

Nigeria: Judiciary Frustrates EFCC, ICPC, Police Efforts - Prof Akinyemi

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*HE is a reporter's delight at any given time. **Professor Bolaji Akinyemi**, needs little or no introduction. He was appointed Minister of External Affairs by former military president General Ibrahim Babangida in 1985.*

But before then, he was Director-General of the Nigerian Institute of International Affairs (NIIA) from 1975 until 1983. In this interview with Vanguard, the Professor of Political Science explained why the 1999 Constitution should be reviewed. He also spoke about the recommendations of the Electoral Reform Committee, of which he was a member just as he argued that President Yar'Adua is sincere about reforming the electoral process in Nigeria.

Besides, he bore his mind on other burning national issues. Excerpts:

AS a former Minister of Foreign Affairs, what would you say was your greatest challenge, especially, serving under a military regime?

Surprisingly, the greatest challenge which faces every Minister of Foreign Affairs, is how Nigeria's foreign policy can be relevant to the changing conditions in the international system and the domestic front.

During my time, we had already started having a transition from a bi-polar super power world to a uni-polar system. It was obvious that the Soviet Union was declining and therefore such concepts as non-alignment, while still relevant, also had diminishing returns. And so, we tried to fashion out new paradigms that would allow Nigeria to continue to play a meaningful role internationally.

That was why I came up with the concept of medium power, which surprisingly resonated in the world. All the medium powers that we invited from Asia, Europe, Latin America and from Africa, turned up for the meetings. Even Switzerland that basically had neutralism as its own tenets of foreign policy actually attended all the meetings that were summoned in Lagos.

So, they saw a reason for a new group that could serve as a moderating force within the international community with the decline of the Soviet Union. After I was removed as minister, my successor was not interested in the concept and so it died as a Nigerian initiative. But then, the concept has resurrected in Algeria and Nigeria was happy to join that.

Our country has always been happy to be a joiner, they feel more comfortable about that and I'm not just talking about government because even the press and the intellectual community were critical. It's like we lack this confidence to initiate things, but we are perfectly happy to be a joiner. That was the first challenge.

The second was to re-orientate our foreign aid assistance programme from cash and carry to a technically based foreign aid programme. I don't want anybody to get me wrong. From the beginning under Balewa, we have always sent out personnel whether in the judiciary, civil service or that kind of thing. This was always accompanied by cash grants.

I also wanted to put a stop to that. I don't see why we will give a cheque for \$1million to another developing country, who will then go and spend that \$1million, buying what it needs from a developed country and we don't get any benefit from it.

Instead, I will rather spend \$1 million buying things in Nigeria, shipping the things over there or spend the \$1million paying the salaries of Nigerian nurses, doctors or lawyers that will then be sent out. And that's how the whole idea of the technical aid corps scheme came about. So, to me, I would say those were just the two challenges but there were others, of course.

Were you in anyway frustrated or intimidated, while discharging your duties especially under a military regime?

Well, I was not intimidated. There was frustration but it did not come from the military. I have told you that frustration came from the press, it came from my colleagues in the international community, but very little opposition or frustration came from the military circles. For example, when I talked about the need for Nigeria to develop a nuclear capability, practically, the entire press said I had lost my brain and that IBB should remove me. Surprisingly, the only support I got openly was from late General Abacha, who said 'why not.'

And now, India is a nuclear power, Pakistan is a nuclear power, North Korea is a nuclear power. Are you telling me that all these countries have finished solving their domestic problems before they became nuclear powers? You must look at the indices that attract respect for you in the international community.

I was both an under graduate and a post graduate student in the United States at the time when China was an object of contempt by the American officials, the American press and what have you. And I was also a witness to how all these changed when China became a nuclear power.

Respect crept into the language and attitude of even the United States towards China. Don't get me wrong, it was not that the amount of nuclear weapons that China had, could not be wiped out by the Americans in one military onslaught, no. But it changed the equation. Countries don't use nuclear weapons recklessly.

And so, I was looking for, some means by which the international community would accord Nigeria respect. But there were lots of Nigerians then and now, who believed that it's the number of states that are created within Nigeria that matters.

So, you spend all the money administering them. That it's the number of hummer jeeps and SUVs vehicles, we import into Nigeria. That it's the number of crates of champagne we import into Nigeria that would get the respect.

There had always been this dichotomy in Nigeria between people who want Nigeria to be a consuming society, spending all our oil money. And some of us who said 'don't reinvent the wheel, look at the international community, how states end up getting respect within the international community?' I'm not using the word fear.

The opposition did not come from the military. General Babaginda did not say yes, he did not say no, he didn't adopt any position on it; it was Abacha who openly adopted the position. And when General Abacha came to power, he actually approached me to prepare a blue print as to how this could be done. Let us just leave it at that point.

