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A DECADE OF CIVIL RULE WITHOUT DEMOCRACY

Democracy is universally accepted as a system of government that enjoys popular legitimacy through the mandate of the people. Popular and legitimate mandate could only be assured by credible electoral system that guarantees free and fair polls. Although periodic elections conducted in free and fair manner is a fundamental process in a democracy; there are other crucial attributes that determine the health of democracy under any circumstance. For this reason, democratic system presupposes that elected representatives in government will provide leadership on the basis of the laws rather than personal whims and caprices.

To that extent, the transition programme through which the military negotiated exit from political scene in 1999 did not lead to democracy. What emerged on May 29, 1999 was a civil rule as opposed to military rule. The sincerity of the military regarding commitment transition programmes was already in doubt giving the legion of failed transition programme supervised by Babangida and Abacha regimes at the expense of Nigerians since 1990. The widespread suspicion concerning Abdusalami Abubakar's transition programme however could not distract from the 'wisdom' of accepting it as measure for easing out the military from political power and for setting the process for enthroning

democracy. In motion as it turned out, the military left the stage but the mannerism of autocratic rule remained a prominent feature of civil governance. However, the experience of the last ten years has shown that expectation of genuine democratic process as national political culture, after the exit of the military, has been largely misplaced. Indeed, the political class that inherited the sweats, tears and blood which Nigerians invested in the struggle for democracy failed to lived up to the expectations of the people.

There is no doubt that the foundations for democracy was neither properly laid prior to the emergence of civil rule in 1999 nor were Nigerians adequately prepared for the booby traps constituted by Decree 24 of 1999 otherwise called the 1999 Constitution of the Federal Republic of Nigeria. What further evidence do Nigerians need today to confirm that a grand conspiracy against genuine democracy was rooted in the 1999 Constitution handed down by a section of the ruling class in connivance with the military? Apart from the serious contradictions that have trailed the operations of the 1999 Constitution, reforming the provisions of the Constitution to meet minimum democratic standards in line with the spirit and letters of true federalism has become an Achilles hill. It should therefore not be surprising why the ruling class

Militarisation of the Niger Delta and Quest for True Federalism

The genuine struggle of the people of Nigeria's Niger Delta region has been ignominiously trivialized by the ruling class! Recent troop deployment by President Yar'Adua clearly demonstrates lack of appreciation of the real challenges presented by the lingering crisis in the region. From all indications, military option in the Niger Delta would only lead to possible prolongation of hostilities rather than douse legitimate agitations of the people of the region. The fact well-known to politicians and security agents who benefits from the crisis in the Niger Delta is that defenceless people are made to face needless ordeal and not the militants who are either well-known to people in government or allies of seemingly operatives. As history has shown in the case of Ogoniland, militarization and highhandedness of security agencies are no

secured enough to conceal genuine agitations of the people nor strong enough to perpetually silence legitimate opposition to the perfidy of the oppressors.

It is clearly a misplacement of priority to pretend that a declaration of war against the militants would put an end to restiveness in the Niger Delta. For emphasis, restiveness and lately militancy in the region are undesirable products of long years of subjugation and insensitiveness of the Nigerian State. The plain truth is that no matter how distasteful and indefensible the negative activities of militants in the region may seem, they are direct consequences of the failure of the Nigerian State to provide leadership through creative initiatives. The situation in the Niger-Delta today attests to the

remains un-persuaded by the logic of new constitution-making process as a panacea to the crisis of governance in Nigeria. With the contrived constitutional crisis that remains major hindrance to the nurturing of an enduring process leading to genuine democracy, the collective aspiration for a democratic society, is no doubt, faced with threatening reverses going by the magnitude of electoral crisis arising from the 2003 and 2007 general elections and which yet poses danger to successful conduct of 2011 general elections. •

Therefore, 'democracy' as practiced in Nigeria since 1999 is a system of government constituted by few thieving aristocrats who preside over the affairs of the country as personal Estates. Post military era came with much expectation for Nigerians who thought it was an opportunity to heal the wounds of long years of autocracy and for building a new nation based on effective and sustainable constitutionalism founded on true federalism. Ten years after investing so much hope in a new dawn of civil dispensation and having committed much energy and passion into engagement process with the view to laying a solid foundation for the take-off of genuine democracy, hope is fast fading and waning with serious concerns about the future of the country and the quest for democracy.

The last ten years of civil rule manifested pathetic wanton deviation from democratic norm and practices. It was an era that truly depicted the demonstration of craziness in the name of democracy; a vindication of Legendary Fela Anikulapo Kuti's assertion way back in the 80s. Apart from failing to ameliorate socio-economic and political ills of the country which abound in deplorable roads, declining power supply, violent conflicts across the country, poor health services, lack of pipe borne water and high rate of unemployment as well as youth delinquency, the last ten years has been a squandered opportunity for reconciling the psyche of the citizens with vital attributes and best practices of democracy. The subversion of the rule of law and the electoral process in the last ten years has contributed in heating up the political process and in creating conducive environment for the festering of corruption in the public domain.

