

Don't make violent change inevitable, Bolaji Akinyemi warns

The Vanguard, Interview Dec 20, 2009

*Says brouhaha about President's condition is unnecessary

*Insists zoning is going to ruin Nigeria

*Says Constitution amendment is a joke

Professor Bolaji Akinyemi is not given to frivolities. When he decides to speak, he chooses his words and attempts to ensure that he is not misunderstood. With the constitution review looking to have engaged another gear and electoral reform issue remaining at the front burner, Akinyemi, a former Foreign Affairs Minister and Presidential aspirant spoke to Sunday Vanguard. He was at great pains to ensure that his choice of words would not be misconstrued.

Nonetheless, he could not resist the temptation to shoot straight. Sampler: "There are those who are even putting themselves forward now, as you described them, the 'On Uwais We Stand Crowd' are precisely the same people who accused the President that in setting up this



same Committee that they are shouting about now, that nothing good would come out of it. These people did not cooperate with the committee when it was doing its work – they did not. I will not personalize this because these were the people we wrote to, that they should please come forward and meet with us, let us share in their wisdom, but who refused to meet with us, saying they have no faith in the whole exercise.

We came up with our report and it was evident that we were not panel beating anybody's image. Now, they, overnight, became major supporters of the Uwais Committee Report." This is a season when Nigerian politicians are driving chariots of fire through any loophole in the constitution but Akinyemi insists that the Uwais Committee report, of which he participated in its preparation, would go a long way in resolving so many knotty issues in the polity if implemented. Excerpts:

By Jide Ajani, Deputy Editor & Anthonia Onwuka

THERE has been no other time for Nigerians to engage a more mobile gear pursuant to actualizing the letters of the Uwais Committee of which you are a member and the reasons for this are legion?

Look, I get so amused with Nigerians about Nigeria and in their reaction to political issues, I believe we still have this Boy Scout attitude, this Boy Scout mentality about events. We forget yesterday, right. And we address today as if today did not emerge from yesterday and as if tomorrow is not going to come about.

Why do I say this? We had, in 1999, 2003 and in 2007 elections people did not particularly like because they were fraudulent – you know it, I know it, the whole of the international community knows it; which meant it threw up representatives of the people but who represent no one but the godfathers or themselves. We are lucky to have a president who decided to be honest with us and with himself in saying the elections which brought him in were fraudulent and that we really can not go on like this. That it is dangerous for Nigeria, it is dangerous for the political system and it is dangerous for our future and that we can not continue to push our luck.

Now, the reason why, perhaps, Nigerian leaders don't want to address issues the way they should be addressed is because of this, I can't find the word; there's a particular mentality in a particular section of the Nigerian political elite who....Some people then picked on Yar'Adua for saying 'I want to do something about our electoral system' to mean that 'yes! You've admitted that the elections were fraudulent, therefore, you must quit'; because once you've admitted that and because that was what produced you then you must quit. And the people who said this are not just your run of the mill political activists – these are people of substance. I think rascality is the word to use in describing their attitude and I'm even just being charitable in using that word, that there seems to be an element of rascality in reaction to issues of grave national importance and that bothers me because in a way you are using a man's good intentions to flog him. And everybody now admits that JFK's election of November, 1959, was stolen in Chicago and yet JFK has gone ahead to become one of the most eminent, famous, attractive historical presidents that the USA has ever produced. Nobody of any means in USA turns to JFK to say he can not pursue some of the good deeds and the reforms he engendered like civil rights and all the dreams that are now associated with JFK, nobody of means in USA said he could not do those things but that is what some eminent Nigerians do today with Yar'Adua.

As I said, in which case, you're not going to get an angel, incidentally to get elected in Nigeria and in fact, angels will not run and if they try to run for elections in Nigeria, those godfathers and godmothers will make sure they simply don't emerge. Then, are we now saying that there can not be a road-to-Damascus conversion – that is using the office to address the issues so that the nation will not go back to those things again? Instead, he got pilloried. He stuck by it.

But as events are turning out it is increasingly appearing to be just another showpiece? And more, it appears to be suffering political ambush because nothing concrete seems being done or may be done with the report? Did you anticipate that this would happen?
First, let me tell you that there was never any attempt made to tele-guide us during deliberations. Now to the issue of ambush, my answer is yes. I envisaged it.

And if you look at it carefully, while government may have its own agenda, some of those shouting 'on Uwais Committee Report we stand', too, have their own agenda different from that which is expected to honestly reform the polity and the process. These are two extremes that may not bode well?

