

FREEDOM FROM EXECUTIVE IMPUNITY AND RASCALITY IN NIGERIA: THE WAY FORWARD

Okonkwo, Basil Amarachi, PhD

Nnamdi Azikiwe University, Awka, Anambra State, Nigeria
ba.okonkwo@unizik.edu.ng

DOI:10.13140/RG.2.2.30371.98087

Abstract

This paper delves into the pervasive issue of executive impunity and rascality within Nigeria's government, dissecting its historical roots, causes, and far-reaching consequences. Drawing parallels with historical instances of unchecked executive power, such as King Henry VIII's reign in England and the French Revolution, the study examines Nigeria's own dark chapter under General Sani Abacha's military rule. Weak institutions, lack of transparency, and absence of accountability emerge as key catalysts for executive impunity, with the judiciary's ineffectiveness and governmental opacity exacerbating the problem. Moreover, the paper outlines the detrimental effects of executive impunity on Nigerian society, including widespread distrust, winner-takes-all mentality, the perpetuation of "it is my turn" syndrome (Emilokan), vote buying/election rigging, etc. Through a multi-faceted approach encompassing electoral and judicial reforms, bolstering civil society, promoting civic education, and international support, the paper proposes avenues to curb executive impunity and foster good governance in Nigeria.

Keywords: Freedom, Executive impunity, Nigeria, Government, Rascality

Introduction

The problem of impunity and rascality among government officials in Nigeria is a serious issue that has a significant impact on the country's political, economic, and social stability. This problem has deep historical roots, and it is exacerbated by a number of factors, including weak institutions, corruption, and a lack of accountability. Nigeria as a country has a long history of political instability, and this instability has been exacerbated by the problem of impunity and rascality among government officials. This problem has led to a breakdown of trust in the government, and it has had a negative impact on the country's economy and social fabric. In order to fully understand this problem, it is important to consider its historical context, as well as the political, economic, and social factors that have contributed to it. This paper will explore therefore the causes and consequences of this problem, and it will propose some solutions for addressing it.

Executive Impunity (*O dara iwu e je nga*)

The concept, *executive impunity* refers to the idea that government officials, particularly those in executive positions, can act with impunity, or without fear of consequences for their actions. This can lead to corruption, abuse of power, and other unethical behavior. Executive impunity can occur when government officials are protected from punishment for illegal or unethical behavior by their position or status. They may feel that they are above the law, and they may use their position to further their own interests or those of their associates. This can lead to a breakdown of trust in government institutions, and it can create a culture of corruption and impunity.

A classical example of executive impunity could be the reign of King Henry VIII of England in the 16th century. He was known for abusing his power, executing his opponents, and breaking with the Roman Catholic Church to further his own agenda. This could be considered a classic example of executive impunity in action (Starkey, 2001). One could also think of the French Revolution as another example; during the revolution, the French National Convention passed the *Law of Suspects*, which allowed for the arrest and execution of anyone suspected of opposing the revolution. This was an extreme example of executive impunity, as it allowed for the abuse of power and the violation of human rights (Schama, 1989).

To bring this home, in Nigeria, a prime example would be the military rule of General Sani Abacha from 1993 to 1998. Abacha was notorious for human rights abuses and corruption, including the imprisonment and execution of his political opponents. This period has been described as a dark chapter in Nigerian history, characterized by the abuse of executive power (Bourne, 2010).

Cause and Effect of Executive Impunity

There are a number of factors that can lead to executive impunity, including weak institutions, lack of transparency, and a lack of accountability. In the case of Nigeria, many have argued that weak institutions and a lack of transparency are the main factors contributing to executive impunity.

Weak Institutions

One of the main reasons for executive impunity in Nigeria is the weak and ineffective judicial system. The courts are often unable or unwilling to hold government officials accountable for their actions, which allows for a culture of impunity to develop. Bourne writing about this weak institution of the Nigeria Judicial staff in his book, *Nigeria: A New History of a Turbulent Century*, mentions an example in order to drive home his point. He argues that, one example of the weakness of Nigerian institutions is the low pay and poor working conditions of judicial staff. Judges and other court officials often earn very low salaries, which makes them more susceptible to corruption and other unethical practices. Additionally, the courts are often underfunded and understaffed, which makes it difficult for them to function effectively. These factors contribute to a weak and ineffective judicial system, which allows executive impunity to thrive (Bourne, 2010).

Lack of Transparency

One other reason for executive impunity in Nigeria is the lack of transparency and openness in government affairs. Many government decisions and actions are not made public, and there is a lack of access to information about how the government operates. This allows for corruption and abuse of power to go unchecked.

