



SOUTHEASTERN REGIONAL SEMINAR IN AFRICAN STUDIES (SERSAS)

Analysis of the Criminalizing Policies, Programs, and Idiosyncrasies of the Nigerian Governments in the Country's Darkest Age, 1985 - 1999

Nonso Okereafoezeke, Ph.D, Esq.
Department of Criminal Justice
Western Carolina University
Cullowhee, NC 28723
Phone: 828-227-2177
Fax: 828-227-7705
E-mail: nonso@wcu.edu

SERSAS Fall Conference, Savannah, GA
October 15-16, 1999

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INTRODUCTION

ISSUES ADDRESSED IN THIS ESSAY:

This essay examines the following four aspects of selected policies of contemporary and recent governments in Nigeria. First are the expressed, implied, spoken, and unspoken policies of Nigerian governments, 1985 - 1999. Second is the leadership manner of the officials of these governments. Third is the effect on ordinary Nigerians of the policies and leadership idiosyncrasies (behavior patterns) of the government officials. Fourth, and finally, is the consequent behavior (reaction) of Nigerians in and out of the country.

Many of the policies, programs, and behaviors of the successive governments or regimes in Nigeria have led to increased poverty and deprivation among Nigerians. Also, some of these policies, etc. have created anomic conditions among the citizens. In reaction to the policies, idiosyncrasies, and situations to which their governments have consistently exposed them, many Nigerians engage in criminal or deviant conduct, in and out of Nigeria. Sometimes, the nature of the relationship between Nigerians and their governments cause the citizens to be perceived as criminals by non-Nigerians. Even those Nigerians who do not react criminally or deviantly to the misbehavior of their governments feel betrayed and criminalized by the words and actions of those governments and their officials.

I write this essay partly from the standpoint of a criminologist. Criminology teaches us that criminal behavior may result from want; that criminal behavior may be a consequence of deprivation - material deprivation. To fully explain this position, I have drawn from my other perspective as a scientific research methodologist. In Criminological/Criminal Justice ("C/CJ") scientific research, a hypothesis to the effect that, "Poverty causes crime," is a reasonable statement. It is thus an acceptable and workable hypothesis. It does not cease to be either just because many "poor" persons are not criminals. The hypothesis holds true even if only one "poor" person becomes "criminal" as a result of the poverty situation.

The poverty circumstances in Nigeria do not affect just "one person." A major part of the population is affected. According to the United Nations International Children's Emergency Fund ("UNICEF"), more than 64% of Nigerians live in poverty: "About 48 percent of Nigeria's estimated 104 million people live below the poverty line, while another 16.2 percent constitute the core poor...." Although the UNICEF reports do not define "poverty," they, however, go on to present situations that a reasonable person would agree are clear indicators of poverty. According to the reports, the UNICEF representative in Nigeria blames the country's poverty situation on "mass poverty," which he said "is largely responsible for the rise in the level of malnutrition among Nigerian children." The reports show a drastic drop in the real income of workers, wide-spread unemployment and high child-dependency ratio. [Further, the UNICEF representative said]; "In a situation where the majority of the adult population are unable to meet the basic human needs and cannot live fulfilling lives, the rights of those dependent on them are being totally marginalised."¹ As much as 75% of Nigerians have been estimated as living below the poverty line.

I have delved into the foregoing discussion because I am convinced that, since political independence from Britain, the "governments" that have ruled Nigeria (particularly, 1985 - 1999) have, by their policies, criminalized the citizenry. These policies are aimed, consciously or unconsciously, at the deprivations and denials of the basic things that Nigerian citizens need to sustain their lives and prosper. These deprivations, coupled with the unstable, chaotic, and unpredictable governance of Nigeria, have resulted in the criminalization of the nation. This essay draws examples of such policies wherever they are found. However, contemporary and recent policies of the Nigerian governments are my primary concern. At the onset of the "new political dispensation" of General Abdulsalam Abubakar (June 1998 - May 1999), the UNICEF representative in Nigeria was enthusiastic.² However, I was extremely cautious, as many Nigerians were,³ because civilian and military governments alike in Nigeria have consistently made unfulfilled promises to Nigerians and the world at large. They appear to start with good intentions, only to show their true, narrow intentions through criminalizing policies, programs, and actions.

This essay examines three kinds of Nigerian governments' policies, programs, actions, and behavior patterns that criminalize the citizenry. One kind drives Nigerians to actual criminal behavior. The second kind is made up of official policies, programs, etc. that create anomic conditions or conditions of normlessness among Nigerians.⁴ The third kind causes Nigerians to be perceived as criminals, particularly outside the country.

NIGERIA: BACKGROUND AND HISTORY

This subsection provides a background to the extremely diverse Nigerian citizenry. The diversities have, in turn, given rise to a wide range of opposing and conflicting interests in the politics (civilian and military) and governance of the country. Virtually all of Nigeria's more than 100 million⁵ citizens are Africans. That, however, is where the similarity ends. Nigerians differ on, among other variables, ethnicity, religion, culture, lifestyle, tradition, custom, indigenous government system, and indigenous justice system. There are approximately 250 ethnic groups in Nigeria. Three of these are the so-called dominant or major ethnic groups. In Nigeria, differences on grounds of religion, culture, lifestyle, tradition, custom, indigenous government, and indigenous judicial processes are common due to the unique local practices and the foreign influences on Nigerians.

"Nigeria"⁶ resulted from the might of Britain, which usurped the powers and resources in the constituent parts of the country for about a century - 1860 to 1960. Understandably, the usurpation of the powers and resources happened gradually. Eventually, in 1914, the British colonial rulers were able to control the entire land area now called Nigeria. The control continued until October 1, 1960, when Nigeria received political independence from Britain. However, the British head of State continued to be the head of the Nigerian State. Also, the Judicial Committee of the British House of Lords continued to be the court of last resort for Nigerians. On October 1, 1963, Nigeria, under Nnamdi Azikiwe, President, and Abubakar Tafawa Balewa, Prime Minister, severed these and other such ties with Britain by proclaiming Nigeria a "republic."

