

Opinion

Debates and lamentations

By Edwin Madunagu

IN the fifth and final segment of my review of the 2011 general elections, *Provisional report on election 2011... (5)* (*The Guardian*, June 9, 2011), I said that the conclusion of the review would not be written before the report of the Federal Government's investigation of the post-presidential election violence and the outcome of the high-profile election petitions, including, in particular, the petition against President Goodluck Jonathan's re-election. As I write, the legal dispute over the conduct and result of the presidential election is still going on in the Court of Appeal and may drag on to the Supreme Court. The report on the violence in parts of the North and the mini civil war in Akwa Ibom State has however been submitted by the Investigation Panel to President Goodluck Jonathan who set it up.

While still waiting for the court verdict, we may look at the report of the panel, as carried by Nigeria's print media. I am placing the panel at the level of a superior court. In that setting, the Federal Government, through its (expected) White paper, is the only appeal court.

The title of the present article, *Debates and lamentations*, was derived from the editorial comment of *The Guardian* of Thursday, October 20, 2011, captioned *Mass failure in WAEC and NECO*. In that editorial the paper acknowledged the concern of the House of Representatives over the "embarrassing and growing culture of mass failure recorded by candidates in the Senior School Certificate Examinations (SSCE) conducted by the West African Examinations Council (WAEC) and the National Examinations Council (NECO)". The paper, however, believed that the plan of the House to "investigate" the recent "mass failure" would be a "step in the wrong direction, unless it is aimed at proffering workable solutions to the problem". And, then: "There is nothing to gain by merely debating and lamenting the successive failures without a corresponding action to change the present abhorrent state of the schools" (emphasis mine).

The report of the post-election violence investigation panel said exactly the same thing as *The Guardian*; namely, that it is futile for Nigerian

governments to continue to debate and lament, through endless commissions and panels, while necessary and often elementary, actions - including actions recommended and sometimes accepted by governments themselves - are not taken. It is, therefore, understood why one of the key recommendations of the panel is that action should be taken on the reports of previous commissions of enquiry. The panel recommends May 1999, when the present political order was inaugurated, as starting point. Debates, lamentations and investigations, including those initiated by governments, would of course, go on. In fact, the present article is a contribution to the debate which the report has generated. In a sense, the report is also a *state lamentation* - to which I shall add my own.

What the panel is, however, saying is that beyond debates and lamentations which no one can stop, action should be taken on the (accepted) findings and recommendations of state-directed investigations. I shall return to this critical recommendation, and propose *explanations* to Nigerian governments' permanent inability or refusal to act on reports of their own commissions. Also in need of explanation is the civil society's inability to rise above the Nigerian state's inertia on this question. I have just read a report in *The Nation* of Sunday, October 23, 2011, page 2, titled: *Why Shagari is convening national confab*. According to the report, the Second Republic president, Alhaji Shehu Shagari, is convening the conference, scheduled for end of November, 2011, in response to the "alarming level of violence, including bomb attacks, assassinations, destruction of property as well as the recent tendencies to polarise the nation along ethnic and religious lines". Without exaggeration, more than a thousand similar high-profile conferences must have taken place since 1999. Each of them came out with a proposed "redemption charter" for the country. The news was usually hotly debated in the media but had been forgotten as soon as a new "national conference" was announced.

President Goodluck Jonathan inaugurated the election violence panel on May 21, 2011. The panel was asked to investigate the "immediate and remote causes" of the violence; ascertain the num-

ber of persons who lost their lives or sustained injuries during the violence; identify the spread and extent of loss and damage to means of livelihood; assess the cost of damage to personal and public property and places of worship; and make "appropriate recommendations" on the damage as well as how to "prevent future occurrences". The last injunction, that is to suggest how to prevent the pre-occurrence of political violence in general and election violence in particular, permitted the panel to go beyond its specific brief. So the question of "exceeding its mandate" as being raised against the panel by some people does not arise. The investigation went "beyond its brief" quite alright; but it did so in a courageous, patriotic and authoritative manner.

The panel was headed by a respected elder-statesman, Sheikh Ahmed Lemu, assisted by Justice Samson Uwaifo as Vice Chairman. Other members included labour leaders, diplomats, senior bureaucrats, military officers and a serving member of the National Youth Service Corps (NYSC). The composition was "balanced" in accordance with the dominant political culture. The panel submitted its report to the president on Monday, October 10, 2011. The submission of the report, as usual, was a public ceremony. The Chairman, Sheikh Lemu, made a long speech, summarizing the report and highlighting key findings and recommendations. The president also made a long speech, pledging, or rather swearing, that he would implement the recommendations with dispatch and courage. "Heavens will not fall", he was reported to have thundered.

