

## **Nigeria: What Obama's Presidency Holds for Nigeria**

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*In this interview with Professor Bolaji Akinyemi, former Foreign Affairs Minister and one-time Director General of the Nigeria Institute of International Affairs, NIIA, he gives an insight into the work of the Electoral Reform Committee, chaired by Justice Mohammed Lawal Uwais. On the 44th President of the United States of America, Barack Obama, Professor Akinyemi explains that contrary to the bread and butter mentality of Africans on what an Obama presidency means, Nigeria actually stands to benefit much more for certain unique reasons. Find out what those reasons are. Excerpts:*

### **What is the significance of an Obama presidency as the first black President of the world's most powerful nation?**

I think that the inauguration of Barack Obama to me is the ultimate reparation for slave trade. No amount of money in the world would do for the black psyche what having a black man being the most important man in the world would mean.

To me the election of Barack Obama puts a seal on the degradation of the black race, which started with the slave trade. We can now say free at last.

### **Some people have come to observe the moderation in Obama's approach to power now, compared to the high hopes he raised during the campaigns?**

To be an outsider looking in is different from when the buck ends on your table. I have no doubt in my mind that Barack Obama will keep in mind the over 40% of people who voted for John McCain. They are also Americans and they also have interests. We should always put in mind the fact that he didn't get 100%, so there is no way he wouldn't modify his thinking.

### **With the appointment of Hillary Clinton and Susan Rice, as Secretary of State and Ambassador to the United Nations, UN, respectively, what sort of signal do you think Obama is sending to the world?**

I think that on international affairs, Barak Obama, Hillary Clinton and Susan Rice, are closer in view than people know.

They care about human rights and are likely to take a firm stand on a place like Darfur. Hillary Clinton, Susan Rice and Barack Obama have in mind the need to solve some of the ancient but relevant issues concerning America - the hostility against Cuba, for instance. Rather than continue the policy of embargo against Cuba, they are more likely to employ a policy of careful engagement.

### **As we speak now, the mid-east is boiling, specifically the Israeli/Hamas face off. How would you expect Obama to tackle the problem when he takes over, especially in the light of criticisms from some Arab leaders that he has kept a curious silence in the face of Israeli bombardment of Gaza?**

All I can say is that anybody who claims that he understands the mid-east and has a magic wand to solving the problem of the mid-east doesn't understand it at all.

The place has been a theatre of war for over 10,000 years Long before Alexander, Christ, the Romans, that place has been a theatre of war. I wish him good luck. Before him, the problem had been there, even after him, the problem would still be there.

### **What should Nigerians expect from Barack Obama?**

This is where I have a very unique opinion of what to expect from an Obama presidency

#### **Unique in what way?**

I have a very unique view. For the first time in world history, America and Nigeria have the same type of problems, the typical problems confronting any third world country: America is facing chronic unemployment, Nigeria has been facing the same for some time; businesses are crashing in America, businesses have been crashing in Nigeria and continue to crash in Nigeria.

Therefore, the solutions that Barrack Obama would be coming up with on how to solve America's problems, solutions that are not of World Bank or IMF paradigms, are the same types of solutions Africa needs. Nigerians must get Nigeria to work.

Nigeria must engage the private sector in resuscitating all these factories even if it would mean pumping government money into them.

Government must regulate, carefully, the private sector.

To me, this is the significance of the Obama presidency because this is a time when America is facing the same type of problems as underdeveloped countries of the world.

### **What sort of support do you think America is likely to give to African countries?**

America is not likely to increase its aid to Africa or the Third World so soon. Those who don't have an understanding of the issues would be looking at the bread and butter aspects of it.

### **If you are to cast your mind at the activities of the committee, what are those things you would immediately say strikes you?**

The first thing is how thorough was our approach to our work. Every Nigerian knew that our electoral process was rotten. It was known on the streets of Ashkelon, it was also known on the streets of Jerusalem and at least most of us had given considerable thoughts to what we thought was wrong. We could have sat down and written that report like that but we decided that in politics, there are no foolish ideas, the citizen is supreme and therefore, we've got to file all these things. And so, that's what happened.

