

A CASE FOR DIASPORA VOTING RIGHTS IN NIGERIA

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Abstract

This paper makes a case for diaspora voting rights in Nigeria. Using desk research method, the paper noted that diaspora voting rights is an essential ingredient of an inclusive representative democracy and consistent with global best practices. It observes that whereas many countries in Africa have adopted one form of diaspora voting or the other, Nigeria, the largest democracy in Africa, is yet to adopt same despite the notable contributions of Nigerians diaspora community to national development. The paper stressed that while the rights to vote home government is protected under various international statutes and conventions, the activation of these rights in Nigeria has remained elusive due to the provisions in Sections 77(2) and 117(2) of the 1999 Constitution as well as Section 13(1) (c) of the Electoral (Amendment) Act 2010. The paper recommends the amendment of these provisions to expressly provide for diaspora voting Nigeria

Keywords: *Diaspora, Voting Rights, Nigeria, Electoral Act, Constitution*

INTRODUCTION

Diaspora is an old concept originally referred only to the historic experience of particular groups, specifically Jews and Armenians; and later extended to religious minorities in Europe (Faist, 2010). However, since the late 1970s, the concept of 'diaspora' has become increasingly trendy in both academic and policy circle due to mass movement of peoples from one country, region, or continent to another for a variety of reasons (Safran, 2007). Depending on the distance travelled, the political and socio economic conditions and the ability of the migrant to keep in touch, varied levels of diasporic orientation to the geographical

homeland do exist (Kafle, 2010). This orientation can manifest in form of activism of migrants to "retain dual citizenship, agitate for special trade deals with their homeland, demand aid in exchange for electoral support, influence foreign policy and seek to protect family immigration quota" (Cohen, 1996, p. 519). These dynamics makes diaspora a complex process involving people who are in constant search for autonomy and identity

Conceptually, the term diaspora has been define differently authors is difficult to define as there various definitions depending on the authors. For example, the International Organization for Migration (IOM) defines diaspora as members of ethnic and national

communities who have left but maintain links with their homeland (IOM, 2008). The African Union [AU] (2005) conceive African diaspora as peoples of African origin living outside the continent, irrespective of their citizenship and nationality and who are willing to contribute to the development of the continent and the building of the African Union. In the specific case of Nigeria, Nigerians in the diaspora are people of Nigerian nationality and/or descend who have migrated to, or were born and live in other countries, who share a common identify and a sense of belonging (National Migration Policy, 2015, p. 24). According to National Migration Policy (2015). Although, the exact number of Nigerians in the diaspora is unknown, the estimated figures are significant. For example, Nigerians in Diaspora Commission (NiDCOM) estimated the population of Nigerians in the Diaspora to be between 17 and 20 million (NiDCOM, 2020).

The agitation for the granting of voting rights to Nigerians living in diaspora has been there for a long time and efforts to influence successive government to actualize this has remained elusive over the years. However, in recent time, this agitation has resurfaced with a growing calls on the National Assembly to amend the Electoral Act to accommodate diaspora voting in Nigeria (Ameh, 2020; Chirkpi, 2020). Perhaps, the impetus for this renewed agitations has to do with global economic meltdown which highlights growing economic contributions of the diaspora to the economies of home country, diffusion of international norm of democratic inclusion, and increasing number of African countries granting external voting rights to its citizens living abroad. Similarly, at the domestic level, President Goodluck Jonathan's administration accorded priority to diaspora issues which it popularised as "citizen's diplomacy". Diaspora issue continue to receive priority attention under President Muhammadu

Buhari's government leading to the enactment of the Nigerians in Diaspora Commission (Establishment) Act, 2017, and the enunciation of the National Diaspora Policy in 2021. These efforts of the Federal Government was complimented by the National Assembly in setting up a Standing Committee on Diaspora and NGOs in the Senate and Committee on Diaspora in the House of Representatives, respectively.

In November 2 2020, Professor Mahmood Yakubu, the Chairman, Independent National Electoral Commission (INEC), added his voice in support of this agitation while addressing members of the Senate Committee on Diaspora and Non-Governmental Organizations, on courtesy call to the INEC headquarters. Professor Yakubu expressed the Commission's commitment to ensure that voting rights is granted to Nigerians in diaspora (INEC, 2020). Advocates of external voting rights for Nigerian living abroad believe that Nigerians in diaspora should have voting right because they are citizens of Nigeria interested in the affairs of their own country and they are sizable number. It is also contended that diaspora voting is consistent with global best practices. For example, in 2006, a study conducted by global Irish shows that 21 African nations, 13 North and South American countries, 15 Asian countries, 6 Pacific countries, and 36 European countries allow their emigrants to vote in their respective local elections (*The Sun*, 2016). However, the number of countries that allows diaspora voting, as confirmed by another study in 2007, shows slight increase. Thus, diasporans who live in various countries in Asia, Europe, North America, and other African countries have gradually become direct participants in electoral events in their home countries (Ialoupo, 2014). Furthermore, they also make considerable contribution to the economy through huge financial inflow to the