Since political independence on October 1, 1960, Nigerians have been through civilian, military; parliamentary, presidential; federal, unitary; elected, unelected; democratic, dictatorial; and other combinations of governments. Nigeria today is made up of 36 states and the "federal" capital territory, Abuja. Officially, the country is referred

to as the "Federal Republic of Nigeria." Nigeria may be a republic, but is it really a federation? The answer to this question will shed some light on the extent to which the policies of the governments in Nigeria (national, state, and local) affect the lives of Nigerians. With the exceptions of the two elected regimes in the country (1960 to 1966; 1979 to 1983), successive administrations in Nigeria have been federal in name but unitary in practice.

Whenever a General Abdulsalam Abubakar could appoint a loyal colleague (usually, military colleague) to "administer" state A, there could not have been a federalism, especially considering that, in that arrangement, the indigenes of the state had no part whatsoever in the appointment of the administrator. Moreover, the General Abubakar and his hand picked loyalists (at the state and national levels) made laws for the entire Nigeria, not minding that they violated fundamental ingredients of federalism. These ingredients can be described in the following words: In a federation, power and authority must be constitutionally divided between (or among) the levels of government (examples, national, state, local), and no level is permitted to usurp or arrogate to itself the power or authority of another, except in the case of a national emergency. None of the incidents of usurpation by federal authorities of the state and local powers and authorities in Nigeria can be explained on grounds of national emergency.

As I write this essay, Nigeria has been politically independent for some 39 years. Through these years, the country has experienced different mixtures of civilian and military leaderships. It is not quite accurate to state that "since Nigeria's political independence, the military have ruled the country for 29 years, while the civilians have ruled for the remaining 10 years." The apt description of the situation is that through these years, Nigeria has been ruled or led by a relatively few civilian and military personnel. Many of the personnel have been recycled from one point in the country's life to another. Through the 39 years of Nigeria's nationhood since political independence, every "civilian" government has been made up almost entirely of Nigerian civilians. Every one of the numerous "military" administrations in the country has also included civilian personnel in key, powerful positions. During at least one military administration in Nigeria (General Yakubu Gowon's regime, July 29, 1966 - July 29, 1975), the national government included a civilian who served as the deputy head of State. That civilian deputy head of state in a "military" regime was the late Obafemi Awolowo.

Whether Nigeria is ruled by civilian or military personnel, Nigerians seem to always end up with a bunch of beastly, atavistic creatures, who disguise themselves as leaders, but whose true intention is to line their pockets and those of their relations and cronies with the wealth of the citizens. Virtually all the leaders' policies are designed to ensure the realization of this goal.

METHODOLOGY

This essay is based on data collected through mixed methods and procedures. Three main methods of data collection have been utilized; field observations, interviews, and archival searches. All the data have been content-analyzed to extract the needed information for this essay.⁷

In the months of December 1997 and January 1998, I spent some 25 days in Nigeria. I had returned to Nigeria, having been away from the country since April 1992. I had left Nigeria in 1992 for graduate studies in the United States of America ("USA"). Before I left Nigeria in 1992, I had known about the advance fee fraud scheme, popularly known in Nigeria as "419"⁸. While in the USA, I continued to learn about the scheme. I surmised that the scheme was largely a consequence of the deprivations that most Nigerians suffered in the hands of their governments. I, therefore, decided that during my December 1997 through January 1998 stay in Nigeria, I would conduct field observations and interviews to learn more about what I decided were the "criminalizing policies" of the governments in Nigeria. I had also decided to collect available archives on the relevant policies of the governments. While in Nigeria, I did some field observations, interviews, and collected relevant newspaper and magazine materials. The data collected from those exercises have helped me tremendously in preparing this essay.

Before the trip to Nigeria, and since I returned to the USA, I scrupulously followed and collected relevant items from such news organizations as the Panafrican News Agency ("PANA"), AfricaNews Online, Nigeria Page, Post Express, Nigeria Web, the Nigerian Vanguard newspaper, The Guardian (Nigerian), the American Cable

News Network ("CNN"), American Broadcasting Corporation ("ABC"), among others. I kept a daily record of these archival sources on the Internet. All these sources have contributed greatly to the data that form the basis for this essay. Additional materials were collected at the Institute of African Studies, Emory University, Atlanta, GA, where I spent a short period of time in the fall of 1997 at the sponsorship of my institution, Western Carolina University.

GOVERNMENT POLICIES, CIRCUMSTANCES, AND BEHAVIOR, AND THEIR EFFECTS ON NIGERIANS

"Policy" or "policies" in this essay includes written, unwritten, spoken, unspoken, intended, unintended consequences of the words and actions of the governments in Nigeria and their officials. Most of the policies and situations (behavior patterns of government officials) addressed in this essay are those created by the Nigerian national (or central) government, its agencies, and officials. These policies, situations, and behavior patterns of the central government officials affect the lives of most Nigerians - in all the 36 states in the country and outside the country.

The reality of the situation on the ground today, and for most of Nigeria's history since political independence, is that the country is not really a federation.⁹ As a former Nigerian military head of state has acknowledged, Nigeria's central government is too powerful.¹⁰ The central government controls virtually all human and natural resources in the country at the expense of the constituent states. "If Nigeria is a federal state, why must the individual states not control their mineral resources?"¹¹ This behavior of Nigeria's central government has reduced the 36 states in the country to "beggarly states."¹²

With its economic advantage over the state and local governments in the country, Nigeria's central government constantly overreaches its powers and authorities and deprives the state and local governments of their respective powers and authorities. In the same manner, the policies of the central government and the negative behaviors of its officials permeate every aspect of life in Nigeria. In this essay, I have concentrated on those policies, situations, and behavior patterns that produce negative political and economic consequences for Nigerians. The government policies and behaviors regarding these two aspects of the citizens' lives criminalize most Nigerians.