All the national newspapers that I read the next day, Tuesday, October 11, 2011, led with the news of the Lemu Report. As expected there were differences in highlights, emphases, focus, "slants" and, of course, captions and sub-captions. I saw that some of the differences were professional, while others were political. While, for instance, some newspapers put, as main lead, the warning of the investigation panel on "social revolution", some others highlighted what they interpreted as "indictment" of General Muhammadu Buhari, the presidential candidate of the Congress for Progressive Change (CPC). Some newspapers also reported on the controversies - over inter-

pretation and import - already being generated by aspects of the report as highlighted by Sheikh Lemu in his presentation.

I checked as many newspapers as I could, and saw that *The Guardian* report, which led with the panel's warning on "social revolution", subsumed all the main aspects of Lemu's speech and Jonathan's response. I am therefore staying with *The Guardian* in attempting the following distillation and itemisation of the report and recommendations. I consider this exercise important - as a preliminary clarification response to the arguments over the import of each specific finding and accompanying recommendations, as reported by this newspaper. My specific and general comments on the report, as well as comments on other people's comments, shall form part of the conclusion of the article.

The *first* and probably the most important major cause of the post-election crises, said Sheikh Lemu, according to *The Guardian* report, "is the failure on the part of the previous successive regimes, since the military's hand over power to civilians in 1999 to implement the recommendations of various committees, commissions and panels that had taken place in our nation". At least eight of such previous panels on violence - of the magnitude of that of April 2011 - were listed by Sheikh Lemu. The failure of government to act on the reports and recommendations of the panels, "facilitated the widespread sense of impunity in the culprits and perpetrators of crimes and violence in the Nigerian society".

It was the view of the 2011 election violence panel that many perpetrators went into action because they believed they would not be prosecuted or would go unpunished even if prosecuted. The Lemu panel therefore recommended that the government should order Nigerian security agencies "to fish out" the perpetrators of previous acts of violence and prosecute them. And it does not matter if Jonathan was in power when some of these "disorders" took place, or not. Governance in Nigeria has been continuous since 1999. This seems to be the first substantive recommendation based on the panel's first critical finding.

• *To be continued next Thursday.*

Opinion

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THE *second* major cause of the April 2011 election violence, according to the Lemu Report, was "the result of frustration and disappointment of many members of the general public" over several aspects of the Nigerian condition. These include: "the inability of successive regimes to improve the state of federal roads; bribery and corruption; kidnappings and insecurity of life and property at home and on highways." In the opinion of the panel, bribery and corruption "have virtually been legitimised in the country."

It would appear that it is in this second segment of its findings and recommendations - collapse of infrastructure, insecurity and corruption - that Lemu Report warns of "social revolution" if "preventive measures" are not immediately taken. It fears that "the current sporadic demonstrations in educational institutions and by labour unions are all signals of more serious negative events to come." The panel then made what I consider an unusual, but entirely honest, appeal to President Jonathan: *Let the country's security agencies verify our assertions.* But, then, which security agencies? Cynics may be tempted to ask. Are they referring to the security agencies we see and hear about, or special ones to be imported, or agencies yet to be created? It is generally believed that Nigeria's security agencies do not tell incumbent governments the truth. This they reserve for their successors.

The *third* major finding of the panel was the anger of the people over the manner political office holders have turned their positions, in particular, and politics in general, into lucrative businesses - at that expense of the whole nation: "The panel discovered that the remunerations and allowances of members of the Legislature, in particular, are considered by stakeholders who addressed us or wrote to us about the issue to be outrageous." To maintain this regime of outrageous appropriations, "many politicians of all parties are seriously establishing private armies." The establishment of private armies is facilitated by "easy access to drugs, serious general poverty at the grassroots level and youth

unemployment." Poverty and unemployment reduce the cost of recruitment and maintenance of political foot soldiers generally known as thugs. *Again, the Lemu panel asked that security agents be made to verify this "assertion."*

In the opinion of the panel - and this can be taken as the *fourth* finding in my itemisation - "the basic cause of the violence in nearly all the communities concerned is *political*." Ethno-religious "sentiments" came in through "negative campaigns and rumour mongering by unscrupulous individuals to achieve their ulterior motives." To illustrate this assertion, the panel mentioned the "zoning" crisis "which started basically as an internal political affair of the ruling party but ultimately changed the nature of the presidential election into an ethno-religious contest in the country, particularly in the northern states." This has been a clear line of thought and belief about violence in Nigeria: that it is largely political in origin; but that "along the line," politicians and other opportunists hijack it, give it ethnic and religious colourings and re-direct it "to achieve their ulterior motives."