country (INEC, 2020). According to PricewaterhouseCoopers (2019), migrant remittances in 2018 amounted to US\$ 23.63 billion which translates to 83% of the Federal Government budget and 11 times the Foreign Direct Investment (FDI) flows in the same period. Nigeria's remittance inflow was also 7.4 times larger than the net official development assistance (foreign aid) received in 2017 of US\$3.4 billion.

In spite of the long-standing agitation to activate this right, it has become clear that unless the provision of Sections 12(1)(c) of the Electoral (Amendment) Act, 2010 as amended and Sections 77(2) of the 1999 Constitution, which provide for only citizens present in Nigeria at the time of registration of voters to register and vote during elections, are amended, the hope of Nigerians in the diaspora to vote will remain a mirage. As Prof. Yakubu rightly argued, the amendment of the relevant sections of the 1999 Constitution and the Electoral Act will provide the legal framework to allow for registration and voting by Nigerian citizens living in diaspora (INEC, 2020). It is against this background that this paper interrogates diaspora voting rights in Nigeria ahead of the 2023 General Elections.

METHOD

This study adopt desk research. The study carefully followed public debate and content analysis of newspaper articles in *The Punch*, *Vanguard*, *The Sun*, *This Day* and *The Guardian* to obtain information on the various sheds of opinion from different segments of the Nigerian population. To extract perspectives from the Executive Arm of Government, a careful review of the National Policy on Migration, activities of the Nigerian Diaspora Commission from 2016 – 2021 was undertaking. In the same vein, the policy statements of the Independent National Electoral Commission (INEC) as well as their

engagement with the National Assembly since the introduction of the Electoral Reform Bill in 2019. Similarly, there was also a careful review of the National Policy on Migration and keenly followed the debates of Nigerians living in diaspora from the website of the Nigerian Diaspora Commission. The study, therefore made use of articles extracted from the www website of the Nigerian Diaspora Commission. Similarly textbooks and journal articles on diaspora voting and migration were extensively consulted to review theoretical assumptions and empirical dimensions on the subject matter.

RESULT AND DISCUSSION

Historical Development of Diaspora Voting

Diaspora voting dates back to the period of the Roman Emperor Augustus (c.62 BC – 14 AD). Augustus is said to have invented a new kind of suffrage in which members of the local senate in 28 newly established Roman colonies cast votes for candidates for the city offices of Rome and sent them under seal to Rome for the day of the elections (IDEA, 2017). The practice has since spread across the world. In 1862, Wisconsin became the first of a number of US states to enact a legislation to allow absentee voting by soldiers fighting in the Union army during the American Civil War (Strochlic, 2020). By 1968, the absentee voting system through legislations applied to all US citizens (military and civilians) abroad and in 1975, registration provisions for overseas voting became mandatory for States in the US (Orabuchi, 2017). While New Zealand introduced absentee voting for seafarers in 1890, it was adopted by Australia in 1902 (Ogbonnaya, 2013). In the United Kingdom, the introduction of absentee voting system for military personnel was in 1918 but by 1945, the right to vote had been extended to cover “merchant seamen and others working

overseas on matters of national importance” (Bibi, Ishaka and Humphrey, 2019). This was further extended in the 1980s, to cover all British Citizens overseas (Sunberg, 2007). In Canada, absentee voting was introduced principally for military personnel between 1915, when it was first debated at the federal level, and 1917, when the federal elections took place. Other countries that have adopted this practice include France, 1924; India, 1951; Indonesia, 1953; Colombia, 1961; Spain, 1978; Argentina, 1993 and Austria, 1990 (Sunberg, 2007).

