

Healing Nigeria: Some Approaches

By

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REMEMBERING MOLLUMA, THANKING MABEIAM

It's my privilege to be part of this event to unveil to the public the Molluma Yakubu Loma Centre for Medical Law. Located in Barnawa, Kaduna, in north-central Nigeria, this centre is the first integrated medico-legal centre of its kind in Nigeria. It is designed to offer support and assistance to victims of the growing pathology of mass violence in Nigeria and to work with institutions interested in doing so to identify victims, catalogue them, give them dignity and identity even in death, enable their families and communities to experience closure and, in time, ensure that the perpetrators do not escape justice or accountability. It is an investment in both memory and the rudiments of a capable state. When it is fully established, it will domicile skills in different areas of medico-legal investigation of mass violence, including forensics.

This initiative is, however, non-governmental. It is the brainchild of Mabeiam Gloria Ballason, an outstanding young leader among a new generation of young advocates destined to challenge Nigeria to realize its true potentials. We should be grateful for Gloria's imagination and industry; and we must find ways to support this initiative. It is long overdue.

Molluma Yakubu Loma, to whose memory this Centre is dedicated was also a bright and talented young lawyer, writer and mother. Molly, as many of her friends knew her, wrote her graduate thesis on the law of medical negligence. In one of life's fateful ironies, this daughter of senior medical professionals tragically died in March 2014 of causes not unconnected with medical negligence. This Centre seeks to do more than merely memorialize Molly's life; its mission is to prevent – to scale - many more from experiencing the fate that befell Molly.

I've been asked in my remarks to address pathways to "healing Nigeria". I claim no particular expertise on the subject of healing in general or in its specific application to the Nigerian condition. To heal anything, however, we need to begin with trying to understand if indeed there is an illness and, if so, what it is.

DEMOCRATISED VIOLENCE

This event takes place in a city defined by crisis and in a country currently scarred by mass violence on multiple fronts. In the north-east, Nigeria's armed forces are engaged in mortal combat with a murderous, expansionist, sectarian extremists. To the south of those frontlines and not too far from here, livelihood, climate change adaptations, and identity define another frontier of inter-communal and ethnic strife. Further south in the Niger Delta, a military-led Joint Task Force marked the 20th anniversary of its deployment this year. In its 2013 report, the Kabiru Turaki Report laid out starkly footprint of the extent to which the claim of the Nigerian State to a monopoly of violence is challenged. Democratized violence is the symptom that now most defines Nigeria's underlying ailment.

The ultimate measure of the effectiveness of any legal system or political economy is its ability to protect those that live within its territory. Only those who are alive can participate in government or trade. In the conclusion to his book, *Defending My Enemy: American Nazis, the Skokie Case, and the Risks of Freedom* (1979), Aryeh Neier explains that "the Weimar government perished in the same way that it began its life: unable to act against political violence" He adds that:

the lesson of Germany in the 1920s is that a free society cannot be established or maintained if it will not act vigorously and forcefully to punish political violence....Prosecutions of those who commit political violence are an essential part of the duty government owes its citizens to protect their freedom....

Put differently, an epidemic of violence is the opposite of a state of rule of law. It is at once evidence of an incapable state, of the mass failure of institutions of the rule of law, and of the absence of equal citizenship for all. This incapacity is more than merely speculative.

As we meet here, the armed forces are increasingly responsible for policing in the country, with deployments in 32 out of 36 States. In the period since return to civil rule, the Police has been denuded as the respectable institution it was. It has been under-budgeted for and recruitment and training standards have collapsed. As a result, it suffers from an overall dignity deficit. We have not equipped its men

and women with dignity and they are unable to afford us dignity in return. Denied dignity, we are nothing; lack expectations of anyone, and do not care about much.

Running behind “Oga” as a general dog’s body, doing groceries for Oga’s madam or doing school run while Madam fulfills her pedicure appointment may not be anyone’s idea of dignified existence for a senior police officer but it helps him guarantee a uniform on his back, food on the table and school fees for the kids. Above all, he avoids the bigger indignity of serially begging on our streets for N20 from the same people he is employed to protect the society from.