We first of all asked for memorandum. Anybody could have sent memorandum to us and we had thousands that came in; then we decided that we were going to go on public hearing, because there were some people who didn't feel like writing but they are given an opportunity to come and express their views.

### **There must have been challenging moments the committee had to contend with while doing its work?**

If you get two Nigerians, you are likely to get three points of views: The view of one Nigerian, the view of the other Nigerian and then the middle view as they seek to reach a compromise. And don't forget, you are dealing with 22 strong willed individuals, who have made a mark in their own lives. Not people who can be pushed around.

These are people who had already made a mark in their life and therefore, could hold very strong views. In any case, we would be remiss in our responsibility if we would just rubber stamp any point of view. There were robust debates but one secret I can release is that I am absolutely sure that I don't think there were up to three times - and don't forget how many recommendations we turned down, I can't remember now, may be 80, may be 100, I can't remember now - when we voted. Justice Uwais is a very patient man; surprisingly for somebody who was a judge and therefore usually lays down the law very thoroughly, he would allow all points of views to be argued, not once, but thrice. I don't think I want to go to the area where I would say these were contentious issues on which there were major disagreements, but take it that every single one of the recommendations were well argued, were independent and at the end of the day we will reach an agreement.

**But there is this issue that appears a bit confusing. Part of the report says that the parties we have now are unhealthy and there is need for reduction in number; and in another breath, the committee is advocating for independent candidacy. We have 50 political parties, for the purpose of argument, if we reduce the number of parties to eight, Nigerians being what we are, people will now prefer independent candidacy and you would now have an equally unwieldy number. How did the committee come about that recommendation for instance?**

You would always balance the need for orderliness with the need to enforce democratic rights.

If you are going to run a democracy, to some extent, you must emphasise the need to get it right. On the other hand, for you to have democracy, you must have order. Fortunately, our report had gone to the presidency which I'm sure would have its own view; it would go to the National Assembly. Maybe 500 heads may be better than 22 heads; then, there may be areas that need constitutional amendments, we would now go to the state houses of assembly and at the end of the day, you may have 2000 inputs and when you add that to the number of people who are appeared before us either in writing or representation; may be you would have close to 3000 or 5000 Nigerians making an input and whatever comes out of that, I'm sure would have be thorough in a sense.

**How workable do you think this recommendation is?**

A military dictator can wake up in the morning, call his service chiefs, call in the Attorney-General and within three hours, come up with a decree that would be law. In a democracy, it is not the same. We've done our own job. Whatever you want to come out of this, the average Nigerian has an opportunity to make his views count. During the debate at the National Assembly, the average Nigerian can write in, the civil societies can organise conferences, the labour unions can have demonstration; the press, if they want, can run a sustained campaign to make sure that at the end of the day, the product is in the national mainstream. We did our own job, others have jobs to do and we just hope that each person would rise up to the challenge.

**Nigerians seem to be losing faith in the democracy you are talking about and things have come to play to bring about this loss of faith. For instance, in recent past, we had a committee during the IBB era, who was a military man and the recommendations were seen as very wonderful and now, we are as good as back to square one. Working with this committee and looking back at why we are again where we are, what are those things you would want to point out that are directly responsible?**

Let's try and itemise them and see how we went about it.

The first one, incidentally, is a massive report.

We have revolutionized the Evidence Act and we've now recommended that a candidate who files a petition, all he has to do is to make his allegations about rigging or about electoral malpractices, that's all. He lays the foundation by making the allegation and that, the onus will now be shifted to INEC, not the opposing candidate, to prove to the court that these allegations are not correct. So, we shifted the burden of prove away from the candidate to INEC. It's like a football match, the referee gives you a red card, you now appeal to the Football Association, that no, I don't deserve this red card. It's left for the referee to now convince the Football Association that, that offence justified the red card.