The history of external voting right started in Africa in the 1970s and 1980s (Jaulin and Smith, 2015). Brand (2010), opines that this period saw the attempt by authoritarian regimes in Maghreb countries, who were notorious for conducting sham elections to control their citizens working abroad. These were among the first African countries to adopt external voting provisions in the 1970s followed by Liberia in 1980s. Generally, in Africa, the early 1990s witnessed an increase in the number of countries that adopted measures to enable citizens residing abroad to take part in elections in their countries of origin. Today, Jaulin and Smith (2015) observes that the numbers of African nations practicing diaspora voting has quadrupled compared with only four before 1990. The third wave of democratisation in Africa beginning in the 1990 held out great prospects and promise for democratic reforms in terms of multi-partism and political pluralism (Ngara, Ayabam and Esebonu, 2014). Among the gains from these reforms was the adoption in several West African countries such as Senegal, Cape Verde, Mali and Guinea the right to vote overseas in the 1990s, in a context of relative democratization (Jaulin and Smith 2015). This spectacular development, which makes Africa one of the places with the widest experience of

diaspora voting, has spawned a new wave of research (Ahanda, 2015; Hartmann, 2015).

It is worthy of note that diaspora voting spread throughout African region starting from the 1990s to the mid-2000s, in a third wave that saw it become the rule rather than the exception, despite the absence of major players such as Nigeria. Nonetheless, more progress is still being made with regards to the extension of voting rights to Africans living in diaspora. For example, after years of hesitation and delay, Burkina Faso, Togo and Ghana introduced diaspora voting for the first time in 2020 even as Nigeria is still working on the legal framework and logistics to grant voting rights for her eligible citizens living abroad. It should be noted that whereas diaspora voting rights has been suspended in some African countries, such as Morocco and Liberia, it nevertheless do suggest a reverse in the trend in Africa or elsewhere for that matter. This is because more democratic nations globally are increasingly seeking ways to expand the space of governance for political inclusion especially for citizens living abroad.

Constitutional and Statutory Provisions and Their Implications for Diaspora Voting in Nigeria

The legal frameworks for conducting elections in Nigeria include the 1999 Constitution (as amended), Electoral Act 2010 (as amended) and guidelines issued by the INEC (Hassan and Yusuf, 2015). Although the 1999 Constitution, as amended, which is the supreme law of the land, does not expressly prohibit voting rights of Nigerians living in diaspora, the snag is the provision of Sections 77 (2) and 117 (2) which respectively provides that “Every citizen of Nigeria, who has attained the age of eighteen years residing in Nigeria at the time of the registration of voters for purposes of election to a legislative house, shall be entitled to be registered as a voter for

that election” (CFRN, 1999) Similarly, whereas the Electoral (Amendment) Act 2010 does not equally expressly prohibit diaspora voting, the legal requirement and qualifications require that a prospective or registered voter must be resident in the locality where he or she is registered as provided in Article 12 (1) of the Electoral (Amendment) Act. According to Article 12 (1), “a person shall be qualified to be registered as a voter if such a person- (c) is ordinarily resident, works in, originates from the Local Government Area Council or Ward covered by the registration center” (Electoral Amendment Act, 2010). It should be noted that whereas the INEC has the powers to issue guidelines on elections, such guidelines must be consistent with the Electoral Act and ultimately the 1999 Constitution. This therefore implies that INEC cannot go beyond the extant laws to issue guidelines regarding diaspora voting even if it wishes to do so.

Although, there are no provisions in both the 1999 Constitution, as amended, and the Electoral (Amendment) Act, 2010, which prohibit the rights of Nigerians in diaspora to vote during elections, there is equally no provision for diaspora voting in the two legal frameworks. The impediments largely lies in the qualifications for registration as a voter under both legal instruments, which has a proviso of residency as a requirement. It is worthy of note that the non-provision of voting rights for Nigerians in the Diaspora in the 1999 Constitution as well as the Electoral (Amendment) Act 2010, is a major gap in Nigeria’s electoral legal frameworks. Obviously, it is in an attempt to close this gap that the Chairman of INEC, Professor Yakubu Mahmood, on November 4, 2020, urged the National Assembly to expedite action by amending sections of the Constitution and the Electoral (Amendment) Act, 2010, to make way for Nigerians living outside the country to

vote during elections (INEC, 2020). As Ogbonnaya (2013) rightly noted, the effort to grant voting rights for Nigerian citizens living in the Diaspora does not contravene any extant legislation in Nigeria. Rather, its implementation will strengthen the legal frameworks on elections, especially the rights to franchise and political representation. If the Electoral Act currently being processed at the National Assembly is amended to accommodate diaspora voting, it will allow millions of Nigerian populations in diaspora the opportunity to participate in the electoral process and vote during elections.