The act of governance is, primarily, about making public policies and implementing them for the benefit of all the members of the relevant political entity. That is what it should be. In most cases, it is necessary for key government officials to be employed full time by the State, in order for them to direct their full attention to the affairs of State. In Nigeria, the governments and their officials make public policies, not for the benefit of all Nigerians, but for the benefit of the privileged few.

The following part of this essay examines the main policies of the Nigerian governments as well as other situations created by, and the circumstances of, these governments and their officials. These five main policies, situations, circumstances, and idiosyncrasies of the contemporary and recent Nigerian governments and their officials have led to negative (sometimes, criminal) behavior by some Nigerians.

1. GOVERNMENT BY THE UNELECTED - "MILITARY" OR "CIVILIAN":

One of the tragedies of leadership, government, and politics in Nigeria is the apparent legitimization of illegitimate means of attaining power. "Illegitimate means" refers to unconstitutional and other extra-legal means to seize and control the State powers. The country's military are, of course, the main culprits in this repulsive enterprise. By virtue of their endless meddling in the country's leadership arrangement, the Nigerian military personnel have metamorphosed into military-politicians or "militicians." Not to be forgotten, however, are the privileged, elite civilians, who have little or nothing to lose whether the country is ruled by civilians or the military. Indeed, these military personnel in civilian dresses benefit, individually and collectively, whether Nigeria is ruled by the civilians or the military. Moreover, whenever the military usurp the powers of the Nigerian State, it is partly because they have been called upon or encouraged to do so by the civilian politicians who stand to gain from the prospective military regime. Even after so many years of the military governments'

dehumanization of the Nigerian citizenry, it is doubtful that the country's civilian politicians "have realised the stupidity of their actions" in inviting the military to usurp the powers of the Nigerian State.¹³

A regime that results from the use of an illegitimate means of attaining and maintaining the Nigerian State powers is always made up of cronies - military and civilian. The military leaders simply recruit some civilians who are willing to sing the formers' praise at all costs. Nigeria then ends up with a "government" in which reasonable citizens are excluded from participation in shaping their public policies.¹⁴ As an example, ... under Abacha [the late Nigerian military ruler], we were all exiles. There was only a difference - internal exiles and external exiles. Nigerians faced a period of complete social alienation from their environment, from their potential and sometimes on many levels, I think we the external exiles were much better off.¹⁵

The difference between General Abacha's regime and other illegitimate regimes in Nigeria is not in what was (and is being) done by the different regimes. Rather, the difference lies in the extent to which each regime has gone in isolating and criminalizing Nigerian citizens. Basically, the Abacha regime did what other illegal regimes have done, and continue to do, to Nigerians. Abacha was, however, a crude, crazed, beastly, atavist who was willing to go farther to gain and keep the powers of State in Nigeria. But note that Abacha could not have had the opportunity to inflict his criminalizing policies on the Nigerian population, except for the equally dastardly viciousness of his predecessor, General Ibrahim Babangida, who paved the way for Abacha. Later in this essay, I will discuss further the criminalizing effects on Nigerians of General Babangida's policies.

A government, no matter how wise its officials are, cannot govern effectively or efficiently if it excludes its citizens from participation in public affairs. That has been happening in Nigeria in most of the country's history. This has resulted in the forfeiture of the huge contributions generations of Nigerians would have made to building a (great) nation out of the country, hence there is left only a "crippled giant" called Nigeria.¹⁶

Another disheartening situation in the Nigerian body politic is that, almost without exception, all the administrations that have run Nigeria have been made up of incapable leaders. These leaders have neither direction nor vision for the country. A country with Nigeria's human and material wealth is in a sound position to choose leaders who are honest, intelligent, and willing to devote their time and effort to planning for a brighter future for the country. I know of no Nigerian leader, particularly in the last 15 years, who has thought of where or what the country would be in the next 10 years, 20 years, etc. It is always about immediate, personal gains for the leader and his cronies. This attitude, of course, trickles down the scheme of things in the country because, as the Igbos of Nigeria say, mmiri si n'isi gbaruo ("the water is polluted at the source"). Since the leaders have set bad examples for all Nigerians, the situation leaves the average citizen with little or no legitimate survival option.

The single-mindedness with which the successive governments in Nigeria have pursued self-preservation eats away at every other aspect of the country's life. In its quest to hold on to Nigeria's leadership, each government is blind to the other pressing needs of the country and its citizens. So far in Nigeria, the juntas of Generals Ibrahim Babangida and Sani Abacha have been the biggest culprits in this regard. They have, without question, and even adjusting for inflation, outspent all the other administrations in the country for "defense." Most of the arms and ammunition, of course, are bought from Europe and the USA. Thus, the limited national funds that should be spent for the basic welfare (food, health, shelter, education, growth opportunities, etc.) of all Nigerians are instead spent for the limited purpose of preserving despots such as Generals Babangida and Abacha in offices. However, even the dribbling politico-soldier ("Maradona" Babangida), who closely followed the Machiavellian suasion ("the end justifies the means") ultimately had his criminalizing crusade against Nigerians stopped. He had failed to heed another of the Machiavellian pieces of advice: ... the best fortress is to be found in the love of the people, for although you may have fortresses they will not save you if you are hated by the people.¹⁷ At the end, neither General Babangida nor General Abacha was saved by his fortress at the Dodan Barracks, Lagos or the "presidential villa," Abuja. No future criminally-minded leader of Nigeria will be saved either.

One of the destructive consequences of an unpopular, unelected government to a country is instability. This instability affects every aspect of the country. It is, however, most visible in the areas of political leadership and economic development. Nigerians have faced these consequences through all of the country's life as an

independent political entity. Two of the main outgrowths of instability in Nigeria are the unpredictability and uncertainty of: (a) the life of the country as one entity, (b) the lives and future of individual Nigerians.