The Police is over-centralized, over-exposed, grossly under-funded and under-manned, with about one-third of its personnel on private guard duties. With the armed forces so stretched by internal security operations, their primary mission of protecting the country against external threats is itself endangered. This opens up a huge new threat at a time of growing regional and global instability.

A BRIEF DIAGNOSTIC

The stock Nigerian response to the immense threats we face has been mostly inward-looking, characterized by immense inter-ethnic suspicion and prejudice. Yet it is essential to understand the threats to human survival and our national security beyond the current headlines, focused as they are on the threat of extremism, tales of spectacular violence and the commercialization of human misery. I will briefly illustrate six of what I consider the greatest underlying threats to our national survival today before ending with some suggestions. These are: governance, inequality, climate change, globalization, innovation, and our regional neighborhoods.

Take Governance. The worst thing that can happen to any people is bad or cynical governance. There are several ways in which governance defines security. I limit myself here to three in relation to the situation in north-east Nigeria.

For one, elections are usually events of significant security crises. Succession and election-related violence has become a major source of insecurity not just in Nigeria but around Africa. It nearly led one and a half decades of instability and near state collapse in Cote d’Ivoire; triggered crimes against humanity in Kenya in the wake of the December 2007 elections and came close to plunging Nigeria into fratricide in the aftermath of the 2011 elections. It is arguable that we have not yet fully recovered from the effects of the 2011 post-election violence.

Second, in the race for power, our politicians seem mostly to be unwilling to observe rules of respect lawful constraints on what they can do. In (paragraph 15 of) its 2011 report, the Presidential Committee on Security challenges in the North-East Zone of Nigeria (also known as the Galtimari Committee Report), concluded:

It is also important for Government to direct the security agencies to dig deeper in their investigations of the (JALISWAJ) sect by beaming their searchlight on some key politicians and individuals that were culpable in establishing, funding and utilizing the sect for political or other selfish reasons.

Third, contrary to their oaths of office, many of our political leaders have not much cared about the best interests of our people. Take the example of Borno State. Around 14 December 2006, then Governor of Borno State, Ali Modu Sheriff, in response to wide spread criticism of his record (or lack of it) as Governor, declared as follows:

A lot of falsehood has been published over the years in newspapers about my government and I never lose sleep over them because less than five per cent of Borno people can read and understand what is written in newspapers.

Very few noticed this statement at the time. But *Thisday* Newspapers was sufficiently alarmed about it to highlight it on its back page on 15 December 2006. Today, we all and not just the people of Borno State, live with the consequences of the cynicism of a senior public officer who deliberately decided to under-develop the people whose sacred mandate he exercised for eight years as Governor and for another four as a legislator.

Now to inequality. Under Section 15(2) of our Constitution, “national integration shall be actively encouraged, whilst discrimination on the grounds of place of origin, sex, religion, status, ethnic or linguistic association or ties shall be prohibited.” Accordingly, Section 15(3) of the same constitution requires government to, among other things:

- provide adequate facilities for and encourage free mobility of people, goods and services throughout the Federation;
- secure full residence rights for every citizen in all parts of the Federation;
- encourage inter-marriage among persons from different places of origin, or of different religious, ethnic or linguistic association or ties; and
- promote or encourage the formation of associations that cut across ethnic, linguistic, religious and or other sectional barriers.

Despite these provisions of the Constitution, discrimination is the norm not the exception. Wherever you look, Nigerians are settlers and indigenes in their country. Every State in Nigeria would compete to have Aliko Dangote as their resident, paying taxes and employing their people but only in Kano State would Aliko be able to run for office. Our economics is garrisoned from our politics and the separation is protected with instruments of violence. In Plateau State, over 15,000 people have been killed; hundreds of thousands and have been displaced; and Jos has become desolate in over one decade of indigene-settler mass killings. Races and sects are now garrisoned behind Kaduna's invisible but very real lines of division. In 2010, the Abia State Government sacked nearly 5,000 workers from different states in south-eastern Nigeria on the claim that they were non-indigenes of Abia State. At the last count, over 200 of these workers have died, a rate of mortality that is very much in excess of the national average.