In spite of the foregoing statutory provisions supporting diaspora voting rights in Nigeria, there are several political, socio-economic and legal factors that can impede its realization. External voting requires the mobilization of considerable resources, which must be deployed not just for the short period preceding an electoral process, but on a permanent basis (Lafleur, 2013). Wellman (2015, p.11) also argued that diaspora voting is disproportionately expensive and political parties also have limited resources; mobilizing potential supporters around the world is far costlier than campaigning domestically. For example, the successful implementation of diaspora voting in Nigeria requires the availability of necessary financial resources as well as adequate capacity by INEC to supervise the conduct of free and fair elections abroad. The inability of INEC to conduct credible local polls in successive elections over the years in Nigeria and the current economic difficulties in the country aggravated by the emergence COVID-19, makes the implementation of diaspora voting even more uncertain, at least, not before 2023 General Elections. There are also concerns that granting voting rights to Nigerians in diaspora may be difficult to implement because of the cumbersome process of identification and

registration of eligible diaspora voters across many countries of the world. This is in addition to the fact that some emigrants do not register with embassies and may be unwilling to volunteer personal information especially in contexts of mixed migration and high level of undocumented mobility (Wellman, 2015). Similarly, the process of regularly updating the diaspora electoral register involves serious administrative routine and coordination among multiple agencies and departments as well as huge financial cost. In the same vein, registered voters must be given appropriate access to the ballot through a voting method that must be sufficiently convenient not to impede the exercise of their voting rights, while at the same time providing the maximum guarantees against potential fraud or security concerns (IDEA, 2018, p.75), which INEC may not have the capacity to implement.

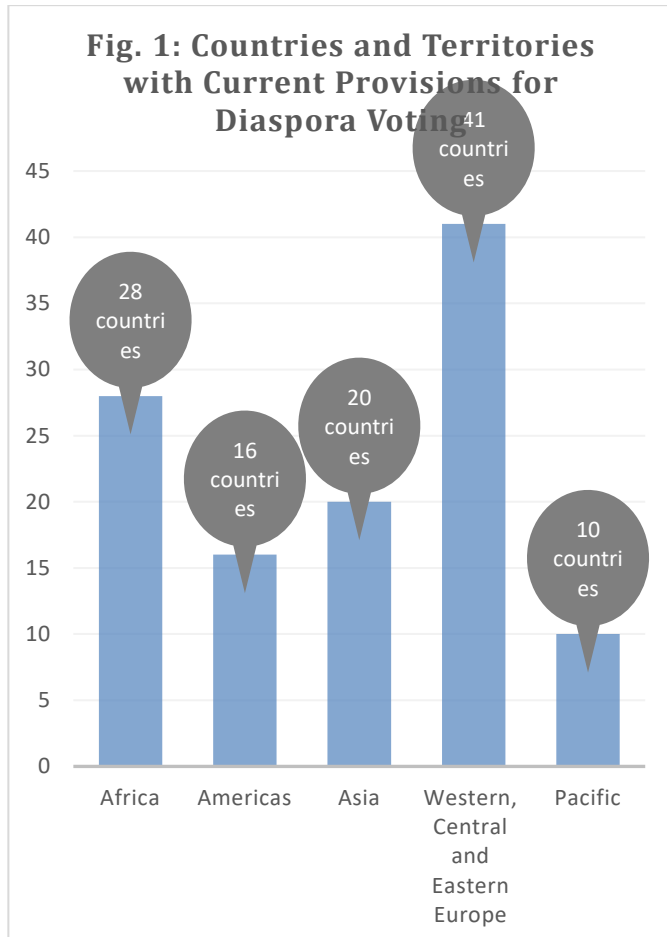
Another dimension to this is the perception that the diaspora are not well informed about the socio-economic and political dynamics in home country and at the same time not affected to the same extent by the laws and policies as citizens in home country, hence, it is needless for the diaspora to have voting rights in local elections of home country (Burean, 2011). More so, diaspora vote can overturn electoral outcome in a ways that are unfavourable to local population whose lives are more directly affected by the outcome of the elections. This perspective is further extended by the view that Nigerians at home may have better sense of appurtenance and loyalty to the country than those living in diaspora, especially for the second, third or more generations of the diaspora community who probably have never visited Nigeria. Closely related to this line of thought is the principle of “No Taxation without Representation,” which suggests that emigrants who no longer pay domestic taxes should not enjoy full political rights (Burean,

2011). Although, attempt have been made to counter this argument with the point that remittances sent by diaspora to relatives at home are taxed (Ryhove, 2013), the intention of the law with regards to tax clearance for elections relates to direct taxation rather than indirect taxation. Even though the Nigerian citizens living abroad do not pay direct taxes to home country, Article 12 (1) of the Electoral (Amendment) Act 2010, do not list payment of tax as a requirement to be an eligible voter in elections in Nigeria. However, it is a mandatory requirement for candidates aspiring for elective positions. Despite practical difficulties, external voting has had a strong impact on the electoral results in several occasions, and Nigeria can widen the political space by introducing external voting rights for her citizens living outside the country.