Yes, because to bring this report into fruition, into law, you need action on the part of people who, one, are beneficiaries of the shenanigans, that is called politics in Nigeria; two, people who are not convinced that there is any need for change and who, therefore, believe that with just a bit of panel beating, things can be changed. And also there are those who are even putting

themselves forward now, as you described them, the ‘On Uwais We Stand Crowd’ are precisely the same people who accused the President that in setting up this same Committee that they are shouting about now, that nothing good would come out of it. These people did not cooperate with the committee when it was doing its work – they did not.

Professor Akinyemi.

I will not personalize this because these were the people we wrote to, that they should please come forward and meet with us, let us share in their wisdom, but who refused to meet with us, saying they have no faith in the whole exercise. We came up with our report and it was evident that we were not panel beating anybody’s image. Now, they, overnight, became major supporters of the Uwais Committee Report. In a way, the report has become a victim of the political gimmickry that characterizes Nigeria’s governance because even the PDP now says, ‘Oh! I see, so you the opposition are now the godfather of the Uwais Report, we will see’. The way things have now gone, it’s like if that Uwais Report is implemented, it will now be perceived as a victory not for the Nigerian people but for the opposition and this is very unfortunate for everybody. In the 21st century, surely there must be some issues which are larger



than playing politics because it involves the republic; but unfortunately we don’t see things that way.

But what would you say is responsible for this rascality? Why, for instance, do you think people would just refuse to cooperate with the Uwais Committee and then turn round to claim propriety?

Well, it says a lot because we’re not even into politics of principle any more. People do not want to stand for anything anymore. That’s why people keep jumping from one party to the other, no integrity; no honour. A card-carrying member of one camp, you don’t get the candidacy of that camp, you move to another, with the intention, perhaps, that when you get it somewhere else, you may actually return to your original camp. What sort of a thing is that? We’re in trouble.

The irony, too, is that PDP carries on the way it does because it does not seem to be bothered because of the way these politicians behave. At the Uwais Committee deliberations, how did you attempt to tackle this carpet-crossing issue?

We put in that report that if an elected official changes party, he must go for fresh elections – we didn’t put the clause of party factionalisation as is in the 1999 Constitution. We also put there that if the tribunal finds out that you have been elected as a result of a fraudulent election, you can not contest election for the next 10 years. Those two things we added. One other measure which we didn’t put in, because we didn’t agree, was that where a house of assembly impeaches a governor, then both the assembly and the governor would go for fresh elections.

How many American presidents have been impeached, with all their years as a democracy? But here in Nigeria, at a point it almost became a tea-party, where, whenever assembly men discovered that their pockets were getting lean, they resort to blackmail, even if they would have their meeting in a hotel, rather than the assembly chambers, or allow themselves to be used by the EFCC, or where an outside would induce assembly men to remove their state governor.

After submitting the report, the Presidency tinkered with it severally. Does that not confirm the fears of those who did not want to be involved initially? How did you feel?
My attitude to life has always been: if I'm given an assignment, I'll do what I have to do and I'll move on. I didn't expect it.

Why? He set up the committee?

This was because we had a firm commitment from the President that he was going to accept the recommendations and implement those that he could implement with executive fiat and the others requiring legislation or constitution review would be so dealt with. I was disturbed when the federal government itself decided to do what it started doing. Look, I've also been in



government before therefore, I don't expect the federal government to accept 100 per cent but to have in a way decapitated the report, left me feeling unhappy.

How do you mean?

It's no use saying out of 83 recommendations they only rejected four or whatever. If you cut off my left hand, I would still be useful to myself and be useful to society. But you cut off my neck, I'm dead, even though that is just one part of my body, I'm a dead man. First, to reject one of our

recommendations that the application for the membership of INEC should be processed – mind you, we didn't say appointed, processed – by the National Judicial Commission, NJC, to reject that, to me, is not to appreciate a need for the participants, to feel that the referee is impartial and also seen to be so.

*Bolaji Akinyemi.

The President himself is a player, even if he's not running for a third term, he's still a player, his party is involved and for him to have appointed the umpire would not make the opposition feel good. And I even felt it was insulting to suggest that we didn't understand the doctrine of the separation of powers. Come on, Uwais was the chief justice of Nigeria, one of our members was a former chief judge of Anambra I think, the president of the Nigeria Bar Association, NBA, was there, haba! Give me a break. Two, you rejected our recommendation – but they seem to be

coming back to that – that we should have elections at least six months before the handover so that all litigations would be done away with.

