

Examining the U.S.-Nigeria Relationship in a Time of Transition

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Good morning and thank you for this kind invitation Chairman Feingold, Ranking Member Isakson and distinguished members of the subcommittee. It is a cherished opportunity to speak to you today. Your subcommittee has shown sustained interest in Nigeria, an interest, that I must say, has not been misplaced or gone unnoticed.

From a personal perspective, I would like to thank you, Senator Feingold, for the bold comments you made regarding my safety and security, after my removal from the Chairmanship of the Economic and Financial Crimes Commission (EFCC). I recall, with gratitude, that you sent letters to President Yar'Adua in January 2008 and then again with Senators Levin and Isakson in December of 2008. I remain eternally grateful for these timely acts of support and advocacy.

Nigeria in recent history:

Nigeria, like most nations, has had its share of internal issues. We can all agree that this is not unusual for a country in our state of development. However, few will deny that we made relative, if even major, progress in the past decade. Much of this progress was made possible through a strong relationship with the United States. Sadly, in the short period since May 2007 when President Yar 'Adua came to office, much of these gains were lost through ill-advised policy reversals and entrenchment of corrupt persons in strategic positions.

This abuse of office and arrogance of power are emblematic of President Yar' Adua's governing style during his tenure in office. Nigeria's precipitous retreat from the reform gains made during former administration is due to the lack of preparation, vision and the unbridled self-interest of many of the people Yar'Adua surrounded himself with.

The story is now widely known that last November, President Yar Adua left the country for medical treatment, and, typical of his administrations, left no one in charge of the affairs of the state. Naturally, the situation got worse. But fortunately for our country the Nigerian Senate acted prudently this month, recognizing Vice President Goodluck Jonathan as acting president.

Upon taking office, Acting President Jonathan signaled his desire for meaningful reform by immediately removing the controversial Attorney General and Minister of Justice Michael

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Andoakaa, affirming his commitment to electoral reform, re-engaging the Niger Delta militants and taking steps to improve power generation and distribution.

While this development presented us with the opportunity for change, it came loaded with the challenge for the democratic, legal and peaceful resolution of our situation.

True, the major challenge is ours. Yet the international community, and the U.S. in particular, must play a crucial role in ensuring that Nigeria seizes the opportunity of this moment to get back on track.

I would like to take this opportunity to ask for America's assistance in restoring law and order to Nigeria and want to focus my remarks on three crucial recommendations:

1. Insisting on constitutional and legal continuity;
2. Restarting the fight against corruption; and
3. Ensuring free and fair elections in 2011.

Constitutional and legal continuity

I applaud Secretary of State Hillary Rodham Clinton and others, including Chairman Feingold, Ranking Member Isakson and other members of this subcommittee, for your strong comments on the need for constitutional continuity and rule of law in Nigeria. But the time for talk is over; action is needed and action can only start with your direct engagement and communication with our new leadership.

Nigeria proved its willingness to follow its laws and uphold its constitution through the peaceful management of the crisis. We now have a sitting vice president as acting president, and with the support of the United States and others this trend could continue.

To further this goal, the United States should: support Nigeria's civil society, monitor internal developments closely, state unambiguously that any resort to unconstitutional action against the Nigerian people will be resisted, and back pro-democracy movements inside the country.

The breakdown of law and order is largely responsible for the incessant conflicts in all parts of the country, and this point must be strongly registered.

Fighting corruption

There is no need to reiterate the problem of corruption in Nigeria. It is a well known fact that without addressing the corruption problem all other problems--from executive lawlessness, to stealing of votes, and the pillage of state recourses for personal use--will remain untouched. The United States has already done so much to help fight this problem. The challenge of the moment is to demonstrate through action that enough is enough.

As the head of the Economic and Financial Crimes Commission, the anti-corruption agency in Nigeria, my team and I fought against this cancer alongside U.S. officials. Unfortunately, in 2007, I was forced out by the re-entry of blatant acts of corruption. To help Nigeria get back on track, here is how the United States can help:

First, the Department of Justice, the FBI and SEC need to continue the prosecution of cases we tirelessly worked on together. We have thousands of pages of detailed evidence and intelligence on corrupt officials which are sitting, waiting to be used. I am overjoyed to hear that in the United Kingdom, the Metropolitan Police is continuing with its case against former Governor

James Ibori. It will give most Nigerians cause to cheer that the U.S. also does the same and continue their cases.

