraws El-Rufai's Invitation to Speak at Conference, August 2020, Vanguard Newspapers: Read more at: <https://www.vanguardngr.com/2020/08/nba-nec-withdraws-el-rufais-invitation-to-speak-at-conference/>

¹²⁰ Global Rights, Mass Atrocities Casualties Tracking, 2019 Report: <https://drive.google.com/file/d/1OICBaCOg-z5tQqXIUaxEHnKpIilleoJV2/view>

¹²¹ Mr. Joseph Pessu's killing: Petition reference number is NHRC/M/V/2020/005/

clamp down on civil liberties, six member organizations of the Action Group on Free Civic Space—namely Spaces for Change (S4C), CLEEN Foundation, NOPRIN Foundation, Rule of Law and Accountability Advocacy Center (RULAAC), JDPC Gowon Estate and the Network of Pro Bono Lawyers of Nigeria—launched Legal Helplines¹²² to offer free legal services to persons whose rights are violated as a result of the COVID-19 lockdown measures in Nigeria. The legal departments of the six organizations teamed up, combined their legal resources to build a pool of attorneys ready to intervene and secure justice for the aggrieved.

The Action Group's team of lawyers received complaints of human rights violations arising from the lockdown measures from any part of the country and provided free legal services, including securing police bails, providing on-the-spot legal advice, free legal representation in courts, and petitioning agencies and institutions responsible for redressing wrongs. With each group playing different roles according to their areas of strength, this allowed for the complementarity of skills, and for deepening the bonds of solidarity among local stakeholders as they maximise the use of existing spaces to organise and collectively respond to threats.



- North-south exchanges

In particular, the pandemic brought to the fore, the imperativeness of locally-rooted responses during a health emergency. Distrust of government authority in some countries means there is also a credibility gap that could inhibit state-led prevention and mitigation. Local groups earn deep community trust, which means they can assist populations that governments may not be able to effectively reach.¹²³ Leveraging on the trust and strong presence of local actors at the frontlines, synergies and cross country collaborations between organizations in the global north and south gained ground during the pandemic. Synergies developed including support for

¹²² SPACES FOR CHANGE, Civil Society Groups Launch Legal Helplines (08145000093 & 07039855775) to Combat COVID-19-linked Human Rights Abuses in Nigeria, April 2020: <https://spacesforchange.org/civil-society-groups-launch-legal-helplines-08145000093-07039855775-to-combat-covid-19-linked-human-rights-abuses-in-nigeria/>

¹²³ Regan Ralph, OPINION: Community Activists and Action Are Key to the COVID-19 Response; Thomas Reuters Foundation blog, April 2020, <https://news.trust.org/item/20200406145330-k91hc>

national organizations transcends financial support, but also encompasses other in-kind currency such as research partnerships, capacity-building, technical assistance, solidarity, amplification of local voices through news/report mentions, speaking engagements, co-convenings and so forth. The deepening of connections and exchanges between actors across jurisdictions not only expanded opportunities for southern perspectives to be reflected in global discussions affecting the civic space, but also enabled them to contribute to high-level dialogues with both intergovernmental and supranational traits.¹²⁴

• *New entrants in the civic space arena*

Historically, mass protests in Nigeria have always been led by trade-student unions, civil society, and other organized labour bodies. The emergence of new, active actors on the civic space arena is a very interesting dimension to the current realities unleashed by the pandemic. Prominent on this list are health workers, lawyers and medical associations, teachers' unions, senior judicial officers, pensioners, state attorney generals, corporate establishments and many more. The emergence of new actors and mass-based actions combined with the growing culture of digitivism in Nigeria reflect the shared aspirations of citizens to keep the civic space free from obstructions and ensure all duty-bearers are held accountable.

Celebrities with large following on social media are increasingly transforming into change agents. In November, scores of Nigerian celebrities were listed as defendants in a lawsuit accusing them of using their Twitter accounts "to commit misdemeanour, to wit, promoting or acting in such a manner to assist in the promotion of unlawful assembly under the guise or composition of #EndSARS". So also are religious leaders suddenly realizing the power of advocacy from the pulpit. During the coronavirus lockdown, nine pastors were arrested Bayelsa, two in Kaduna, three in the FCT Abuja, three in Delta and another two in Ekiti State¹²⁵ were convicted for presiding at gatherings of more than 20 persons in violation of the stay-at-home order to check the spread of COVID-19 in the state. Members of political associations like the Socialist Party of Nigeria (SPN) and the National Conscience Party (NCP) that organized demonstrations against the increase in petrol prices and electricity tariff were also arrested together with four journalists that covered the protests.¹²⁶ Persistent attacks on Catholic priests, the killing of five international aid workers,

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¹²⁴ Victoria Ibezim-Ohaeri, Presentation at SANE virtual Exchange held on July 8, 2020 organized by ICSC.