Cross-Country Experience on Diaspora Voting

By 2007, it was estimated that there are about 115 countries and territories, including nearly all developed nations of the world that have systems in place that allow their citizens in the Diaspora to vote (Collyer and Vathi, 2007). During the same period, about 28 African countries had one form of diaspora voting or the other (*Navarro, Morales and Gratschew, 2007*). By 2010, 39 out of Africa’s 54 countries have officially enfranchised their citizens living abroad (Wellman, 2018). Aside from the more recent and general issues of political, economic and cultural globalization, the reasons for the introduction of diaspora voting differ from one country to another, but are largely determined by “historical and political contexts (Collyer and Vathi, 2007). For instance, in the United States, United Kingdom, New Zealand, and Australia, the introduction of the right to vote for overseas citizens was as a result of the active participation of their contingent in the First and

Second World Wars (Collyer and Vathi, 2007), as well as their many military and other extra-territorial engagements. Figure 1 below shows the number of countries in five continent of the world that currently practice diaspora voting.



Source: Ogonnaya (2013); Sundberg (2007)

Experience has shown that the right for diaspora voting is not absolute or without limitations as each country categorically provide for the type of elections in which diaspora voting will be permitted (Ellis, Navarro, Morales, Gratschew and Braun, 2007; Ogonnaya, 2013; and Wellman, 2018). For example, from the countries reviewed, there are seven principal types of elections where diaspora voting takes place as shown in Table 1 below.

Table 1. Types of Elections for which Diaspora Voting applies

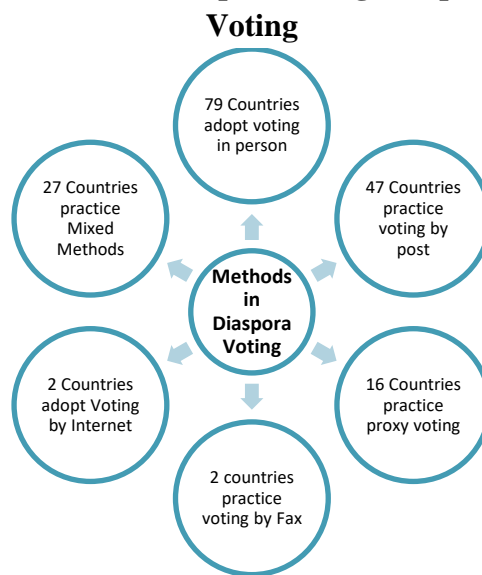
Type of election	No. of cases	Countries
Legislative elections only	31	Angola, Australia, Azerbaijan, Bangladesh, Belgium, Botswana, Czech Republic, Fiji, Germany, Gibraltar, Greece, Guernsey, Guinea-Bissau, Guyana, India, Iraq, Japan, Jersey, Laos, Lesotho, Luxembourg, Marshall Islands, Nauru, Netherlands, Oman, Pitcairn Islands, South Africa, Thailand, Turkey, United Kingdom, Zimbabwe
Presidential elections only	14	Afghanistan, Benin, Bolivia, Brazil, Central African Republic, Chad, Côte d'Ivoire, Dominican Republic, Ecuador, Honduras, Mexico, Panama, Tunisia, Venezuela (for presidential recall only)
Legislative elections and presidential elections	20	Argentina, Bulgaria, Cape Verde, Croatia, Djibouti, Equatorial Guinea, Georgia, Ghana, Guinea, Indonesia, Israel, Mozambique, Namibia, Nicaragua, Philippines, Romania, São Tomé and Príncipe, Senegal, Singapore, Syria
Legislative elections,	11	Austria, Colombia, Moldova, Peru,

presidential election and referendums		Poland, Portugal, Rwanda, Slovenia, Tajikistan, Ukraine, Uzbekistan
Legislative elections, presidential elections, sub-national elections and referendums	6	Algeria, Belarus, Ireland, Russia, Togo, United States
Legislative elections and referendums	7	Canada, Cook Islands, Estonia, Hungary, Italy, Latvia, Sweden
Presidential elections and referendums	7	France, Gabon, Kyrgyzstan, Lithuania, Mali, Niger, Yemen
Total	115	

Source: Ellis, et al. (2007).