Second, expand on the Foreign Corrupt Practices Act. The FCPA allowed for the prosecution of a number of corrupt businesses and sent a wave of panic among those who were previously able to get away with their corruption. This line of action can be furthered if you include foreign nationals among those who can be prosecuted on U.S. soil. It is important to include those who accept the bribes and use your financial institutions to hide or launder these funds. Corrupt Nigerians fear the reach of U.S. law into their illicit activities. Start acting upon that fear.

Third, it is time to deploy the powers already available in your instruments. You can encourage the administration to use existing powers under Proclamation 7750 by issuing travel bans against those known to be corrupt. The United States can also cooperate in the creation of Interpol red notices; confiscate stolen assets found on U.S. soil; and insist on the extradition of corrupt foreign nationals. You must continue to name and shame those who do not fear justice at home.

Acting President Jonathan's emergence provides the United States with a second chance to purposefully reinvigorate the fight against corruption in places like Nigeria. These three broad acts are vital steps towards positively turning the situation in Nigeria around and can also be applied to the rest of Africa.

Electoral reform

Perhaps the most important and pressing issue effecting Nigeria today is electoral reform. In the recent election in the Anambra state, the people showed they are ready to make their voices heard. This was only possible because President Yar'Adua and his cronies were distracted and unable to meddle in the democratic process.

To ensure free and fair elections in 2011 however, the task needs to start now. The Justice Uwais Commission's recommendations are a modest but good start that needs to be followed through in its entirety. The National Democratic Institute and the International Republican Institute and others can start assisting now to support voter registration exercises.

This can be followed up by encouraging the government to clean up the electoral commission by appointing credible personnel with proven integrity and credibility, while the civil society needs to be engaged and supported. They will be the true force behind a change for these elections.

U.S. electoral funding support must change its approach to supporting Nigerian elections. U.S. prodemocracy NGOs must drill down to directly fund civil society initiatives at the state and local levels. Such changes are more cost effective and better integrated into the social framework of the average Nigeria.

And the U.S. needs to back a level playing field so that all parties, including big and small opposition groups, can participate fully. The United States' assistance is vital. Without it, change is going to be difficult. We must act now, well ahead of time. If we wait for polling day, it will be too late.

Future of U.S.-Nigeria relations:

Nigeria has the potential to be a strong, regional leader and an important partner to the United States. But there is still a void. Last week there was a coup in Niger. I suggest that if Nigeria were strong, this would not have happened. In the current situation, Nigeria's 1500 kilometer-border

with Niger Republic can serve as leverage for ensuring stability but today, it serves no other significance than for smuggling, especially in petroleum.

And more than governance support is needed. Nigeria desperately needs technical assistance and policy attention to boost our power output necessary for our country's economic and entrepreneurial potential. Attention should be given to other aspects of Nigeria's socio-economic equation to create jobs, spur small and medium sized business development and overall economic diversity. Nigeria's agriculture sector, long abandoned, has the potential to be West Africa's bread basket and reduce the impact of food insecurity.

Nigeria must not be allowed to fail completely, as its ripple effect would be felt across Africa and even to the U.S. Greater instability leading to the kind of military takeover in Niger will be the norm. You could see more young people like Umar Forouk Muttalab entering the country, boarding American-bound planes with murderous desires, while the supply of oil will be strained even more.

This is a new Nigeria. Our destiny is no longer determined by one person or a group of people in a back room. Democracy has started to take hold. We see a new leadership rising up, new people-oriented power centers being created, and the people demanding more from their leaders. Religious politics are less important and the military is less interested in engaging. These are new phenomenon in Nigeria and they must be respected and nurtured. America can no longer take the attitude of keeping the lid on this boiling pot, we must work to turn down the flame.

Chairman, members of the committee, I urge you to take this situation seriously, both for the opportunity, but also for the danger it presents. Nigeria and her people need the restoration of law and order. This is the time to act. It is our responsibility as Nigerians to do so, but we ask you today to join with us.

Thank you.