¹²⁵ The Punch, From Worship Centres to Courtrooms: Tales of Pastors, Imams Who Flouted Lockdowns, May 23, 2020, <https://punchng.com/from-worship-centres-to-courtrooms-tales-of-pastors-imams-who-flouted-lockdowns/>

¹²⁶ Anadolu Agency, Nigeria: Arrests in Protests Against Fuel Price Hike, <https://www.aa.com.tr/en/africa/nigeria-arrests-in-protests-against-fuel-price-hike/1969344>



three of whom were known employees of Christian aid agencies and the raiding of Christian villages in southern Kaduna which have left 62 Christians killed by Islamic terrorists, have fuelled agitations against religious intolerance and the persecution of Christians.¹²⁷

With this new trend, activism is no longer the exclusive reserve of civil society and media advocates, but a wider group of private actors and associational bodies campaigning extensively online and offline against varying injustices and restrictions, including demanding better welfare for their members. In April, health professionals in Akwa-Ibom State, clashed with the state government, demanding improvements in healthcare infrastructure in the state, and the welfare of medical personnel. Just weeks ago, the Nigeria Bar Association bowed to social media pressure and waded into the case of Yahaya Sharif-Aminu, the Kano singer recently sentenced to death by the Kano Upper Sharia Court for blasphemy. He has been denied access to his lawyers, preventing him from appealing the death sentence within the statutory time allowed by law. The significant increase in citizen and mass-based actions and the growing culture of digitivism in Nigeria reflect the shared aspirations of citizens to keep the civic space free from obstructions and ensure all duty-bearers are held accountable.

WHY ACTIVISM THRIVED DURING AND AFTER THE LOCKDOWNS

While the surge in public remonstrations online reflect the growing culture of digital activism, certain factors shaped the metamorphosis of social change initiatives witnessed in the civic space during the pandemic. Nuanced considerations like educational background, personal convictions, religious and moral suasion primarily determine the participative dynamics and outcome of collective action against injustice. The section below detail how factors such as perceptions personal convictions, societal and religious leanings shape the success of collective actions, resulting in varying public responses to calls for action and the stark differences in empathy, sympathy and solidarity attached to these issues.

Improved access to technology: As the above accounts reveal, COVID-19 health and safety protocols radically interfered with the organization of public demonstrations forcing citizens and civil society actors alike to explore and invent new methods of civic expression and dissent. Advancements in digital technology and the availability of internet-enabled devices particularly aided the creation of new spaces for organizing and assembly, with many taking advantage of internet trends and hashtags to raise public awareness, converge for digital protests, demand action on issues and speak truth to authorities. For instance, the arrest of a rape victim provoked Twitter-fueled calls for action against police intimidation. Her subsequent release and an official probe launched to investigate the incident heralded

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¹²⁷ Catholic News Agency, *ibid*



the rise of digital power. The use of social media platforms and conventional media to share, popularize, and discuss key advocacy messages helped to put pressure on the authorities to do what is right.

Apart from the improvements in access to digital tools and resources as well as the expansion of civic actors and spaces for democratic expression, access to technology has also translated to huge economic benefits for telecom companies and their subsidiaries. According to the National Bureau of Statistics,¹²⁸ the telecommunications sector grew by 18.10% in the second quarter (Q2) of 2020 (being the months of lockdown in Nigeria) from 9.71% in Q1 2020. A major telecommunication company, MTN Nigeria, in its Q1 and Q2 reports filed with the Nigerian Stock exchange revealed that revenue from data usage rose by more than N5 billion in Q2 of 2020. When compared to the previous quarter, the company had recorded N79.97 billion in Q2 as against N74 billion in Q1 of 2020. The quantum leaps in the bottom-line of corporations evince how much technology has increased access to information while simultaneously making significant contributions to the national gross domestic product.

Personal convictions: Before now, the youths used to be uninterested in matters of governance because they thought they were unaffected by political intrigues and horse-trading, but the COVID-19 pandemic affected everyone and opened their eyes to the connections between bad governance and inefficient emergency response, including police brutality. Another thing that informed personal convictions and shaped the uniqueness of the protests was the widespread nature of police brutality, affecting both the poor and middle-class youths alike.¹²⁹ With the **#ENDSARS protests**, the youths have realized their enormous power, and this shift of power is going to reflect in the next general elections. Already a number of youth-formed parties are springing up and *we are out to cancel any over-the aged politician who will come out to contest next elections*, Kamsi Ibeh disclosed.