In the Nigeria of today, and for all of the country's life since political independence, an existing regime may be changed at any time (by force or extra-legal means such as coup d'etat). The uncertainty and unpredictability of leadership in the country result in an atmosphere in which persons who occupy leadership positions at any point in time regard their positions as opportunities to steal as much of the people's wealth as possible. The thievery by the Generals Obasanjo, Babangida, and Abacha respective cabals are colossal.¹⁸ See also APPENDIX A. Nigerians continue to suffer from the consequences of unbridled greed and lack of accountability in the country's public life. Adding salt to the injury to average Nigerians is the fact that erstwhile thieves of State in Nigeria are always eager to return to power and fatten their leadership spoils. Former military dictators, Generals Obasanjo and Babangida have recently realized their objective of returning Obasanjo to the scene of their criminalizing policies and actions against Nigerians.¹⁹ If Obasanjo wastes his second opportunity to serve all Nigerians, history will judge him twice as harshly as his erstwhile partners in criminalization.

It is common for elite Nigerians to clamor and lobby, covertly and overtly, for public offices, with the expectation that a lot of public wealth can be personally appropriated. The negative ambition of Nigeria's rulers are enhanced by the fact that successive regimes in Nigeria have not given serious, if any, thought to accountability in public offices. This is not surprising considering that illegal processes have begot most of the regimes. Being thus illegal, they cannot reasonably be expected to use the law to protect the Nigerian people.

2. THE NOTION AND ATTITUDE THAT THE NIGERIAN MILITARY ARE SUPERIOR TO THE LAWS OF THE COUNTRY:

Military personnel in Nigeria regard themselves as a privileged, elite class that should live above the rest of the population. And they live as such. Although the Nigerian Armed Forces were established to secure and protect the country and its citizens, these Forces have, through their words and actions, consistently placed themselves above the other Nigerians. Nigerian Armed Forces personnel carry this attitude with them in and out of government. This neo-colonial mentality persists despite the fact that the Nigerian official justice system professes allegiance to the rule of law.

I continue to wonder why the Chief Justice of Nigeria, Mohammed Uwais, swore General Abdulsalam Abubakar who, in June 1998, became Nigeria's eighth military ruler since political independence, into office.²⁰ Ordinarily, being sworn into a position or office means, at a minimum, that the person so sworn has attained power legally and will govern according to the laws of the land. Although sworn into office by the Chief Justice of Nigeria, many policies and acts of General Abubakar's regime sabotaged and destroyed the rule of law and human rights in Nigeria.

General Abubakar's regime appeared to have reduced the tense political environment existing in the country during the rule of his late predecessor, Gen. Sani Abacha. However, a United Nations ("UN") human rights report on Nigeria concluded that the rule of law and human rights eluded Nigerians while Gen. Abubakar reigned.²¹ According to the UN's special investigator for human rights:

The Nigerian legal system currently does not provide effective protection of human rights. Rule of law is still not established in Nigeria. The independence and authority of the judiciary are undermined by clauses in executive decrees which oust the jurisdiction of the courts.²²

The special investigator reported further that the rights of individual Nigerians to liberty and security were not protected since they could be detained indefinitely (without trial) under the repugnant Decree No. 2 of 1984.²³ In view of the human rights situation in Nigeria, the UN called on the country's authorities to take steps to protect human rights.²⁴

A little comparative analysis is in order here. Even in full recognition of the national differences between the two countries, the "rule of law" in Nigeria is a far cry from what it is in the USA. The ideas that every person is

subject to, and equal before, the law, and that no person is above the law, are taken very seriously in the USA. The fact that the president of the USA, Bill Clinton, has been the subject of a criminal inquiry by an Independent Counsel attests to the observance of the principles of the rule of law in that country. An American student in my "Courts and Criminal Procedure" class once expressed frustration with, and despair over, the USA criminal justice system. She asked me if I could think of anything good in that system. I pointed out to her that no matter how bad the system was, I believed that she should be happy with two main things: the openness of criminal proceedings in the USA; and the observance of the rule of law in the country. These two qualities greatly impact on "due process"²⁵ in the country's official justice system. Contrasting the situation in the USA with what obtains in Nigeria, I reminded her of the importance of these issues in the machinery of justice. In Nigeria, due process has been largely thrown overboard due, in particular, to military governments and martial law.²⁶

I prefer not to sympathize with a leader who is required to account to the citizens for the leader's policies and actions. After all, I know of no modern State in which a person is compelled to be a political leader. Every such person assumes the position voluntarily. In most cases, a leader would have overtly and spryly pursued the office. Where there is no overt or energetic pursuit of a leadership position, a leader who emerges would have implicitly sought or angled for the office.

Much has been made of the prior "limited" involvement in partisan politics of the leader of the last military junta in Nigeria, General Abdulsalam Abubakar.²⁷ Not to be forgotten, however, is the fact that, as the chief of defense staff in the obnoxious General Sani Abacha junta, General Abubakar had positioned himself to inherit the leadership of Nigeria if something happened to Abacha. The fact that Abubakar eventually "accepted" (from his fellow generals) Nigeria's leadership should, in no way, dilute Nigerians' demand for him to account to them for his policies and actions in view, particularly, of the fact that Nigerians did not choose him for that position.