We can start by looking at the Freedom of Information Act (FOIA) in Nigeria. The FOIA was passed in 2011 with the goal of increasing transparency and accountability in government, but it has not been effective in practice. Government officials often refuse to provide information or delay providing it for long periods of time. In addition, there are no effective mechanisms for enforcing the FOIA or punishing officials who violate it. This information is according to “Nigeria Freedom of Information (2011). Published by the African Centre for Media and Information Literacy. It is a comprehensive assessment of

the impact of the FOIA, and it offers a number of recommendations for improving transparency and accountability in Nigeria. In furtherance, according to the International Budget Partnership (2016), the lack of transparency also extends to the financial sector in Nigeria. There is a lack of financial transparency, with many government officials and agencies not reporting their financial activities publicly. This allows for corruption and embezzlement of public funds, and it prevents the public from holding officials accountable.

Lack of transparency in the media is another transparency issues. According to Reporters Without Borders (2017), the media in Nigeria is heavily controlled by the government. There is a lack of independent and free media in Nigeria, and this contributes to the lack of transparency. Government officials are often able to control the media and censor information that is critical of them. In addition, journalists are often intimidated or even jailed for their reporting. One example is the case of Jones Abiri, a Nigerian journalist who was arrested in 2016 by the State Security Service (SSS). He was held in detention for two years without charge, and his arrest was condemned by the Nigerian Union of Journalists (Premium Times, 2018), and other media organizations. Abiri was released in 2018, but his arrest is a clear example of how the government can control and intimidate journalists.

Lack of Accountability

This means that government officials are not held accountable for their actions, even when they violate the law or abuse their power. Sadly enough, in order to address the lack of accountability, it is important to strengthen the mechanisms that are supposed to hold government officials accountable. This includes strengthening the judiciary, creating independent anti-corruption agencies, and ensuring that the media is free and able to hold officials accountable. To take a quick cursory look at the judiciary. One of the main reasons why government officials are not held accountable is because the judiciary is not independent or effective. For example, judges can be easily influenced by political pressure, and they are often not given the resources they need to do their jobs effectively. This means that cases involving government officials can drag on for years, or even be dismissed entirely. Independent anti-corruption agencies play a crucial role in combating executive impunity, as they can investigate and prosecute government officials who are suspected of corruption or other illegal activities. However, these agencies often lack the necessary resources and support to do their jobs effectively.

The Effect of Executive Impunity

In consideration of how the problem under discussion affects Nigeria and its people a lot of evils are discernible here.

Distrust

One of the main effects is a loss of trust in the government and its institutions. When people see that government officials are not being held accountable for their actions, they become disillusioned with the system and lose faith in the ability of the government to deliver on its promises. This can lead to increased political instability and violence, as people take matters into their own hands. A specific example of how executive impunity has led to violence in Nigeria following the book of Thurston, *Boko Haram: The History of an African Jihadist Movement*, could be; In 2012, a group of young people in the city of

Maiduguri, Borno State, formed a group called Boko Haram. They were protesting against the government's corruption and its failure to address the needs of the people. Over time, Boko Haram became increasingly radicalized and began to engage in terrorist activities, including bombings and killings. This is just one example of how executive impunity can lead to violence and instability (Thurston, 2017).

Winner Takes All Mentality (*ononụ buru*)

The idea of *winner takes all* is that whoever is in power, whether they are elected democratically or not, can do whatever they want without being held accountable. This can lead to abuse of power, corruption, and injustice. In the context of Nigeria, this mentality can lead to a number of problems. For example, it can lead to a lack of representation for minority groups, since those in power have no incentive to listen to the needs of those they do not represent. It can also lead to a "do or die" approach to politics, where politicians are willing to use any means necessary to stay in power. One example of this mentality is the 2007 presidential election in Nigeria, where widespread fraud and violence was reported. In the aftermath of the election, former President Olusegun Obasanjo was accused of using the police and other security forces to intimidate voters and manipulate the results. In response to these accusations, Obasanjo reportedly said, *It is a do-or-die affair* (Vaughan, O. 2007).

It Is My Turn Mentality (*Emilokan*)

The *it is my turn* mentality is a way of thinking that focuses on personal entitlement to a position or opportunity, rather than considering the best interests of the people or the organization as a whole. This mentality could lead to unethical and even illegal behavior in order to achieve the desired outcome. It is very sad how this way of thinking has a significant impact on society. The *it is my turn* mentality can create a culture of entitlement, where people feel that they are owed something simply because of who they are or what they have done in the past. This can lead to a sense of resentment and entitlement among those who do not feel that they are getting their *turn*. A more recent example of this mentality is the *dynastic* politics that have been seen in countries like India, where the children of politicians often end up succeeding their parents in office. According to Taraborrelli, (2017), one example of a democratic government that has been accused of operating with a dynastic politics or *it is my turn* mentality is the US political dynasty of the Kennedy family. John F. Kennedy, Robert F. Kennedy, and Ted Kennedy all served in high-level political offices, and it has been argued that their family connections played a significant role in their success.