Pre-existing social and economic conditions: Affirming that police brutality predates the pandemic, Kamsi Ibeh¹³⁰ who has suffered police brutality twice contends that police brutality has always been there even before the pandemic. The media is replete with reports of citizens' sordid encounters with Nigerian security forces, especially the SARS Unit. The pandemic simply widened the door for

¹²⁸ National Bureau of Statistics, Nigerian Gross Domestic Product Report, (Q2 2020), https://www.nigerianstat.gov.ng/pdfuploads/GDP_Report_Q2_2020.pdf

¹²⁹ Kamsi Ibeh, December 8, 2020

¹³⁰ Interview with Kamsi Ibeh, ENDSARS frontliner and key mobiliser of the Lekki Assembly, December 8, 2020



security forces to brutalize more people under the cover of emergency response, with a lot of the youth bearing the brunt of brutal policing activities. COVID-19 left a lot of youths angry, but also swept out all the debris that were hidden previously. The botched long-drawn-out quests for justice reinforced the convictions of several protestors like Kamsi to join the EndSARS protests and participate in its coordination. COVID19 was therefore an avenue that spurred the eventual birth of the EndSARS protest.¹³¹

The video of the gruesome killing may have triggered the #ENDSARS demonstrations but the COVID-19 lockdowns, the resulting loss of livelihoods and economic hardship positioned citizens at a tipping precipice to react easily to a relatable campaign that speaks to their realities. In addition, national universities have been closed since March 2020 during the lockdown, and intensified by a strike action by Nigeria's academic staff union of public universities, leaving a bulk of the young population and undergraduates unengaged, restive, aggrieved and readily available on social media and offline to absorb themselves in popular protests.

Innovative campaign techniques: The resilience of #EndSARS protests is not unconnected with the organic nature of the campaign and its leaderless outlook making infiltration by external detractors or the negotiation of a truce more difficult. Everybody was a leader during the protest which transferred equal power to every protester, says Kamsi Ibeh. The low influence of divisive undertones like religion, ethnicity and partisan politics also enhanced group cohesion, allowing different interest groups to articulate and integrate their precise needs and priorities into the broader theme of the agitations. #ENDSARS now transcends demonstrations against police brutality and extrajudicial killings, but represents the accumulation of pent-up anger towards institutionalized corruption, unemployment, official policies and programs that have unleashed mass suffering and high cost of living on the vastly poor populations.¹³²

• Challenges to Civil Society Responses

The pandemic significantly changed the character and dynamics of the pushbacks to state-unleashed coercion. Before the pandemic, the litany of human rights abuses witnessed during the lockdown would have propelled protests or recourse to fierce litigation to defend civil rights and liberties. A number of obstacles impeded the ability of citizens and the civil society to respond to the resulting infractions, with the most significant barrier being travel bans, social distancing rules and the lockdowns. The Chief Justice of Nigeria's directive ordered the closure of courtrooms and the suspension of judicial activities save for urgent matters. Although this directive was issued to safeguard the health of judges, lawyers and litigants, the inability of the courts to intervene timeously and dispense justice further aggravated the backlog of cases and prison congestion during the lockdown. Travel bans and movement restrictions similarly hampered the ability of lawyers to provide legal services for clients in faraway locations and informal communities. Law enforcers exploited the resulting gaps in access to justice to indiscriminately arrest, detain and extort citizens for both sundry and criminal matters.

¹³¹Kamsi Ibeh, *ibid.*

¹³²Action Group on Free Civic Space, #ENDSARS/ENDSWAT: Violent Attacks on Peaceful Protesters Must Stop!, October 21, 2020, <https://closingspaces.org/endsars-endswat-violent-attacks-on-peaceful-protesters-must-stop/>



Inadequate funding is another major challenge that curtailed reactions to the spikes in human rights violations during the pandemic. For instance, Kano State singer, Yahaya Sharif-Aminu, convicted and sentenced to death by a Sharia court hanging for sharing a blasphemous song on WhatsApp, suffered setbacks to his legal representation due to lack of funding, compounded by cultural and religious intolerance. Mustering legal representation from outside the state became inevitable when the Kano State branch of Muslim Lawyers Association endorsed the death sentence, meaning that lawyers domiciled in the state were unwilling to provide legal representation to challenge the court's verdict. Experts say this situation has a 'chilling effect on civil society' if lawyers are not willing to take up a case like this, even when the death penalty brutally violates the sacrosanct right to life.¹³³ Beyond the lack of funding, lawyers outside Kano State willing to take up the case faced an additional challenge of threat to their lives, considering the high probability of being killed by religious fanatics if the singer is released.