Next, let's look briefly at climate change. Is it an accident that the two most ecologically fragile and endangered parts of our country – the Sahelian frontiers of the Lake Chad Basin and the Mangrove and rainforest creeks of the Niger Delta - are also the two most deeply insecure? Only about 40% of our 923,000 Square Km is arable and the greatest loss of arable territory has occurred in the Niger Delta due to hydro-carbons exploration and the Sahel due to the south-ward march of neo-Sahelian climate change. In northern Nigeria, it is estimated that about 29 million people live in the 10 States of Nigeria's Sahelian fringes. As the Sahel spreads south-wards, populations affected by it migrate further south, increasing inter-communal tensions. In the past decade, the Lake Chad has shrunk by 40%; by 90% in the last half-century. Livelihood has grown much harder for the transboundary communities that depend on it for water, energy, and sanitation. Yet, with this kind of information at our disposal, our responses have comprised the two extremes of martial interventions or amnesties but nothing in the form of climate or governance adaptation?

We'll take globalization and innovation together as both have spurred one another. The result has been paradoxically both greater global inter-dependence and greater regional tension and insecurity. The violent end-game in Libya was brought about by indiscriminate supply of hardware to various anti-Ghaddafi militias from beyond Africa. Its aftermath has de-commissioned considerable hardware and unleashed a vast supply of ordnance and mercenaries across the Sahel, feeding large-scale insurgencies across the region. Without this background, it is impossible to understand the recent escalation in the situation in north-east Nigeria.

An emerging field of existential concern to Nigeria is our Sahelian neighbourhood, the largely desert and semi-desert region that stretches from the Arab Maghreb in the north to Equatorial Africa, and from the Atlantic in the west to the Blue Nile in Sudan. It embraces Mali, Mauritania, Niger, Burkina Faso, Chad as well as territory in southern Algeria and Libya, Cameroon, Côte d'Ivoire, Nigeria, Senegal, and Sudan. The Sahel now presents what may be Nigeria and Africa's most daunting challenge yet: how we respond to this will have a defining impact on our future. In adopting the enforcement resolution on Mali on 19 December 2012, the United Nations Security Council called attention to the:

insecurity and the significant ongoing humanitarian crisis in the Sahel region, which is further complicated by the presence of armed groups, including separatist movements, terrorist and criminal networks, and their increased activities, as well as the continued proliferation of weapons from within and outside the region that threaten peace, security, and stability of States in this region.

TOWARDS HEALING

These then are the livelihood and life-and-death choices that confront us all, including those who must protect us and apply the laws to defend us all. These are some of the things that ail our country. I should underscore the point that by placing institutional architecture for public safety and security under the direct charge of the President, who is hired and ultimately accountable to the Nigerian people, Nigeria's Constitution underscores reality that is not always explicit: the essential foundations of any system for the protection of public safety and security are both psycho-social and political. In the former, we refer to the bonds of belonging on which communities are built, a sense of co-ownership that precludes those who share in it from harming that which is theirs. In the latter, we refer to the means by which the state earns the authority that it must dispense in keeping its people safe. In Nigeria, both are severely fractured and the progress of the insurgency proves this. Many of our politicians seem invested in deepening instead of healing these divisions. All persons seeking office in 2015 must be asked for and present a plan for reversing these divisions.

Surely, few here – if any – can be naïve enough to seriously expect a police or security officer to arrest the principal or a member of the principal's family for the violations on which they depend for subsistence. With our Police Force diminished in this way, we have incrementally sleep-walked into the anomaly of using the Armed Forces as the primary provider of internal security or thinking that we can shoot our way out of our most pressing national security troubles.

