

IN a few weeks from now President Umaru Musa Yar'Adua and his administration will be marking their first year in office. The media and some private persons will also be marking the event – some with celebration, some others with reviews and criticisms, and yet others with critiques. I shall also be marking it with a critique, starting with this piece.

A critique is a radical criticism; and to engage in a critique, according to one radical writer, is to “uncover the essence underlying appearance, the historical conditions that make a particular set of social ideas and arrangements seem necessary and rational”. This is different from mere criticism. In a critique of Yar'Adua's administration, for instance, attempts will be made to go below the surface to see, for instance, if the administration has made essential departures from Obasanjo's regime – appearances notwithstanding, or to see in what direction, if any, the changes made since May 29, 2007, are moving or to see the interests underpinning these changes. I shall not pretend to be carrying out this task in this particular piece. I shall merely be putting down some prefatory notes.

The starting-point is that I am assailed by doubts, by thoughts that the events that are continuously unfolding before our very eyes, the media reports and the rumours that we get everyday, may not be what they seem to be, or be true reflections of the truth. Put differently there is this strong fear that the changes that have been indicated in the governance of the country since May 29, 2007, may not be as profound as they are made to appear. I shall proceed by means of stories.

The *Guardian* of Tuesday, April 8, 2008 reported a “mild drama” that took place when a group of students from the National Institute of Policy and Strategic Studies (NIPSS), Kuru, visited Taraba State in the course of their study tour of national institutions. The group, led by the Director-General, had been scheduled to hold a meeting with political office holders and government offi-

cial. As the students approached the hall, someone noticed that Nuhu Ribadu, the former Chairperson of the Economic and Financial Crimes Commission (EFCC) was in the group. In panic, the man announced this to his colleagues. What happened? He and his colleagues took to their heels. Although the Director-General made a spirited attempt to assure the politicians and public servants that Nuhu Ribadu meant no harm – at least not on that visit – it took a long time to reconstitute the meeting.

This is a story that evokes laughter wherever I tell it. And I have told it so many times. You may make your deductions from the story: the impact of EFCC under Nuhu Ribadu and of Ribadu himself, the depth of corruption in Nigeria's public life, Nigeria as a tragicomedy, etc. But what the story did was to sharply remind me of the circumstances of Ribadu's removal as EFCC Chief at the beginning of this year. My opinion on special crime-detection and law-enforcement agencies, such as EFCC, has been stated in this column several times. I shall again summarise it. The intentions of the political authority that sets up a public institution, such as EFCC, may not always be what it publicly says they are. But the technical operatives of the institution may believe in the official public declarations and honestly and diligently commit themselves to them.

The real intentions of the political forces in power may be significantly divergent from their public declarations. In extreme cases the two can be polar opposites. This fundamental contradiction is then played out in the way the public institution (that is, the EFCC in this case) operates, the inexplicable actions it sometimes takes, and the quarrels that often erupt between the “politicians” and the “operatives”, and sometimes (ultimately) the sacking of operatives or the restructuring, reconstitution or outright disbandment of

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the institution.

I am persuaded that, as Chairperson of EFCC, Nuhu Ribadu was committed to fighting corruption and, in particular, exposing corrupt public officers and preventing them from remaining in power or gaining more power. Ribadu was accused of love of publicity and “grandstanding”. For me, this is a positive attribute in the Nigerian situation. It is, however, an attribute which hypocritical “guardians” of public morality may frown at but which those of us on this side of the divide actually cherish and applaud, and judge to be in public interest. He was also accused of “over-zealousness” in his handling of suspects, often violating their rights. There is some truth in this. But the tendency could have been arrested by a strong memorandum from the new president.

The public perception that EFCC under President Olusegun Obasanjo regime and political motivation in choosing its targets may not be entirely wrong. My proposition, however, is that this was not the fault of Nuhu Ribadu's EFCC, but that of Obasanjo's government. Let me explain. A crime-detection and law-enforcement agency, like the EFCC, needs the cooperation of other institutions, agencies and state functionaries to do its works as defined.

If some of these agencies consistently or occasionally refused to cooperate, if they supply information in partisan manner (revealing some facts, and concealing others, exposing some cases of wrong-doing, but concealing others, etc), then to that extent will the work of the crime-fighter be skewed, to that extent will the anti-crime agency appear partial and be seen as a political weapon. The situation is worsened if the “non-cooperat-

ing” institution or functionary is the political executive itself. This was what happened under President Olusegun Obasanjo. But has the situation changed under President Umaru Musa Yar'Adua? My answer is: I doubt very much. And this is where the story of Nuhu Ribadu's removal comes in.

My hypothesis here is that Ribadu's perception of the work of EFCC, his methods, and his leadership, came into conflict with the needs and interests of the new administration. An old power structure had been dismantled and a new one had been installed. But this change did not bring freedom to EFCC. It only replaced one set of “constraints” with another. It would appear that, somehow, Ribadu was able to manage the constraints imposed by Obasanjo. But he was not so successful under Yar'Adua. The latter's field-workers and enforcers were simply too crude and impatient. Accepting that the authorities reserved the right and power to re-deploy state functionaries, or send them to school, why the many stories that were planted in the media about Ribadu's alleged corrupt activities?