Secondly, usually electoral offenders have never been punished in Nigeria; the reason being that most of the electoral offenders actually, are supporters of the winning party and it is not in the interest of the winning party to start prosecuting its own supporters who helped it to power. So what have we done? We've done two things: recommended the creation of an Electoral Offences Commission, which will be the electoral EFCC to prosecute offenders. And then, we put another revolutionary idea there, which again, people have missed and what's the revolutionary idea? That the power of the Attorney-General to file a nuli prosecu, shall not apply to electoral offences, because it's a constitutional thing that the Attorney-General can discontinue any prosecution. Now, we are recommending that for electoral offences, the constitution should prevent the Attorney-General from filing a nuli prosecu; so, there is no way that the government of the day would protect anyone who is accused of having carried out electoral offences.

Again, I must make this correction; some papers have published that we recommended Option A4. We never did. Yes, we debated it, in fact, a lot of people asked us to adopt Option A4.

Actually, Option A4 has never been used for any general election in this country, people seem to have forgotten that Option A4 was used for the political parties for their own primaries; it was not used for the general elections. And so, we debated it and we came to the conclusion that in the 1990s, surprisingly politics was still as civilised here in Nigeria, where a husband could vote one way and the wife could vote another way and they could still both go home and the marriage will still be sustained. Where your landlord would vote one way and the tenants vote another way and still go back. But now in the 21st Century in Nigeria where governors punish principals of schools where the result of the polling booths in that school go against the governor even though the principal was not the returning officer, it is impossible to run Option A4. That openness was impossible, so we advocated the open and secret system where you're given your ballot openly, you go in, in secret to mark the ballot and you come back out and drop it in the box. We never advocated Option A4. We, however, recommended that every party must have internal democracy; in other words, you get your nomination through primaries, no consensus candidate, no favoured candidate.

We also recognised that part of the problem of the electoral process in Africa is this winner-takes-all; a ruling party then decides that it's entitled to all the dividends of the election. We recommended and now introduced some measure of modified proportional representation, because to some extent, it's not fair that if you and I contest an election and you win 50.1 per cent and I win 49.9 per cent, you get all and I get nothing, it's not fair. It's democratic depending on your definition and after all, you've won by one.

So, we've recommended some form of proportional representation to allow for the National Assembly, State Assembly or the Local Government Assembly to reflect the plurality of the country rather than the winner-takes-all.

We also recommended staggered election - in a way and by the judgment coming out from the tribunals, elections would be staggered - we now decided that it should be made formal. I think we said that the President and the governors' should be held in one year and then, I think two years later, the National and State Houses of Assemblies, so that all elections are not held in one year. That way, the tension doesn't get to boiling point in any particular year.

We've recommended that nobody should be sworn-in before all election petitions are exhausted, which is why we recommended more gap between when elections are held and people are sworn-in so that the judiciary will have six months. The judiciary needs to reform itself. These are just the ones that immediately come to mind.

The question you have raised earlier on as regards the number of political parties, yes, but we didn't reduce the number of political parties by fiat. We thought that would not be democratic; the constitution says political parties should be funded, we didn't tamper with that but it didn't say when the money should be paid to them. What we are now saying is let political parties use their own funds to contest elections and then, you base your funding on performance at the election. We put a cut off point at 2.5 per cent, that for a party to be eligible to get national fund, it must win a minimum 2.5 per cent; if your performance falls below that 2.5 per cent, you will not get any fund.

A lot of these political parties are simply set up to get money from government. Of the 50 political parties we have, how many fielded candidates in elections, not even talk about winning. So, that way, the number of political parties will actually reflect the will of the people.

**When the committee was sitting, did you take time to x-ray the average Nigerian politicians' mentality?**

You know, one of the politicians who appeared before us said something like "don't worry; we're waiting for your report. Normally, when we going into an election, each political party sets up two committees; one committee is the rigging committee, for rigging of the election; the other committee is the anti-rigging, to thwart the rigging plan of the other party." But, with what we have put in place, the Electoral Crimes Commission, I forgot it's another revolutionary recommendation that we put in place; if a candidate is declared a winner by INEC, and a court nullifies the election on the grounds of electoral malpractices, that candidate would be banned from contesting elections for the next 10 years.

**At a time, you attempted the presidency of this country...**

(Cuts in) I wanted to become an Obama before Obama.

**But we discovered that you didn't go very far at all, what happened?**

There have always been godfathers in politics. The godfathers didn't find my participation funny.