You talked about respect from the international community. Nigeria's image has been badly battered and there has been much talk on re-branding. Would you say re-branding is the next step for Nigeria to take in order for country to earn that respect?

It's not Nigeria that needs to be re-branded, it's Nigerians who need to be re-branded. I have a lot of respect and admiration for Dora Akunyili, she's a tough woman. We need more of her in Nigeria.

The only people that I know who ever succeeded in re-branding Nigeria were Buhari and Idiagbon. You've to discipline Nigerians. You have to ensure that we are not a lawless country. You have to ensure that Nigerians believe in the twin concept of right and responsibility. Right now, all Nigeria ever emphasised are rights, very few people talk about responsibility.

The twin concept of right and responsibility have got to be inscribed in the heart of every Nigerian. That is the re-branding that we need to do.

People have called Dora's attention to what Fashola is doing in Lagos. Fashola is not talking about re-branding Lagos. He's re-branding Lagos in his own way by all the things that are on the ground. How do you stop 419 activities by Nigerians. Now, incidentally, we are not the only country that does 419; we did not even invent 419.

The Europeans who came first to Africa, grabbed the land and gave us Bibles; that was a 419 operation. During the cement armada that was during Gowon's regime the Europeans sent ship filled with crap and then, claimed they were sending cement to Nigeria.

That was a 419 operation, we didn't start it; but unfortunately now, we are the ones being branded as 419 operators. The mafia in Italy, that has been their job from day one and yet, because of the special role of Italy vis-a-vis the United States, nobody brand Italians the way they brand us.

And even up till now, how many so called experts, who come to Nigeria are in fact not just ordinary technicians in their own countries. Those were 419 operations, but nobody talks about that, but you have to accept that somehow we've brought this on ourselves. How do you put a stop to it. You put a stop to it by having an effective EFCC and by having cooperative judiciary that does not pamper criminals that are brought before it.

You and I know that there are judges right now, who issue ex parte orders that the Police or the EFCC must not investigate A or must not arrest B. That's not the job of the judiciary. The Police must investigate, the Police must arrest and our constitution then said 'within these number of hours, you charge the man to court.

It is only then that the judiciary is invited. But now, the judiciary is getting involved at the level of investigation by saying you cannot investigate. I have never heard of such a thing in my life. I don't know any judicial system in the world that operates the kind of norms that have been introduced into our judiciary.

You arrest a high powered individual, grant him bail, while his lawyers pull every trick in the book to make sure that trial never holds. That's also what the judiciary use to do for 419 cases until the EFCC law was then passed that said you cannot grant bail to 419 suspect and that way, there is nobody who wants to spend the rest of his life in jail while the trial is still going on.

The cases can then move swiftly. But now, you grant them bail and they are not interested in the case and so, they come up with motions that they want to travel abroad for medical attention. The judiciary is making a laughing stock of itself and the rest of us.

Are you now saying that judiciary has not lived up to expectation?

I think in terms of corruption, the judiciary has not been helpful to such organization as the police, the EFCC, the ICPC. Don't take my word for it because the different head of these organizations have had cause to complain about the judiciary.

Still on re-branding, how do you think the effort can be achieved?

The re-branding has to start with Nigerians at home. You've got to have a massive employment scheme, that soaks up the pool of the unemployed, but educated people. That way, they stop flocking across the Sahara into their deaths in the Mediterranean sea.

You've got to have massive employment schemes that prevent your young people becoming area boys or armed robbers and militants.

That is where the re-branding has to start. In fact, if I were to say one or two words that are needed, it is full employment, everything would follow. What policies do we preach abroad, when boat loads of our citizens are risking their lives trying to cross from Tripoli to Italy because there are no opportunities for them here. Start with full employment.

Let's talk about the Electoral Reform Committee of which you were a member. You have submitted your recommendations but the Federal Government has since issued a white paper in which some of your recommendations were dropped. How does this make you feel?

Let me make this as clear as I possibly could and I'll use a few illustrations.

Your job as a reporter is to conduct this interview. When you give the transcript to your editor, it's his job whether to use the interview or not.

Each person has his scale of responsibility within a process. The Electoral Reform Committee was not and is not the government of Nigeria, therefore, it does not have the power to make laws. Its function was to come up with recommendations and we did our best.

But the government and when I say the government, I just don't mean the executive. By government, I mean the executive, the National Assembly and in case of constitutional amendment, the state assemblies, all have their responsibilities in translating our recommendations into law.

So, you must get that clear. Whether I am disappointed or not in the white paper or in what the National Assembly is going to do or not, is beside the point. The executive, the National Assembly, the state assemblies, cannot be rubber stamps of a committee.

There are different interests which are at play. So, we wrote a report to the best of our knowledge and ability. We believed in the recommendations we put forward, as being the best. The president and the executive have other ideas, the National Assembly and the state assemblies are going to have other ideas.

And at the end of the day, it is left for Nigerians to decide whether the end product meets their expectation.