Whereas the major attribute of modern democracy is the supremacy of the rule of law, where nobody is seen to be above the law, the reverse is the case in Nigeria. Although the Judiciary has, in critical moments of the last decade, rose to the challenges of upholding its integrity as the last bastion of hope for the common man, corruption amongst the elite is again enjoying free reign, particularly after the initial attempt at combating the scourge of corruption was subverted with the coming of Yar'Adua's administration. The much talked about 'dividends of democracy' continue to elude Nigerians who are daily fed with starring revelations of corruption and impunity in high places and bare-faced manipulation of the outcome of elections, as was the case in the recent naked 'gun-point' subversion of popular wishes in Ekiti State. The rising impoverishment and abject poverty in the midst of surplus oil revenue has made politics the most lucrative business with growing increase of 'briefcase contractors' and hangers-on in

It is within the context of these challenges that the call for the reform of electoral process remains critical to rescuing Nigeria from the hands of few power-mongers whose contempt for democracy has become an obsession for power at all costs and with whatever means. President Yar'Adua set up the Justice Uwais led Electoral Reform Committee (ERC) not out of conviction about genuine democracy through credible polls but rather to starve off opposition to his heavily-rigged and widely-condemned election. The rejection of the recommendations of the ERC is thus understandable. Why set up a committee of eminent Nigerians and gave Nigerians false hope? Should President Yar'Adua be allowed to discard ERC's recommendations which approximate the aspirations and hopes of the people in the future of democracy? The President and his cohorts in this grand conspiracy against Nigerians must be told in unambiguous terms that electoral reform based on Uwais recommendations remains the only basis for any future elections in Nigeria. **Enough is enough!**

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than the inadequacy of the people of the Niger Delta. The lingering crisis in the region clearly unmasks the greed and rot of a system that has for over forty years consistently buoyed its coffers through sustained extractive activities but lacking in the capacity to initiate and undertake lasting measures to address the concerns of the communities and people whose lands represent the proverbial hen that lay the golden eggs.

The recent troop deployment in the region has again led to wide-range violations of individual and corporate rights. The depth and intensity of recent aggression by the military may yet reveal the worst scenarios of human rights violation in the region. As it were under the military, the Nigerian State continues to demonstrate insensitivity to the plights of the people of the Niger Delta. The ruling elite, either through its military wing or civilian clique mismanaged the resources which accrued from oil revenue from the region and created deep-seated divisions, suspicions and widening conflicts of interest amongst communities and between groups in the region. It is in tandem with the divide and rule policy that 'supposedly' democratically elected government readily finds it more convenient to visit codified cruelty on neglected and defenceless inhabitants under the pretext of hunting down criminals in the Creeks rather than addressing genuine fears and concerns. Following the pattern of the massacre of the defenceless people; mostly aged women in Odi in 2001, recent pummeling of the fishing communities in the creeks again says a lot about the motive of military operations in the Niger Delta.

It is rather confounding that the recent bombardments in the coastal communities of the Niger Delta took place even as President Yar'Adua restated commitment to the gesture of amnesty for the much vilified militants. Some questions beg for answers from President Yar'Adua and his Advisers. What

is the usefulness of amnesty to militants who were supposed to be annihilated and extirpated by the rampaging troops? What then is the real motive of the heavy bombardments that turned unarmed inhabitants of sleepy fishing communities into needless victims? Why has the President refused to announce compensation packages for the displaced and homeless in the region as a result of the invasion by the military? We are convinced that the real motive of the recent invasion in Gbaramatu Kingdom and other oil producing settlements in Delta, Bayelsa and Rivers States was aimed at weakening legitimate agitations of unarmed citizens through cruelty that will instill culture of fears and despondency rather than targeting the militants.

It is evident that the Federal Government has not demonstrated seriousness in tackling the negative activities of militants who have hijacked the struggle of the people of the Niger Delta region. From all indications, the Federal Government appears to be more interested in creating 'enabling environment' for militancy as a smokescreen for cowering the people into submission and suppress the demands for equity and fairness. As events in the past have shown, manipulation of the crisis in the Niger Delta with the view to breaking the resolve of the people has become part of the agenda of keeping the Niger Delta in perpetual darkness. The manipulation of the situation in the region led to series of intra and inter communal violence which has left hitherto peaceful inhabitants with memories of gory picturesque of wounds that refuse to heal up till the moment. It was this manipulation that led to the killings of four Ogoni in 1994 which culminated in the politically motivated murder of Ken Saro Wiwa and other eight Ogoni compatriots by Abacha's Military regime in 1996. The killings in Ogoni were evidently designed to criminalize the struggle and halt international attention and support which the Ogoni Struggle had attracted at the time. It should therefore be understood that the Federal Government deliberately encouraged negative activities of the so called militants to prepare the grounds for sustained brutality against genuine agitations in the Niger Delta.