At a minimum, it is a show of bad faith for a leader to profess allegiance to civilized justice only to retain a draconian "safeguard" that turns the rule of law on its head. General Abubakar's "transition to democracy" was constantly threatened and in danger of faltering due to the persisting unjust and undemocratic environment in Nigeria. Decree No. 2 of 1984, which allowed the regime to arrest and imprison, without trial, any person in Nigeria is noteworthy:

... no excuse is good enough for retaining the much-hated Decree Two in the statute books. A transition to democracy which needs such a decree to thrive is merely an admission of bad faith. It follows a view of life by people in government [in Nigeria] who must blame ordinary people for being undisciplined and for submitting to extortion and powershow.²⁸

I agree. General Abubakar made numerous unfulfilled promises to abrogate the Decree No. 2.²⁹

3. THE NEO-COLONIAL POLICY OF RIDDING THE COUNTRY OF ALL OPPOSITION:

The retention of Decree No. 2 of 1984 by General Abubakar's regime showed his willingness to continue the tradition of past (military) regimes in Nigeria, which used the obnoxious legislative piece to silence, suppress, exile, and get rid of their opposition. This get-rid-of-all-opposition mentality is a throwback to the days of British colonization of Nigeria. Since political independence from Britain in 1960, most regimes in Nigeria have been neo-colonial in character; these regimes have been doing to Nigerians what the British can no longer do directly.

As divisive and destructive of a society as this policy is, it is by no means peculiar to Nigeria. Across Africa and some other parts of the world, forced exile as a form of opposition control is epidemic. As I write this essay, the Africanist, social critic, intellectual, writer, Ngugi wa Thiong'o (Kenyan native), is in exile in the USA. He was forced out of Kenya by the neo-colonial regime of Daniel Arap Moi, the Kenyan President. Ngugi wa Thiong'o loses a great deal in not being home, but Kenya and Africa lose more in not having direct benefit of all that he has to offer Africa's school children and society.

In Nigeria, this neo-colonial senselessness came to a head with the coming to power of Generals Ibrahim Babangida and Sani Abacha. In addition to the well documented cases of mysterious disappearances and murders

of political opponents, the cabal of Generals Babangida and Abacha presided over a Nigeria in which some of the country's most notable intellectuals were forced to exile themselves in fear for their lives. The 1986 recipient of the Nobel Prize in literature, Wole Soyinka, is a good example. He was forced to flee Nigeria because of his stand against the regime of General Abacha.³⁰ Being forced to leave, or stay away from, one's homeland is an extreme form of criminalization. Chinua Achebe, celebrated writer and social critic, who was on a 9-year self-exile from Nigeria (1990 - 1999), had his books banned from schools in Nigeria. This amounts to the criminalization of the author. Above that, however, it is a criminalization of the students whose education has been short-circuited by the policy banning the books. A country (whether it is Nigeria, Kenya, or any other), in which the neo-colonial policy of getting rid of all opposition exists, has nothing more than a regime of half-idiots, rooted in a "culture of apemanship and parrotry."³¹ Woe betide the country.

The police-state mentality of the Nigerian regimes since political independence has been particularly pronounced since 1985, when General Ibrahim Babangida overthrew the regime of General Muhamadu Buhari. Babangida ruled Nigeria with a mix of lies, trickery, deception, manipulation, evil-mindedness, and cheerfulness. When General Sani Abacha, Babangida's chief of defense staff, took over the rulership in 1993, Abacha rid himself of Babangida's cheerfulness and strengthened the latter's subtlety and viciousness.

Nigerians who were "free" to go into, and leave from, the country under General Abacha's rule had very little room to be truly citizens of Nigeria. In December 1997 through January 1998, I visited Nigeria, and spent over three weeks there. I was particularly saddened by the crudity of the Nigerian leaders. The leaders had chosen to treat our people as criminals even though the leaders were the true criminals. At that time, General Sani Abacha was the leader of the ruling junta. General Abdulsalam Abubakar was, at the time, General Abacha's handpicked Chief of Defense Staff.

During the trip, I visited the Supreme Court of Nigeria in Abuja on January 2, 1998. I met with the Court librarian, and gave the Court a copy of my doctoral dissertation.³² I also had on me a copy of TELL (a weekly newsmagazine published in Nigeria), dated January 5, 1998. The lead stories on the magazine were, "The Abuja 'Coup'," and "Casualties of June 12: Who Next?"³³ The librarian accepted the copy of my dissertation, but advised me that both my dissertation and the TELL magazine were "anti-government" materials. She advised that I hid the magazine copy from view. My dissertation copy, she said, would be kept in hiding until an "accommodating government" came into office in Nigeria. As far as I know, the dissertation copy is still hidden from the Nigerian public, even though it was written (in the USA) about Nigeria, and primarily for Nigerians.

It is this same grossly negative attitude of the Nigerian regimes that cause Nigerian scholars and intellectuals to feel criminalized by their governments. A quick survey of the academic community in the USA, for example, reveals how many of Nigeria's intellectuals have been drained from the country. As I write this essay, the brain drain continues. In 1997, a source once revealed that there were some 14,000 Nigerian medical doctors in the USA alone. You only need to look around at each professional gathering in North America to understand how many of Nigeria's best brains have been forced to leave, or stay away, from Nigeria by the criminalizing policies and actions of the Nigerian regimes. In most cases, these Nigerians are very bright academics and professionals, usually in their 30's. A responsible government, even of a "developed" country, would do its best to tap the resources provided by such individuals.

Successive Nigerian regimes have, over the years, turned many of our educated elite into passport-carrying agents of other nations, particularly the USA, Canada, and nations of Western Europe. Beyond some progress in the chosen profession, there is not much an exiled intellectual can do in a foreign land. In most cases, he or she lives by avoidance - avoidance of being labeled by Nigerian government officials as an agent of a foreign country; and avoidance of being labeled by foreign government officials as an exporter of "Nigerian crime culture." Such is the anomic life of the Nigerian intellectual.

It is not easy, if at all possible, while residing outside the country to make any meaningful contribution to Nigeria. In the spring of 1997, I prepared and sent a research proposal summary to the Nigerian Embassy in New York. In the proposal, I explained my plan to conduct a scientific study of the professional and occupational distribution and characteristics of Nigerian citizens in North America and Europe. In particular, I was going to study the life circumstances of Nigerians in Britain and the USA. I wanted to ascertain and analyze the extent of

the contributions of Nigerians to the economies, politics, society, etc. of the USA and Britain. The findings, I indicated, would be useful for the "Vision 2010"³⁴ of the then General Abacha junta. I requested the person in charge at the Embassy to let me know if I should submit a detailed proposal to the Nigerian government. It took a follow-up proposal and two years for an Embassy staff to write back and state that "the Consulate does not have funds for sponsoring research projects." The Consulate, as the representative of the Nigerian government in the USA, could and should do much more on the issue considering the benefits that would accrue to Nigeria from such a project.