¹³³ Interview with Chitra Nataragan, August 31, 2020.



CONCLUSION

Lockdown, social distancing, contact-tracing, self-isolation, quarantine, testing, face-masks, sanitizers: these are the buzzwords of the moment, triggered by the massive spread of the COVID-19 pandemic.¹³⁴ These buzzwords are accompanied by new trends, policies, good and bad state practices, popularly described as the new normal. While good practice varies from context to context, bad state practice framed as health emergency response is presenting a new type of challenge for activists and advocates. From the above, we have seen how invoking the mantra of 'public health' and 'public safety' to curtail human freedoms have enabled state actors in Nigeria to repurpose pandemic responses to achieve other objectives unrelated to healthcare, often with the approving nods from large swathes of the population. Again, courts and judicial bodies—in compliance with the lockdown directives—have remained shut, equally obstructing attempts by activists and legal professionals to use the instrumentality of the law to challenge overreaching state conduct.

Social media platforms particularly afforded a safe and anonymous haven to demand accountability from the government without fear of reprisal attacks as it is so often the case offline. EndSARS organisers used networking sites like Twitter to mobilize, coordinate strategy meetings, give early warning signals to protesters and trend hashtags against police brutality. The aggregation of inputs from energized followers paved way to connect to volunteers, solicit donations and respond to eventualities from the campaign grounds. In the same way, social media tools were deployed to track repressive tactics of government. #ENDSARS focus was added to the Closing Spaces Database [in the wake of the peaceful nationwide protests](#), aiding the rise in evidence-gathering and documentation of the crackdowns on public dissent.¹³⁵ The [Closing Spaces Database](#) tracked numerous incidents of violent attacks on protesters in Lagos, Jos, Kano, Delta, Abuja, Ogun, Ekiti etc; a jailbreak in Benin, arson targeted at police stations and a hospital in Edo and Lagos states respectively; destruction of public and private properties across 18 states, especially in Lagos, Jos and Abuja; teargassing and indiscriminate shooting of protesters resulting in over 80 deaths across the country.

The COVID-19 pandemic is the first of its kind, and particularly the first to test Nigeria's legal framework in very provocative dimensions. There is also a lot of confusion regarding the appropriate procedure to take and what constitute reasonable limits on emergency powers. Glaring shifts are evident when the new legal prescriptions are scrutinized to check their alignments to preexisting legal norms. The new transgressions emerging after the pandemic not only tested the creativity and adaptability of civic actors, but have also subjected the legal framework to different kinds of litmus tests. With the second wave of the pandemic currently ravaging the globe and loud rings of another round of lockdowns imminent in Nigeria, it is clear the virus will be around for some time. Therefore, the adoption of effective responses that ensure that human rights do not vanish just because we are facing emergency times are imperative. If the overreaching activities of state actors are not monitored, challenged and restrained, COVID-19 containment measures introduced during the pandemic could transmute to permanent measures. A vibrant civil society is the critical force needed to push for institutional and systemic reforms, including demanding increased investments in health systems, which can benefit all populations beyond COVID-19, as well as prepare for future public health emergencies.

¹³⁴ See Spaces for Change Policy Briefing Paper 011, COVID-19, Human Rights and Civic Space in Nigeria, [https://](https://closingspaces.org/covid-19-human-rights-and-civic-space-in-nigeria/)

¹³⁵ closingspaces.org/covid-19-human-rights-and-civic-space-in-nigeria/
<https://closingspaces.org/endsars/>



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While COVID19 has birthed a number of challenges, it has also influenced civil society organisations to revise and develop more inclusive strategies, programming, and campaigns that deliver maximum impacts in light of pandemic realities. The use of powerful instruments like the social media platforms and conventional media to share, popularize, and discuss key advocacy messages have helped to put pressure on authorities to do what is right. Policies and statutory proposals considered by the parliament at this time are now being closely monitored, scrutinized, analysed and explained to public at greater speed and less cost. Besides that, the move by civil society organisations to adopt cross collaboration as a method for demanding accountability from the government is also paying off. All of these point to a collective will and resilience on the ground to tackle the crackdowns heads on, no matter the odds.



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