In countries where diaspora voting is allowed, provisions are made to ensure that the conduct of the elections meet security, transparency and secrecy requirements, including giving all eligible voters equal opportunity to exercise their franchise (IDEA, 2007). Countries and territories that practice diaspora voting have introduced numerous innovations that enable them cope with peculiarities and challenges of diaspora voting. These challenges include, among others, covering different geographical location of voters, security in conveying ballot papers and other electoral materials, high expenditure of running diaspora elections as well as other administrative and logistics implications (IDEA, 2007). Many countries have adopted various methods in dealing with diaspora elections. Available records indicate that there are about six different methods of voting adopted by countries that practice diaspora voting as detailed in Figure 2 below:

Figure 2: Methods Adopted by Different Countries in Implementing Diaspora

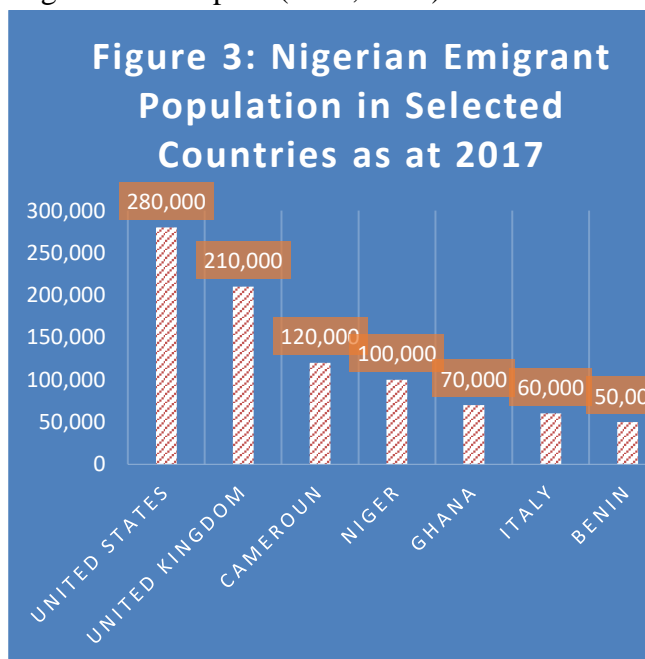


Source: Sundberg (2007).

Broadly speaking, diaspora voting methods and options adopted by different countries of the world are categorized into six, as provided in Figure 2 above. The figure shows that 54 countries practice personal voting, which requires voters to cast their votes in person; 25 countries adopt system that allows voters to courier or post vote cast; 4 countries allow voting by fax; 2 countries adopt a method where votes are cast through the internet; 2 other countries allow voting by proxy; and lastly, 27 countries use mixed methods of diaspora voting. It should be noted that diaspora voting is not only an acceptable global practice, but also consistent with the provisions of international law and conventions. More specifically, it is in line with Article 13 of the African Charter on Human and Peoples Rights, which recognises the right of every citizen to participate freely in the government of their country either directly or through freely chosen representatives. The provision of this Charter, which Nigeria is a signatory to, implies that citizens living abroad are entitled to vote and be voted for in local elections.

Nigerians in Diasporas and The Necessity for Diaspora Voting Rights

According to UN Population Division estimates, as of 2017, the number of global migrants stood at almost 258 million (or 3.4 percent of the world's population). Estimates of Nigerians living in other countries of the world vary markedly. According to NiDCOM (2020), the population of Nigerians in the Diaspora was between 17 to 20 million, with financial remittance of about \$26 billion dollars annually to the Nigerian economy. The UN migration data portal estimates that there were 1.3 million emigrants from Nigeria in 2017, which represented 0.6% of the total population [net migration is 300,000 in the last 5 years] (PwC, 2019). The figure however excludes those born of Nigerian parents in the diaspora and therefore, hold citizenship of their birth countries. Figure 3 below highlights the top country destinations for Nigerian emigrants. The largest Nigerian Diaspora community is in the United States, with more than 280,000, followed by the United Kingdom, with more than 210,000, while Benin Republic is the least destination for Nigerian in diaspora (PwC, 2019).



Data Source: PwC (2019).

Although, there is lack of specific data on the actual number of Nigerians in diaspora that are eligible to vote, it is however possible to extrapolate that Nigerian diaspora voters can swing the votes in general elections in Nigeria. It will be recalled that the total number of valid votes cast during the 2015 and 2019 general elections was 15,424,921 and 12,853,162 (INEC, 2021), respectively. To compare this data with the margin of lead between the winner and the runner-up in the 2015 and 2019 general elections which was 2,571,759 and 3,928,869 (Campbell, 2019; BBC, 2019; BBC, 2015), respectively, is highly instructive on the potential influence of Nigerian citizens living abroad on election outcomes in Nigeria. What this means is that with diaspora population of over 17 million and margin of lead of less than 4 million votes in the last two general elections, diaspora voting could have altered or changed the 2015 and 2019 general elections results had diaspora voting been allowed. It therefore goes without saying that granting of diaspora voting rights will not only increase the number of voting population but also change the electoral topography in Nigeria.