You say that will affect the right of parties to justice by imposing a time limit. But there is a doctrine of law that says that there has to be an end to litigation. And I was surprised that people didn't see that it is an injustice to the system and to Nigeria, when a governor has spent three years, before being told that he didn't win. Does it give a level playing field. The petitioners are spending their own money and the sitting governor is spending government funds. So, it was more like cutting off my neck and saying it's just a part of my body, at least the rest of the body is intact. You've finished the man.

But this issue of appointment of the membership of the INEC, you know as much as I do that the politicians have infiltrated everywhere and even gold, too, rusts? It was General Domkat Bali, who said in an interview that General Ibrahim Babangida appreciated the nature of human greed? So what if on becoming INEC chairman the individual is bought over by any of the contending interests, being human?

You could say the same thing about the appointment of judges.

Oh yes I will and you will also agree that in some states the quality of judgments too...?
Not the majority. Agree.

You're right; to err on the side of caution. Okay?

Even God Almighty who created human beings, ended up regretting what He had created and then had to send his son to try some measure of salvation and even then you saw what happened to the son. So you can only take certain measures and hope that in the process and it is also hoped that in the process of their coming through you would have weeded out those you wouldn't want to come near the thing.

Professor Maurice Iwu has always maintained that unless the political parties entrench internal democracy, we may just be joking. The 1979 Constitution says the party is supreme in its choice of candidate; the 1999 Constitution makes a slight modification by saying that cogent reasons should be provided but the Governor Amaechi example, where an individual did not even go for an election and he was made governor raises dust: Internal democracy and the right of parties to determine who their candidate should be? Was that judgment ever captured?

Not only did we take cognizance of the Amaechi case but we even went beyond it because the Amaechi case was decided on very narrow grounds as you would expect the law to do because the law says if you substitute any candidate, you must give cogent reasons and the court decided that the reason given by the PDP, in both the Ararume case and the Amaechi case were not cogent. That was all – it decided it on that narrow premise. What we now did was to say candidates must only emerge through democratic primaries within the party. We are insisting on that.

If you look at the Soludo case, for example, the PDP says its constitution has made it clear that where a convention can not be held, the National Executive Council, NEC, has the powers to decide and pick its candidate. Except – and I don't put it beyond the Supreme Court – given the present mood of the Supreme Court to deal with party rascality, I don't put it past them to say, there are laws to be applied here because none of the political parties held any primaries in Anambra State.



The Supreme Court in the case of Ararume gave judgment in favour of the candidate but PDP went ahead to say he wouldn't contest the election and, therefore, when the Amaechi case came up, the Supreme Court decided that he should just go straight to government house without election?

Ararume was even expelled. Con man die, con man bury him. The Supreme Court, took notice of the devilry within the PDP at that time, the Supreme Court had to let the world know that Nigeria is not the property of one man and that was why the Supreme Court did what it did and I welcome it, I support it and I hope that the Supreme Court would continue to show this creative activism in its judgment because that is the only thing that is likely going to rescue this country. Nigerian politicians, unfortunately, in the 21st century, across the board, seemed to have developed moon rocket ability to destroy and disrupt in their pursuit of the rule of dominance whether by an individual or by a cabal.

During the deliberations the Uwais Committee, I'm sure you invited politicians to make their views known; what was the experience like?

(Laughter) One actually came around, is he from Benin or even Kano I can't remember. He came and told us that they in their party, do not dispute the good intentions of the committee and that, in fact, they believe in what we are doing but they know that the other political parties do not believe in what the committee was doing. Therefore, he said, his own political party would set up a committee to ensure that whatever would turn out to be for the benefit of the other political

party would in the Uwais Committee Report, would be scuttled. He also went ahead to say that just before every elections, they set up two committees.

The first committee would be saddled with the responsibility of ensuring that whatever rigging plans of the other political parties are scuttled. Then they set up another committee to perfect their own rigging plans. He said these were the things they do at election time. He said 'we all rig, let nobody deceive you people. We only complain whenever we are out rigged and that, therefore, there is no way they are going to believe the other political parties would not rig. Therefore, we decided that in order to try and prevent rigging, any beneficiary of a rigging process as determined by the law courts or tribunals would be banned for 10 years, which is a lot of time and people would one way or the other begin to forget you and then there is the stigma of corruption. That was the way we thought we could deal with it and then, of course is the issue of having access to public funds as an incumbent which, we hope, should at least reduce the conflict points.