The *fifth* finding of the panel relates to "*provocative utterances by many individuals and the widespread charge by prominent politicians including the Congress for Progressive Change (CPC) presidential candidate, to the electorate "to guard their votes" appeared to have been misconstrued by many voters to include recourse to violence which they did.*" This is where, I believe, some newspapers got their report on the "indictment" of the CPC presidential candidate, General Muhamadu Buhari. Sheikh Lemu also reported that Buhari submitted himself to an interview with a subcommittee of the panel. It was revealed in that interview that the general was also a victim of the violent destruction that accompanied the April 2011 election violence.

When I read the reports of the "indictment" of General Buhari, and the controversy that this part of the report had started to generate, I consulted some dictionaries on the meaning of indictment. The Oxford Advanced Learner's Dictionary also says that "to indict" is "to officially charge somebody with a crime." Indictment, in this reference book, means a

"written statement accusing somebody of a crime" or "the act of officially accusing somebody of a crime" or "a sign that a system, society, etc, is very bad or very wrong." The Merriam-Webster's Collegiate Dictionary says that to indict is to charge with an offence; to criticise; to accuse" or "to charge with a crime by the finding or presentment of a jury in due form of law." Indictment here means a "formal written statement framed by a prosecuting authority and found by a jury charging a person with an offence; an expression of strong disapproval."

The Sheikh Lemu panel's *sixth* finding was put this way: "For all the causes identified by the panel, the declining spirit of God - consciousness and of accountability before God, very low moral standard as well as social indiscipline in the Nigerian society are all considered to be the major facilitating factors." The panel's recommendation here was that "basic education curriculum in Nigeria should, henceforth, contain - as a compulsory learning material for all the students - the moral values of God-fearing and of accountability before God, which are derived from the Islamic and Christian teachings as well as civic and cultural orientation in line with section 23 of the Nigerian Constitution." And for completeness, we may add that Section 23 of the Nigerian Constitution (1999) says that "the national ethics of Nigeria shall be discipline, integrity, dignity of labour, social justice, religious tolerance, self-reliance and patriotism".

It is in this area of "ethical re-orientation" that the panel recommended a "review of the roles of the National Orientation Agency (NOA) and the Independent National Electoral Commission (INEC) towards enlightenment of Nigerians." The seventh finding deals with the "source of weapons in the crises." On this, Sheikh Lemu said: "The Panel identified those used in The North as "largely knives, axes cutlasses, clubs and similar objects" However, in Akwa Ibom State the weapons of war were different: "There was a tide of illegal flow of sophisticated weapons into the state, which were used in the violence." The recommendation here was for "strict enforcement of all the laws and regulations concerning the use and trafficking of illegal

arms." The panel also recommended that negligence on the part of the security agencies should, henceforth, be sanctioned - to act as a deterrent."

In his response to Sheikh Lemu's address, President Goodluck Jonathan made a long speech. What had caught media attention was the president's pledge (or vow) to implement the panel's recommendations with boldness ("heaven will not fall"). But some other interesting points in his speech can be noted. The president welcomed the recommendation on "enlightenment" because, according to him, those who went on violent protests over his election must have acted in ignorance. He made this deduction from the fact that the violence was more serious not in the states where he won more votes, but in those states-like Kano and Bauchi - where he was decisively beaten.

The president also expressed satisfaction with the fact that the panel did not confine itself to punitive measures (against those criminal violators of the law), but extended its concern to preventive measure (against re-occurrence). He was, or ought to be referring to the panel's identification of causative factors like unemployment, collapse of infrastructure, bribery and corruption, the "political economy of state robbery," ethical collapse and "Godlessness."

I believe that my attitude to the Lemu Report is implicit in my distillation and itemisation. My attitude is that of satisfaction. But two particular points may be pulled out. First is the candour, boldness, patriotism and passion with which the Report was written. The panel asked the President to confirm their findings through his security agencies. Can one hope that this confirmation or otherwise, will be part of Federal Government's White paper on the Report? My other comment relates to the question of indictment. Unless there is more that has not been reported, the security agencies will have to do more work to be able to bring the charge of criminal responsibility against General Buhari or any of the "many individuals" and "prominent politicians" who made "provocative utterances" which voters "misconstrued."

• Concluded.