You know Alhaji Abubakar Rimi, radical politician, former governor of the old Kano State and former Federal Minister. He enjoys the reputation of straight-taking. In an interview he had with *NewsWatch* and published in the April 14, 2008 issue of the news-magazine, Rimi expressed the optimism that Alhaji Atiku Abubakar, estranged Vice President under Obasanjo, would come back to the ruling Peoples Democratic Party (PDP). The interviewer then asked Rimi for the source of his optimism. And Rimi replied: “This is because he (Atiku) did contribute a lot to building the PDP. Secondly, Atiku is essentially a businessman, and I cannot see how he can carry his business successfully when he is opposed to the gov-

ernment in power in Nigeria. He likes money and like to be rich. He likes to do big business. You can't do business if you are not close to government, whether you are in France, England or Nigeria. You need government to do big business”.

Please, forget Rimi and Atiku for now, and focus on what the former has just said: You need government to do “big business”. You need government to be very wealthy, like some people in Nigeria. The “hard work” for which very wealthy Nigerians are reputed therefore needs to be qualified to read: “hard work and friendship with government”. The reference to England and France, among other developed capitalist countries, is correct. That is the dialectics of class and state – everywhere, in every epoch, under Obasanjo and under Yar'Adua under Tony Blair and under Gordon Brown, under Chirac and under Sarkozy.

What we need to add is that in the case of Nigeria capitalism is still in the stage of primitive accumulation where the central mode of private wealth accumulation is fraud against the people and fraud against the state. The former, which includes, for instances, massive appropriation by political office holders, is part of the social structure and can be removed, or effectively challenged, only by a revolution. The second form, which includes theft, is defined in the legal books as crime. But since it is so pervasive and so entrenched the silent operational rule becomes: “Thou shall not be caught; thou shall not offend the power-that-are, those who temporally wield power on behalf of your class; and thou shall not ‘chop’ alone”.

Has the situation changed under President Yar'Adua? I am in serious doubt. All I can say is that a regime in Nigeria which systematically and consistently pursues the fight against corruption, and institutes people-serving reforms with the recovered monies and property and joins this with even a minimal welfare programme, will soon come into conflict with the existing social structure, and will be embarking on a revolution. The Nigerian masses will join.

•To be concluded.

I HAD proposed the employment of "critique", rather than mere criticism, in reviewing the first 12 months of President Umaru Musa Yar'Adua's administration. A critique tries to uncover essences, motive forces and inner logic. It is definitely not enough to point out Yar'Adua's "shortcomings"; it is necessary to try to see where the regime is going, and how different it is from its predecessor. A critique should, however, not become an exercise in superstition or clairvoyance. Every result of a critique should be capable of being tested. We continue with the method of story-telling.

Alhaji Abdulkarim Daiyabu is either the National Chairperson of a faction of the Alliance for Democracy (AC) or a rival National Chairperson of a unified AD. Whatever the case I was pleasantly surprised to learn through his interview with *The Guardian* (Tuesday, April 15, 2008) that the party is still alive after the series of reversals it suffered for the terrible mistake it made in endorsing ex-President Olusegun Obasanjo of the ruling PDP for re-election in 2003. Daiyabu dismissed the PDP as the "political platform of looters of the treasury", and vowed to remain poor, if the alternative is to move over to a group "that doesn't bother about the plight of Nigerians". That is a commendable personal manifesto in the context of contemporary Nigerian politics. How I wish Daiyabu is sincere and that more professional politicians will join his tribe!

The opening question of the Daiyabu interview runs like this: "How would you react to the House of Representatives inquiry into the mismanagement of billions of dollars meant to upgrade the power sector?" Daiyabu's answer covers about three-quarters of the length of the interview. I shall distill two relevant points from it. *Point No. 1:* "I doubt if those in position of authority now are people who can make things happen. All that is happening now, we have already seen before".

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Point No. 2: "It is we the ordinary citizens that will determine what would happen now with all these revelations. If we leave it to them they would do nothing. Yar'Adua will not punish anybody over the revelations. We have seen it before now but nothing happened. Will he dare the powerful forces involved? What we need now is an implementation committee".

I share Daiyabu's doubts. Looking soberly at the state of affairs in the polity, and then looking back, we see that there is nothing that has happened so far in the campaign against corruption since Yar'Adua replaced Obasanjo almost 12 months ago to suggest that we are embarking on anti-corruption revolution. General Buhari directly probed Alhaji Shagari; Babangida indirectly probed Buhari; Abacha indirectly probed Babangida (remember the "oil windfall"); Abdulsalami Abubakar indirectly probed Abacha; and Obasanjo probed all his predecessors in office. But what were the result of all these probes? Nothing to the benefit of the popular masses.