4. ENDLESS TRANSITIONS, AND THEIR IMPLICATIONS FOR THE NIGERIAN SOCIETY AND ECONOMY:

Nigeria has indeed given the world a new meaning to the expression "transition to democratically elected government." Endless transition to elected government has been a part of Nigeria's political history since the country's creation by colonial Britain. The British endlessly promised a hand over to a government democratically elected by the Nigerian people. The promise remained empty for a long time before October 1960. Since Nigeria's political independence from Britain, the neo-colonial regimes of Generals Yakubu Gowon (1966 - 1975), Ibrahim Babangida (1985 - 1993), and Sani Abacha (1993 - 1998) have been even less honest to Nigerians with their respective transitions to democratically elected governments. General Gowon even "toyed with the idea of a military-led one-party system with a civilianized Gowon continuing as head of state."³⁵

Generals Babangida and Abacha each toyed with a similar idea. Contrary to all reasonable expectations, Babangida opted for a much longer transition program³⁶ in order, as the world found out later, for him to continue as Nigeria's ruler indefinitely. The brashness of Abacha's desire to succeed himself as Nigeria's ruler is well known. That culminated in his "adoption" as the only presidential candidate by the five government-approved political parties in the country.³⁷ However, before each of the trio could implement his idea, he was run out of office by circumstances beyond his control.

Over the years, Nigerians have learned to be suspicious of their rulers, especially concerning the process of handing over to an elected government. Thus, the transition to elected civilian government of the General Abubakar regime was seen as dubious. On numerous occasions, Nigerian civilian politicians have, in the hope of military hand over to a democratically elected, civilian government, invested time, money, and other resources toward achieving political offices. These have come to naught because on countless occasions the military have failed to live up to their promises. The supporters of these politicians have equally invested in vain.

A consequence of this situation is a lack of commitment to the transition process. Another consequence is a quest to win by all means, after all the military (the guardians of the process) are dishonest. Thus, various kinds of immoral and criminal acts and omissions result from the situation. What was the difference among General Babangida's "National Electoral Commission (NEC)," General Abacha's "National Electoral Commission of Nigeria (NECON)," and General Abubakar's "Independent National Electoral Commission (INEC)?" Nothing. Each was meant to serve the interests of the military and civilian ruling cabal at the relevant time.

Apart from the damage to the Nigerian psyche by the empty, deceitful promises of the rulers, the damage to the country's economy is staggering. The history of misrule, incompetence, gross dishonesty, and theft of Nigeria's resources by Nigeria's rulers has culminated in the current condition of a shambled Nigerian economy. Add to that the expenses surrounding the endless transition programs to elected civilian governments and it becomes clear that Nigeria's economy has been bleeding. National resources, which should have been spent to improve the lives of all Nigerians, were spent on dubious transition programs.

In a country where the rulers never account to the ruled for public expenses and policies, we can only hazard a guess as to the material cost to Nigeria of the General Babangida transition fiasco. The cost must have been in the equivalent of billions of dollars. Most of that cost must have been diverted into the private pockets of the rulers and their cronies.

General Babangida eventually stopped his transition program before it concluded. He refused to hand over to the elected government of Moshood Abiola. Instead, Babangida nullified the results of the elections with no explanation. That was, at best, an irresponsible, mad, dictatorial, power show. In the summer of 1998, the erstwhile dictator told reporters that he was responsible for the annulment of the June 12, 1993 elections. In his own words,

I take the blames. We might have done something that was seen as wrong, we might have done other things that is[sic] conceived as right, but in all these I don't shift blames on anybody, I take the blames, that is why I (was) the chief executive. As chief executive, whatever goes good I accept. Whatever goes bad I take the blame for it. I delegate authorities, I don't delegate responsibilities.³⁸

There has never been any reasonable question as to General Babangida's full, complete, and total responsibility for the annulment of the June 12, 1993 elections in Nigeria. It is unfortunate that, in proclaiming his responsibility for the June 12, 1993 Presidential election debacle, General Babangida chose to ignore his responsibility for the criminal policies and actions of the gutless tyranny he midwived (General Abacha's regime). Babangida was (and remains) responsible for creating Abacha and his cabal. If Babangida had allowed Moshood Abiola (late), the winner of the 1993 Presidential elections, to assume Nigeria's leadership, there would have been no Abacha, at least not in the manner in which Nigerians and the world knew him between November 1993 and June 1998. Babangida is directly responsible for Babangida's criminalizing policies and actions (and their consequences) against Nigerians. Further, Babangida is indirectly responsible for Abacha's criminalizing policies and actions (and their consequences) against Nigerians.

By annulling the 1993 elections, General Babangida has delayed, by a long time, Nigeria's evolution into a nation where every citizen would be treated equally within the bounds of the rule of law and justice. One question left to be answered is: "Will Babangida at some point in his life pay for what he has done to Nigeria and Nigerians?" The legal action by the Joint Action Committee of Nigeria ("JACON"), led by its then chairman, the lawyer and civil rights activist, Chief Gani Fawehinmi, against Babangida³⁹ is a starting point. Several petitions against General Babangida and his junta are also pending before the Justice Chukwudifu Oputa Human Rights Panel set up by President Obasanjo.