Rather than translate into fortunes and wealth for the generality of the people of the region, oil discovery and subsequent extractive activities brought untold hardships sustained through policy of containment rather than engagement. The last two decades have witnessed persistent agitations by the people of the Niger Delta for equity and fairness in management of the resources that abound in their lands and in the distribution of revenue accruable thereto. The demand for justice and freedom rose beyond mere lamentations and attained momentous climes in the 90s; drawing regional and international attention. The Nigerian State rather than respond to these agitations through dialogues and consultations adopted policy of containment which further aggravated the crisis. After ten years of civil rule, the legitimate concerns in the Niger Delta remain unattended. Rather than address the critical issues of structural and fiscal marginalization which are at the core of decades of restiveness in the region, punitive responses from government tends to sustain marginalization and neglect of oil-producing communities as well as the impoverishments of the people. The 13% allocation to States which presently apply to the Niger Delta offends the logic of equity and

instructive to note that the demand for equity and fairness by stakeholders in the Niger Delta is well founded and rooted in the history of federalism in Nigeria. The Derivation Principle of 1951-1958 which was 20% for Central Government; 50% for the Regional Governments that existed then; and 30% for distributive pool to be shared by the central and regional components was abolished in glaring violation of the principles of federalism, equity and fairness. The injustice constituted by the abolition necessitated a legitimate struggle in the region which successive Federal administration prefers to criminalize.

The Federal Government remains faithful to policy of appeasement through palliatives such as the Niger Delta Development Commission (NDDC) and recently the Niger Delta Ministry which are aimed at shifting attention from popular clamour for true federalism. The creation of the Niger Delta Development Commission (NDDC) in 2001 by Obasanjo's administration as an intervention agency with mandate to complement governance in the region did not stop agitation for equity and fairness by stakeholders from the region. President Yar'Adua's decision to create a Ministry of the Niger Delta in 2008 has also failed to douse tension. However, politicians in the Niger Delta exploit the situation for selfish reasons through bitter contestation for political power. It is within this context that the negative activities of militants which are counter-productive to popular struggle for true federalism and the operations of military Joint Tasks Force (JTF) remain a critical development that must be clearly understood. Genuine struggle by self determination groups concerned by the plights of the people of the Niger Delta began before civil rule in 1999. Following 2003 general elections in Rivers State, proliferation of small arms and light weapons amongst armed groups came to the picture of the struggle. This led factions of armed groups into series of violent clashes termed cult wars in parts of Rivers State in particular. Since December 2005 however, activities of Multinational Oil companies came under persistent attacks and sabotage by the Movement for the Emancipation of the Niger Delta (MEND) which also began selected hostage-taking to press home the demands of the people of the region.

The scale of indiscriminate and ramified attacks by the JTF in recent operation tends to suggest a deliberate and willful clampdown. It would appear that the Federal Government has reduced the challenge in the Niger Delta to the problem of militancy. The attitude of the Federal Government in this regard is not only deceitful but dangerous because proliferation of arms and light weapons (SALW) in the Niger Delta should be seen as the direct failure of security apparatus either through connivance or collaboration with actors of SALW. The Federal Government should address the problems that led to proliferation of SALW which encouraged negative activities of the so called militants in the region. The government must demonstrate sincerity by unmasking the cartel of illegal weapons amongst the political class. The Federal Government can not shy away from accepting that activities of criminals in the Niger Delta could be an excuse for denouncing legitimate agitation. The challenge before the Federal Government therefore is to without further delay take concrete steps to meet with genuine stakeholders in the region. Stakeholders for genuine deliberations on way

include leaders of Self Determination groups. It is our well considered opinion that sincere and well-thought out deliberations with a wide-range of stakeholders will separate genuine agitators from criminals and in creating lasting peace in the Niger Delta.

Conclusion

The challenge of democratization and the quest for equity in the Niger Delta portend serious implication for continued stability and progress in Nigeria. It is our view that democratization process in Nigeria can not be genuinely or successfully accomplished without resolving the crisis in the Niger Delta giving the regional and international importance.

The leeway to move Nigeria forward before it is too late is to genuinely democratize the polity on the basis of true federalism. It is tragic that the opportunity for enthroning

genuine democracy and addressing the crisis in the Niger Delta was has been squandered in the last ten years. The road map into the future for Nigeria lies in the determination of Nigerians to demand the following:

1. Electoral reform on the basis of Uwais' panel recommendations.
2. End to military occupation and killings of defenceless people in the Niger Delta and genuine commitment to addressing legitimate demands in the region.
3. Constitutional Reform process leading to popular referendum
4. Free and fair elections in 2011.
5. True federalism based on equity, fairness and justice

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