Let's talk about the health of President Yar'Adua and the letter of those calling for his resignation. Did the Uwais Committee take a look at the succession clause in Sections 144 and 145; and what does that say about the North/South dichotomy?

I'm not sure that it is when the market place is filled with discordant point where the voice of reason will be heard. I think we have now got to a point of the market place where everybody wants to be heard and nobody even wants to hear the other out. So, I'm not sure then that I want to get involved in this kind of debate or whether this is the right time for me to get involved in this. Having said that, let me also say, and I'm going to resist the temptation – because it's always a very great temptation when a professor is faced with this type of political situation not to take the issue headlong. After all, this is what my parents spent their money on training me and since I was a beneficiary of scholarship which meant that your parents and her parents paid for my education in some ways. Having said that again, as far back as year 2000 – which was the first time I would raise it – I gave a lecture where I said zoning, federal character, power shift and all that type of political abracadabra which we have introduced the system to would not serve us well.

I questioned the rationale behind all these kinds of concepts that we had introduced.

They were new, that if we even go back to the days of Awolowo, Azikiwe and Sardauna, who never ran elections on the basis of my turn, the 1993 elections, neither Abiola nor Tofa said it was the turn of my ethnic group and they ran on the basis of 'I am better than he is'. Don't also forget that Abiola ran on a Muslim/Muslim ticket and from what we know now, there is no need to call it assumed victory, Nigerians voted for him – he won in Kano, he won in some parts of the north. Tofa, on the other hand, won in Rivers State and other states in the South. So, when did this idea of zoning or rotation, when did it creep in? These were some of the issues I raised. I went further to say, that actually if NADECO had been asked to put forward a candidate, I can swear that we would have put forward Chief Anthony Enahoro. Yes, a southerner, but not a Yoruba man as our candidate for the Presidency – but nobody asked us in the south nor was NADECO asked to put forward somebody.

Then some characters that I would not name – you know them and Nigerians know them – then came together and decided, and they were not Yoruba people and they were not southerners, they got together and decided that in order to placate the South West, they would pick Obasanjo as our candidate to placate us. One of them whom I confronted, I told him, that he seems to have forgotten that this was exactly part of what NADECO was fighting against and not just it is our turn; that they were assuming that they knew better than the aggrieved and, therefore, they have the solution to the problem of the aggrieved.

It has crept in and it has now become imbibed by every political party. I also said in that lecture that Nigerians would come to regret allowing this zoning thing to creep into our political system and body polity because it would go beyond politics and that it would creep into our university system. I didn't know I was being prophetic. Look at what has just happened regarding the vice chancellorship of ABU; look at what has just happened in the University of Benin. I said it would get to that.

Major issues

Look at what is happening in the Anglican Church – some diocese refusing a bishop because they would say he's not from us: heresy in the House of God. But I warned against it in 2000 but as I said it has become the order of the day and that is what has turned a non-issue into a major issue that we now confront – a president is going on holiday, president is indisposed, IBB did it to Ebitu Ukiwe, when he was going for his radiculopathy (even though I suffer from the same thing now) and the world did not come to an end, the world did not crash. In any case, if you're the president and I am the vice president, and you hand over to me, I would be completely and absolutely insane not to continue with whatever was on the table before you left or make some changes on some major issues that may not wait for you.

There is a direction of government and governance of which the vice president is already a part of. I won't do it on my own. No vice president with brains would do that. So all this noise is absolutely unnecessary.

Even the USA where people always refer to when George Bush handed over to Dick Cheney when he went for his conoscopy, when he signed the document handing over power, it would never have crossed Cheney's mind to take a major decision without waiting but in our own case, because of this zoning thing, the nature of the politics in Nigeria, it has become an issue on which politicians are seeking to exploit, not to find a solution but to simply score temporary point and temporary advantage and now we've found ourselves in a big mess where the Council of State can not meet, where the supplementary budget can not be signed, where an acting Chief Judge for the Court of Appeal can not be appointed, where come end of December, if the president is not back, an acting chief justice of Nigeria can not be appointed – a very, very simple matter. The solution has even become a problem in itself. We've got to retrace our steps, if that is possible politically and do away with this zoning, power rotation and what have you.

In fact, you may have been right in saying you did not want to speak on the matter. For instance, some people would ask: Why should we retrace our steps now when the North is in

power and that is even the North West, not North Central or North East and why should the South East support such a proposition?

Well, you've raised....