The JACON suit was brought to compel Babangida to explain the annulment of the elections. According to JACON, without such an explanation, similar programs in the country may in the future be terminated on the leader's whim. Hopefully, efforts such as those of JACON will force Nigeria's rulers (civilian and military) to realize that they cannot perpetrate evil on the country and get away with it. On a similar note, the arrest in London of the former Chilean military dictator, General Pinochet, is welcome. Hopefully, it will make the point to dictators everywhere that they will eventually account for their policies and actions, against their citizens and non-citizens alike.⁴⁰

Despite Nigeria's enormous human and material wealth, the country is one of the poorest in the world. According to the latest UNICEF report, 64% of Nigerians live in poverty, while over 16% of the poor "constitute the core poor."⁴¹ A condition of extreme deprivation in the midst of plenty in Nigeria is due entirely to a history of shameless corruption and brainlessness on the part of the country's leaders. In Nigeria, leadership is defined as a retinue of common thieves and other criminals who are privileged to steal the country and the citizenry dry (see APPENDIX A).

The country's leaders have turned petroleum, which was God's gift to Nigeria, into our curse, particularly for the southeastern portion of the country. The 1998 gasoline pipeline explosion in the southeastern town of Jesse resulted in the deaths of more than 700 Nigerians.⁴² Most of the victims were poor farmers, small traders, and their children. They needed a chance at a little money for their daily needs. Instead, they died.

Nigeria's wealth (mostly from petroleum) has been shared among the members of the successive banditry regimes in the country (see APPENDIX A). The country continues to have a government of thieves, rather than leaders. As the world's 6th largest producer of oil, Nigeria should be able to satisfy its local demands and still export a sufficient quantity. Instead, most of the oil from the country is exported for the benefit of the bandits in governments, while ordinary Nigerians are left frantic for petroleum products. Even where the products are

available, the Nigerian regimes have insisted on irresponsible increases in the prices of petroleum products. In December 1998, the regime of General Abubakar, without an explanation, increased the cost of fuel by more than about 120%.⁴³

In the absence of honest and sound policies by the Nigerian governments for the management of the country's huge resources, the average Nigerian is left to the anomic (or confused) situation of either making a living in any way possible or perishing. As a local resident of Jesse community put it in the aftermath of the gasoline pipeline explosion and deaths:

This is a tragedy of huge proportions. Our people have been driven by deprivation to such a desperate search for livelihood.⁴⁴

The deprivation condition affects most Nigerians. The situation is compounded by the cryptic devaluation of the country's currency (the Naira).

5. THE DEVALUATION OF THE NAIRA, ADVERSE ECONOMIC CONDITIONS, AND THE CONSEQUENCES FOR NIGERIANS:

During his rule over Nigeria (1985 - 1993), General Babangida implemented his Structural Adjustment Program ("SAP"). The most visible aspect of the policy and program was the cryptic and destructive devaluation of the Naira. That program unleashed an inflationary trend previously unknown in Nigeria. During those years and since, the Naira has lost its value by more than 9,000%. Under the General Abdulsalam Abubakar's regime, the Naira devaluation continued.⁴⁵ The hyperactivity of the resulting galloping inflation has led to little or no purchasing power by Nigerians operating in the country's economy.

The infrastructural and economic bases, as well as the political base, of Nigeria have been debilitated by the successive regimes in the country, particularly those of Generals Babangida and Abacha (1985 - 1998). When I visited Nigeria in December 1997 through January 1998, I was horrified by the astronomical increases in the prices of everyday household commodities over what they were in 1992. I found out first hand that to prepare meals that would last a couple of days for two persons, a lot of money was needed. My wife and I spent 1,405:50 Naira to make that possible. How many Nigerian households can afford this amount of money every few days? The answer is: Not many. At the time I left Nigeria in 1992, the items for the same amount of food would have cost no more than 100 Naira. Also during my visit, I once took 4 people out for some snacks and drinks. Altogether, we had 4 bottles of beer, 6 bottles of non-alcoholic beverage, and 10 small bowls of ugba and kpomo (local appetizers). The charge was 1,055 Naira. Again, at the time I left Nigeria in 1992, I would have had to pay no more than 80 Naira for those items.

Not to be forgotten is the prohibitive cost of transportation in Nigeria. Even then, Nigeria no longer has motorable roads except in the capital city, Abuja. Add to these situations the other economic hardships that Nigerians face daily. Based on what I saw and experienced during my trip to Nigeria, living in the country is like living in a giant detention camp, with no means of livelihood, no freedom, and no rights. In these criminalizing circumstances, therefore, many Nigerians resort to criminal and other deviant means of making a living, in and out of Nigeria. The most known deviant endeavors of some Nigerians in recent times include robbery.⁴⁶ Other deviant behaviors include drug trafficking,⁴⁷ illegal migration,⁴⁸ and the advance fee fraud (popularly called "419" in Nigeria).⁴⁹

The "419" scheme is a huge blemish on Nigerians and the government of Nigeria. The scheme reaches many corners of the globe. In the spring of 1998, a fellow professor at my institution received a letter from one "Elder Michael Nana." The letter, which was dated February 26, 1998, was mailed in Nigeria to Cullowhee, North Carolina, USA. The letter was entitled, "REQUEST FOR ASSISTANCE - STRICTLY CONFIDENTIAL." The writer claimed to be an accountant with the Nigerian National Petroleum Corporation ("NNPC"), and to have headed an NNPC contract awards board. According to the letter, the author had deliberately overvalued the cost of some contracts by over \$36.5m, received the excess amount, and needed my colleague, "a reliable and reputable person," to transfer the money into my colleague's foreign bank account. The author had no foreign

bank account because the "Code of Conduct Bureau (Civil Service Laws)" prohibited Nigerian civil servants from opening and/or operating such accounts. If my colleague transferred the funds, he would receive 25% of the transferred sum, while 10% would be set aside for incidental expenses during the transfer. In the meantime, though, my colleague would need to pay some money to begin the process and to show his commitment to the transaction. Well, my colleague did not fall for this.