Apart from the above, another reason for the growing concern for the adoption of diaspora voting is predicated on the fact that the diaspora are Nigerians and have the right to take interests in events and development of their own country including voting in elections. Moreover, in modern democracy, granting voting rights to citizens living in diaspora has become an acceptable global best practice. Therefore, allowing citizens in diaspora to vote in elections of their origin countries is not only considered a measure of inclusiveness but also an indication of the level of political advancement and entrenchment of democratic practice (Orabuchi, 2012). Thus, granting diaspora voting rights in Nigeria will promote political inclusiveness, which is the most important virtue of democracy; and will

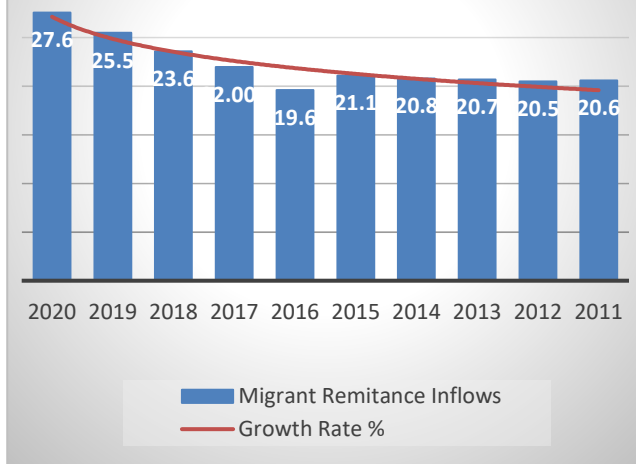
place the country in the global map of diaspora voting.

This right is not only in line with sections of the 1999 Constitution, as amended, but also consistent with international treaties and conventions. For example, the provisions of Sections 14(1), (2)(a)(c), 17(1)(2)(a), 24(b)(c), 25, and 73(2) all support the rights of equal treatment of all Nigerians with respect to their political rights, duties and obligations as citizens. Specifically, Section 17(1), (2a) provides that “the State social order is founded on ideals of Freedom, Equality and Justice. (2) In furtherance of the social order- (a) every citizen shall have equality of rights, obligations and opportunities before the law” (CFRN, 1999). This provision is strengthened in Section 14(1), (2)(a)(c), which states that “the Federal Republic of Nigeria shall be a State based on the principles of democracy and social justice. (2) It is hereby, accordingly, declared that: (a) sovereignty belongs to the people of Nigeria from whom government through this Constitution derives all its powers and authority; (c) the participation by the people in their government shall be ensured in accordance with the provisions of this Constitution” (CFRN, 1999). Similarly, the United Nations Universal Declaration of Human Rights, in Article 21(1), expressly states that “everyone has the right to take part in the government of his country, directly or through freely chosen representatives” (UNUDHR, 1948). This right is also provided for in Article 13(1) of the African Charter on Human and Peoples’ Rights, which provides that “Every citizen shall have the right to participate freely in the government of his country, either directly or through freely chosen representatives in accordance with the provisions of the law” (ACHPR, 1986).

Another important justification for the adoption of diaspora voting right is the fact that Nigerians in diaspora make significant

contributions to national economic development through remittances. For most Nigerians in diaspora, family is key and supporting their families back home is the ultimate expression of their loyalty, commitment and duty to their fatherland. In fact, Nigeria is one of the highest annual receiver of remittances in Africa and highest in Sub-Saharan Africa. Remittances account for 6% of the Gross Domestic Product (GDP), which makes Nigeria the sixth country in the world in remittance inflows (Cuevas-Mohr, 2019). This has been affirmed by the World Bank's Annual Remittance Data Update (April 2019), which shows that Nigerian Diaspora's remittance increased from US\$22 billion in 2017 to US\$25.1 billion in 2018 (Cuevas-Mohr, 2019). The World Bank also ranked Nigeria, with US\$24.5 billion, as the 6th highest recipient of remittances globally in 2019, after India, China, Mexico, Philippines and Egypt (Ratha, De, Kim, Plaza, Seshan, and Yameogo, 2019). Egypt at 28.9bn is in fifth place, with Mexico, The Philippines, China and India on top (Cuevas-Mohr, 2019). It is true of Nigeria, as it is for other countries, that many analysts dispute this estimate. In fact, most of these estimates speak to only remittances done through formal channels and do not account for those conducted through informal channels. Nigeria's remittances in 2017 alone were larger than the combined foreign direct investment (FDI) brought into the country in the last ten years, as recorded by the National Bureau of Statistics (Rufai, 2019). See Figure 4 below for migrant remittance inflows (2011 - 2020).