My thesis is that what is happening now is not essentially different from what we have had before: Whenever there was a change of administration the nation was taken through a minor redistribution of the nation's wealth and resources within the ruling blocs. In the past, military might and diktats were used; but now we have "the rule of law". We should not exaggerate the import of recent and current revelations and arraignments in court. For there are limits beyond which these actions cannot go without endangering the collective interest of the ruling blocs.

Perhaps Daiyabu took an extreme and absolute position when, in answer to a question, he said: "Yar'Adua is a product of Obasanjo. I doubt if there is any way Yar'Adua would be different from whatever Obasanjo stood for". No. Yar'Adua can indeed grow to become dif-

ferent, his having been produced by Obasanjo notwithstanding. History provides abundant evidence of this possibility. All we are saying is that there is, so far, no indication that Yar'Adua's regime is preparing to chart a new course that is essentially different from Obasanjo's mode of governance. When a new course begins it will be self-evident and we shall all see it. Was it no Jesus Christ who said that no one lights a lamp and puts it under a table? You put the lamp on the table so that we can see both the lamp and its surroundings.

The rule of law, as a general political philosophy, cannot be opposed by any democrat, whether liberal or revolutionary. But then the rule of law is, at each point in time, the rule of "existing law". And the existing law, or aspects of it, may be, or may become, a constraint on the development of democracy, freedom and social justice, and ultimately, of social equality. At that point the slogan, "rule of law", becomes politically opportunistic and cynical (if not outright reactionary) unless it is complemented by the struggle, or commitment to the struggle, to reform the existing law. We have not seen anything to indicate that such a new dawn is approaching. On the contrary, the ongoing indictments of public officers, combined with the current scandalous appropriations by the National Assembly, together constitute a warning that the "old order" has not changed.

Navy Commodore Ebitu Ukiwe lost his position in 1986 as political second-in-command to military president, General Ibrahim Babangida, for questioning, or allowing the public to know that he had questioned, Nigeria's membership of Organisation of Islamic Conference (OIC). In April 1990, the OIC membership was a key point in the

"Orka coup", a very bloody, but unsuccessful, attempt to overthrow Babangida's regime. Since then, the Nigerian state has been "shy" about the status of its membership of the organisation.

It was rumoured that President Olusegun Obasanjo paid up all the debts that Nigeria owed the OIC and even made some "advance" payments. This implied not only current membership, but also commitment to continuing membership. But Obasanjo is not known to have attended any of the meetings. I can also not say if he ever sent a representative. But President Umaru Musa Yar'Adua conspicuously attended a recent summit of the organisation held in Dakar, Senegal. The President's attendance was a clear statement that the debate on Nigeria's membership of the OIC was over. This action is, to say the least, unfortunate. For it seems to indicate that Yar'Adua has contempt for the sentiment of a sizeable fraction of the Nigerian population. Is that the new "dawn"? Is that part of the "rule of law"?

Sometime in the third quarter of 2007, Henry Okah, a leader of the Movement for the Emancipation of the Niger Delta (MEND), and a colleague of his, Edward Atatah, both Nigerians, were arrested and detained in Luanda, Angola, for "gun-running". It took some time before the Nigerian state admitted the bare facts of this story. Next came the question of extradition. The two detainees opposed their planned extradition to Nigeria. Again, it took a long time for the Nigerian government to admit that it was negotiating the extradition of the two Nigerians.

Suddenly, in February 2008, it was reported that Okah and Atatah had been secretly repatriated to Nigeria. Again, it took some time for the government to admit this. Then came the report that Okah was seriously wounded

in a "scuffle" with guards in the detention centre. A security agency was forced to deny this. Next came the national and international agitation for a trial. The Nigerian state arraigned Okah and Atatah before a court. But then the government had obtained an order, from another court, permitting Okah's trial to be conducted in secret. *Comment:* The conduct of Yar'Adua's administration in this matter has not shown that it is aware that what is going on in the Niger Delta is essentially a political revolt, the infiltration of criminality notwithstanding. What is called for in the region is "political engineering", not "technical legalism". Neither the rulers of America, through their AFRICOM, nor the "international community", can provide the formula for resolving the Niger Delta questions. The solution is here.

The office of First Lady was institutionalised under military president, Ibrahim Babangida. The institution has now become as notorious as the honorary chieftaincy institution. But I make a distinction between First Lady and Wife of Head of State. The spouse of a Head of State may decide to play more or less active role in support of his/her spouse. This is perfectly legitimate, provided it is unofficial and informal, and does not cost the state anything.

The problem is with the office of First Lady. I believe that the office of First Lady, just like executive presidency, was created by the United States of America which imported the idea from imperial England. Perhaps, Americans, having freed themselves politically from the English Monarch, could not break with the psychological need for a monarch (hence, executive presidency) and the royal entourage (hence, First Lady). It is now clear that the wife of Nigeria's incumbent Head of State has an even more robust idea of the position of First Lady. And indication is the inauguration, a few weeks ago, of the conclave of former and current First Ladies - perhaps to become a parallel Council of State. My position in this matter is simply that the office First Lady is unnecessary and should be abolished.

•Concluded.