Because the South South too has not had its turn and it would demand for it? The constitution actually says power shall rotate between North and South and it did not specify if it is after every four years or two terms?

It should not have been there. We did not ask for it and I should know. Forget what these people are talking about, the G-34 and all that when did they come in and they went to town claiming they were the ones who ensured that Abacha did not succeed.

But one of them told me – and some people seem to believe him – that the latter day role the G-34 played in confronting Abacha, regarding the transmutation agenda, did far more than the, sorry, some rabble-rousing antics of NADECO?

How, exactly? Let me tell you this: God, not NADECO, not G-34 or any human being, intervened and removed Abacha. What Nigerians must be reminded of is that G-34, or whatever their name was, came in at the tail end. Who had been in the field since 1993? Who was in the field until 1998 when the G-34 came in? Who secured international isolation against Abacha at that time? What we often don't realize is that dictators are also human beings and you can destabilize them psychologically and they feel under siege such that they feel uncomfortable to operate positively and comfortably and that was what NADECO did until God Almighty intervened.

This issue of fiscal federalism and nationhood, there are those who insist that Nigeria should go back to the federalism of the First Republic and there are those who say that is not just possible any more?

I'm a political scientist. There is nothing called an ideal template. Countries evolve a template as a result of its own peculiar history and the forces that are at play when that template is being constructed. Which is why you then depend on the Supreme Court, to, from time to time, reflect the shift in forces that would allow the template itself to be shifted – not too revolutionary, because courts are not allowed to make laws but what they do from time to time is that they end up making laws for us. We can not go back to the First Republic. But it does not mean that there is no alternative to the unitary federalism that we are practicing now.

South Africa, for example is like Nigeria in terms of the multiplicity of the nationalities such that because of its experience with the Bantustans, which gave regionalism a bad name in South Africa, it is now operating as a unitary state but with federal features. When people talk about South Africa, I'll like to say that South Africa is still enjoying a very long honeymoon but that honeymoon will come to an end. Just as Nigeria enjoyed her honeymoon too in the First Republic and some people erroneously think that our federalism crashed in 1966, I tell people that our federalism crashed in 1962 when the federal government declared a state of emergency in the western region and that was when the rains started falling on our heads.

The use of armed forces to effect change of government did not just begin in 1966, it actually happened when the federal government ordered troops into the western region to secure the place



after the declaration of a state of emergency – the troops had done a recce of Ibadan and once the proclamation was made, the troops moved in. That was when the rain started falling on our heads. Obviously, we can not go back and this is for a lot of reasons. God help us in this country.

Someone also with a presence in the polity also prayed that we do not solve our problems through bloodshed?

Well, we've done so once and that is the point I want to put in a very delicate manner. Human beings must always be afraid of lions who have tasted human blood and they must always pattern their behaviour when they are around lions who have tasted human blood because those lions who have tasted human blood behave in a particular way. Those lions who have not tasted human blood have a tendency to back off on seeing a human being. Those lions who have tasted human blood and human flesh, when they see human beings they wait and watch and even when the human being backs off, the lions pursue.

That is why our politicians must be very careful in the way they conduct their affairs. Democracy must be government of the people, by the people and for the people and not government of the politicians for the politicians and by the politicians. We must still have true fiscal federalism, not by going back to the 1960s but by confronting what we have on ground and making the best of it. The Obasanjo political conference was doing its own thing in 2006, the South South delegation was asking for just 25 per cent, they argued back and forte and ended up walking out. To me, that was the last opportunity to effect a solution through dialogue. When that failed, what happened? The boys went to the trenches and we saw what happened and that led the federal

government now negotiating with the boys and not their leaders or the representatives of the people, but with militants. All these after Nigeria had lost heavily.

People even make the mistake and tend to measure the loss in terms of oil out put. What about the pipes that were blown up? What about the gas that couldn't power the electricity installations? What about companies that shut down? What about the movement of industries from Nigeria to other countries? That was part of the collateral damage. So, what am I driving at? We, again, go back to the old cliché: People who make peaceful change impossible only make violent change inevitable.

The issue of constitutional review: Some say it can be done piece-meal and some insist that it should be done the present way with all the dramatization?

A piece meal approach may only work and would have been desirable if you have a strong, cohesive party system where decisions are taken within the party after exhaustive debate and then you can go and table it but in the absence of strong parties, there are no party positions, therefore, every man for himself and in which case if all I want is my state creation, I will keep shouting it and I won't support any other person except I get what I want. There is no way bundling everything together will work.