Figure 4: Nigeria Migrant Remittance Inflows (2011 - 2020), US\$ Million



Data Source: PwC (2019).

Contrasting remittances data (in the Figure 4 above) against other sources of revenue gives a most humbling view of how important these remittances are to the Nigerian economy. For instance, whilst NBS published data reflects N1.33 trillion as the 2019 internally generated revenue (IGR) by Nigeria's 36 States and the Federal Capital Territory, FCT (Egbobo 2020). According to Odere (2019), Nigerians in diaspora remitted over N9 trillion (or US\$25.5 billion) in 2019. This figure is higher than Nigeria's gross oil revenue of US\$18.2 billion in 2018. The data also reveals that the 2020 Nigerian diaspora remittances (US\$27.6 billion) outstripped the FG's 2019 capital expenditure budget of US\$6.7 billion (Odere, 2019). Another analysis shows that diaspora remittance of US\$23.6 billion in 2018, was 78.9% of the FG's 2018 total budget (of US\$29.9 billion), and 1.072% more than the US\$2.2 billion Foreign Direct Investment into Nigeria in 2018. According to Alake (2019), the per capital diaspora remittance for 2018 stood at US\$1,475 (Chioke, 2019). This figure almost squares up with Nigeria's GDP per capita at

US\$1, 951.271 in December 2017 (CEIC, 2020). In a sense, diaspora remittances also provide some consolation (even if it is cold comfort), for the skills gaps and other "inconveniences" the country suffers as a result of her human capital loss to other countries.

The enormous economic contributions, in terms of diaspora remittances, are an important justification to accord the Nigerians in Diaspora voting rights. Indeed, diaspora remittance has really contributed immensely in addressing many of the macro-economic and socio-political inhibitions that constrains many resident Nigerians from achieving their potentials. As established earlier in this paper, one of the most fundamental contributions of Nigerians living outside the country is the fact that they send money home, either for investments or for family support (Cuevas-Mohr, 2019). According to Warren (2015), wherever people put their money, that's where their heart (interest) is as well. He observed that, to know where your interest is, just look at where you put your money. Therefore, the political interests of Nigerians in diaspora need to be protected through rights of franchise.

CONCLUSION

Nigerians living in the Diaspora currently have no voting rights in Nigeria. The situation is becoming somewhat unusual in the light of current global development. While efforts to create a Nigerian Diasporas Commission (NIDCOM) has galvanized public awareness and interests, Diaspora Voting is still yet to see the light of the day. Diaspora voting is essentially geared towards increasing political participation and thereby contributing to the legitimacy and accountability of democratic governments. No doubt, diaspora voting population may have a considerable impact on election results. The right of the people in diasporas to vote in

elections is in line with sections 14(1), (2)(a)(c), 17(2)(a), 24(b)(c), 25, 73(2) of the 1999 Constitution as well as articles 13(1) and 20(1) of the African Charter on Human and Peoples' Rights. Thus, providing voting rights for Nigerians in the Diaspora is in line with the modern global trend as has been shown above. It is therefore based on the foregoing that this policy analysis submits that granting voting rights to Nigerians in diaspora will create a sense of belonging and will boost their interests in contributing to Nigeria's national economic and political development.

RECOMMENDATIONS

From the foregoing conclusion, the following recommendations are hereby advanced:

- 1). Sections 77(2) and 117(2) of the 1999 Constitution, as amended, should be amended to make it possible for Nigerians living in diaspora to be eligible to be registered as voters;
- 2). Similarly, the 1999 Constitution should be altered to include a new section(s) which shall contain express provisions for voting rights for Nigerians living in diaspora.
- 3). The provisions of Section 13(1) (c) of the Electoral Act 2010 as amended should be amended to provide voting rights for Nigerians in the diaspora as obtains in countries such as Ghana, Senegal, South Africa, etc.;
- 4). Section 13(1)(c) of the Electoral Act 2010 above should be amended by adding the words "or is a Nigerian in Diaspora;"
- 5). INEC should work in synergy with the various Nigerian embassies to develop a credible database (register) of every eligible Nigerian voter in the diaspora and issue them unique Voter Identification Numbers which would be required during voting;
- 6). There is also need for INEC to provide for methods of voting, the type of elections in which diaspora voting applies and the eligibility for voting by the Nigerians in diaspora, if the voting right is granted.

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