But the Armed Forces are not the Police. We do not train or arm them for operations in our cities or on the streets of Nigeria, we maintain them for operations against foreign enemies and exceptionally for those who don't wish us well here. The traditional notion was that if we must deploy them internally, it should be for limited duration with clear, specific objectives and clear rules of engagement.

Today, however, our Armed Forces have been overtaken by mission creep in internal security operations and we have unfairly saddled them with unrealistic expectations in internal security operations of indeterminate duration. Yet, the role of military action in our national security should be tactical not strategic. The ultimate guarantors of long term national security are civic, governance and institutional interventions, not martial. To achieve this, we must re-commit to equal citizenship and equal protection of the laws; better elections; accountable government; to re-building a Police service whose officers deserve the uniform they wear and the onerous obligations that they bear; and to returning our Armed Forces to what they are – forces for defending the country against external threats and, only exceptionally, supporting civilian authorities in restoring lawful order.

It is always essential to remember the mandate and counsel of the Nigerian Constitution, which requires in Sections 17(2)(b) and (c) that “the sanctity of the human person shall be recognized and human dignity shall be maintained and enhanced”; and “governmental actions shall be humane.”

The oaths of office of all the major officers of the Executive arm – President, Vice-President, and Governors – under the 7th Schedule of the 1999 Constitution obliges them to always act “in the interest of the sovereignty, integrity, solidarity, well-being and prosperity of the Federal Republic of Nigeria” and to always “strive to preserve the Fundamental Objectives and Directive Principles of State Policy contained in the Constitution of the Federal Republic of Nigeria.” Section 14(2)(a) of these Fundamental Objectives and Directive Principles of State Policy dictates that “sovereignty belongs to the people of Nigeria from whom government through this Constitution derives all its powers and authority”, while Section 14(2)(b) provides “the security and welfare of the people shall be the primary purpose of government.”

Our political leaders must embrace these constitutional responsibilities seriously. When they take action to do so, we must support them irrespective of political or other difference. When they are derelict in doing so, we must call them out, irrespective of political or other difference.

If and when they choose to take action, they have at their disposal a full-spectrum toolbox grounded in the Constitution, including but not limited to martial measures as a last resort, accountability, dialogue, development and human capital investment, and, of course, where necessary, sovereign acts of forgiveness, mutual acknowledgement and healing.

Above all, good governance through equal enforcement and application of the laws to all irrespective of where they come from, who they are or are married to or descended from, how they pray or how much they are worth, is the best guarantor of our collective security. For this, we need institutions that work. Today, we find ourselves in a situation in which judges refuse cases on insecurity because they themselves are not secure and civil servants seek to please the “Ogas at the top” rather than apply the rules.

In such a situation, the rich people enjoy immunity, accessorize items of security such as police personnel, and everyone else claims a right to impunity. This is our biggest problem: the democratization of the right to impunity. It is what has brought us to this present denouement as a people.

This is a charter for collective insecurity. We all have, as both citizens and the elite become complicit in creating incapable government in which impunity threatens us all. This democratization of impunity has now become a threat to our collective security as a country and a people. The response to this is not more impunity but a better understanding of the causes of this pathology and a re-commitment to addressing the root causes of incapable government.

If, therefore, our crisis of national cohesion is a symptom of the things we must address, impunity is a principal cause of the crisis. It used to be thought that impunity was confined to “big” men and women. It is now democratized. Across the country, those endanger our security do so safe in the assurance that they’ll get away with it. The insurgents are exercising impunity and mocking us with it. To get out of our present predicament, Nigeria must restore the will and capability to enforce rules firmly. This must start with electing a leadership that must spell out how it will shore up the rule of law, enforce rules against its supporters and reinforce institutions established for that purpose.

To heal Nigeria, we must care to be accountable; but without seeking accountability we have no way to show we care. In Molly’s memory, this Centre invites us to participate and share in the vocations of both sharing and seeking accountability for the things that ail us and our country. It is a timely invitation and a privileged one too. In accepting and making a continuing commitment to it, we contribute to healing Nigeria.

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