Most of the criminal and deviant behavior of Nigerians, in and out of Nigeria, can be traced to the criminalizing circumstances to which the Nigerian governments have subjected the citizens. In particular, the prevailing, crippling economic and political policies and actions of the Nigerian regimes leave Nigerians with no choice but to seek alternative (usually, illegitimate) means of making a living.

CONCLUDING REMARKS

The Nigeria that was inherited from Britain was an ad hoc political entity created to serve the imperialist ends of the British and the West. It served them well by enriching the West economically, politically, socially, culturally, religiously, etc. The Nigeria that the successive regimes in the country have run since political independence remains an ad hoc entity. Nigerian governments no longer directly serve the British colonial regime. They now serve the local, neo-colonial, hegemonic regimes led by the Balewas, Ironsis, Gowons, Mohammeds, Obasanjos, Shagaris, Buharis, Babangidas, Abachas, and Abubakars. In this situation, the Nigerian citizen (whether born in Degema, Sokoto, Maidugri, Ibadan, Abuja, or somewhere else) is being criminalized by the people who claim to be the country's leaders.

Sometimes in the life of a country, its citizens have to make a crucial decision. The decision taken has the potential of doing one of three things: it may make the country better, it may make the country worse, or it may leave the situation as it is. As I write this essay, Nigeria is at crossroads. Fundamental decisions have to be made regarding the future and leadership of the country. The decision has to be that of the leaders; but even more so, it has to be the decision of the citizens. Whatever the decision, it must be one that will move Nigeria forward, thus making it better.

In an analysis of the crisis situation in Nigeria, Wole Soyinka⁵⁰ aptly asks, "When a nation?" Since political independence from Britain, Nigeria has been a flag-wielding, political entity, which is far from being a nation. To build a nation out of Nigeria, Nigerians need an elected leadership that honestly, diligently, and vigorously pursues the interests of Nigerians, not the interests of a few. So far, none of the post-independence regimes or leaders in Nigeria has been willing to effect the necessary changes in the Nigerian society. The situation became particularly bad in Nigeria's darkest age (1985 - 1999). Even outside this period, most of the Nigerian leaders have been recycled products of the same hegemonic, banditry, atavistic ideology, which has run Nigeria into the ground.

The main deprivations suffered by Nigerians in the hands of successive regimes are economic and political deprivations. Many Nigerians have reacted to the deprivations by engaging in criminal and other deviant behavior, in and out of Nigeria. The way out of this despondent quagmire is for all Nigerians to participate vigorously in the struggle for a true nationalist leader who will put Nigerian citizens first. When we succeed, we will have an opportunity to end the deprivations suffered by Nigerians. Then, Nigeria will be a country in which the citizens have a sense of belonging, a country in which the great human and natural resources are meticulously harnessed for the good of all citizens, a country in which the citizens are not exploited and criminalized by their leaders, a country in which the rule of law, justice, and accountability by public officials are entrenched. Then, Nigeria will become a nation.

APPENDIX A

Subject: Fwd: NIGERIA'S STOLEN MONIES

DATE: Tue, 17 Aug 1999 03:31:01

LOOTED MONEY DISCOVERED IN FOREIGN BANKS				
NAMES OF DEPOSITORS	LONDON	SWISS (\$)	USA (\$)	GERMANY (D)
1 GEN IBRAHIM BABANGIDA	6.25bn	7.41bn	2.00bn	9.00bn
2 GEN ABUBAKAR	1.31bn	2.33bn	800M	
3 REAR ADMIRAL MIKE AKHIGBE	1.24bn	2.42bn	671M	1bn
4 GEN JERRY USENI	3.04bn	2.01bn	1.01bn	900M
5 ALH ISMAILA GWARZO	1.03bn	2.00bn	1.3bn	700M
6 ALH UMARU DIKKO	4.5bn	1.4bn	700M	345M
7 PAUL OGWUMA	300M	1.42bn	200M	500M
8 GEN SANI ABACHA	9.01bn	4.09bn	800M	3.01M
9 MOHAMMED ABACHA	300M	1.2bn	150M	535M
10 ABDULKADIR ABACHA	700M	1.21bn	900M	471M
11 ALHAJI WADA NAS	600M	1.32bn		300M
12 TOM IKIMI	400M	1.39bn	152M	371M
13 DAN ETETE	1.12bn	1.03bn	400M	1.72bn
14 DON ETIBET	2.5bn	1.06bn	700M	361M
15 MAJ AL MUSTAPHA	600M	1.001bn		210M
16 ANTHONY ANI	2.9bn	1.09bn	360M	1.66bn
17 BASHIR DALHATU	2.3bn	1.001bn	161M	1.43bn
18 GEN WUSHISHI	700M	1.301bn		
19 ALH HASSAN ADAMU	300M	200M	700M	
20 T Y DANJUMA	300M	200M	700M	
21 GEN ISHAYA BAMAYI	120M	800M		

SOURCE WORLD BANK TO THE PRESIDENT OF THE FEDERAL REPUBLIC OF NIGERIA
REFERENCE FINANCIAL TIMES LONDON 24/7/99.

ENDNOTES

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2 *Ibid.*

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4 See also Nonso Okereafoezeke (1998b), "Isi N'Ezi Ama Mma; Anomic Conditions in the Management and Utilization of Africa's Human and Natural Resources." Paper presented at Phi Beta Delta Honor Society for International Scholars' symposium on Africa in the 21st Century: A Look at the Potential of the Continent's Natural and Human Resources, Western Carolina University, Cullowhee, NC, December 3, 1998.

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6 In Nonso Okereafoezeke (1998a), "Colonial Legacy and Plural Justice in Nigeria; The Need for a New Approach in Justice Processing," (manuscript being reviewed for publication by the *African Studies Review*), I addressed the issue of the "creation" of Nigeria. In the present essay, it suffices to say that "Nigeria" was not created by Nigerians. It was created by foreigners (Europeans) who had narrow, selfish, ulterior motives.

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First Online Edition: 10 October 1999
Last Revised: 3 April 2000