Vote Buying and Election Rigging

When those in power believe that they are above the law and can act with impunity, they may feel that they can get away with manipulating elections and buying votes. By way of delineation, vote buying refers to the practice of bribing voters to influence their choice at the ballot box. This can take the form of money, goods, or other favors in exchange for a vote. Election rigging, on the other hand, refers to attempts to manipulate the outcome of an election through methods like ballot stuffing, voter suppression, or tampering with voting machines. Some common methods that can be used for vote buying and election rigging include giving voters money or gifts, offering free transportation to polling stations, or even outright coercion and intimidation. So most often when those in power

feel that they can act with impunity, they may feel emboldened to engage in vote buying. They may feel that they can get away with it, and that the benefits of winning an election (such as access to power and resources) outweigh the risks of getting caught. They may also feel that they can use their power to cover up any evidence of vote buying, or to avoid facing any consequences if they are caught.

One well-documented example is the 2007 Nigerian general election, in which then president, Olusegun Obasanjo was seeking re-election. An election which was marred by widespread allegations of vote buying and election rigging. In some cases, voters were given as much as \$5 USD for their vote, and there were also reports of ballot stuffing, violence, and voter intimidation. In the end, the election was declared to be deeply flawed by local and international observers. (Carter Center, 2017).

I Must Win Syndrome

This is a phrase used to describe the mindset of someone who is willing to do anything to win, regardless of the cost. In the context of executive impunity, it can lead to unethical and illegal behavior in order to win an election or secure power. *I must win syndrome* can manifest in politics in various forms, for example, a politician with this mindset may be willing to spread false information or misinformation in order to sway voters. They may also be willing to use their power to silence opponents or critics, or to use violence or intimidation to win an election. It is certainly a troubling scenario. One example of this kind of behavior is the election-related violence that has been reported in Nigeria over the years. For example, there were reports of violence and intimidation in the 2007 election mentioned earlier, as well as in the 2011 and 2015 elections.

The Way Forward Electoral Reform

One possible solution is electoral reform, which would aim to make the electoral process more transparent and accountable. This could include measures such as strengthening the independence of the electoral commission, improving voter registration and verification processes, and introducing technology-based solutions such as electronic voting.

Strengthen Civil Society Organizations and Independent Media

Another solution that has been proposed is to strengthen civil society organizations and independent media. These organizations can help to hold government officials accountable and expose corruption and abuse of power. They can also promote transparency and accountability through advocacy and monitoring of government activities.

Strengthening the Judicial System

Another possible solution is strengthening the judicial system, so that it is able to hold government officials accountable for their actions. This could include improving access to justice, reforming the appointment and disciplinary processes for judges, and increasing resources for the judiciary.

Promotion of Civic Education and Political Awareness

Another solution that has been proposed is to promote civic education and political awareness among the general public. This can help to create a more informed electorate

that is less likely to be influenced by false information or propaganda. It can also help to create a culture of political engagement and accountability.

Role of International Community

In addressing the problem of executive impunity in Nigeria, some experts have suggested that the international community can play a role by providing financial and technical support for electoral reform and judicial reform, as well as by promoting good governance and the rule of law.

Conclusion

Upon the whole, executive impunity is a serious problem in Nigeria, and it has a number of negative effects on society. Solutions to the problem include electoral reform, judicial reform, and strengthening civil society organizations. International support can also play a role in addressing the problem. However, executive impunity in Nigeria is a complex issue that requires a multi-faceted approach to address. While it is important to reform the electoral and judicial systems, it is also essential to empower civil society and promote political engagement. International support can play a role in promoting these reforms and ensuring their effectiveness. With a concerted effort, it is possible to reduce executive impunity and improve the quality of governance in Nigeria.

References

- Bourne, P. G. (2010). *The New History of Nigeria: A Turbulent Citizen*. New York, NY: Wiley- Blackwell.
- Schama, S. (1989). *The Law of Suspect*. In *Citizens: A Chronicle of the French Revolution*. Vintage Books. New York: Random House
- Starkey, D. (2001). *Henry VIII: A European Court in England*. London: Vintage Books.
- Taraborrelli, J. R. (2017). *Dynastic Politics: A Global Phenomenon*. New York, NY: Da Capo Press.
- Thurston, A. G. (2017). *Boko Haram: The History of Africa's Most Insurgent Islamist Movement*. Princeton, NJ: Princeton University Press.
- Vaughan, O. (2007). *Obasanjo: The Man, The Legend, The Legacy*. London, UK: Afrique One.
- Bourne, P. G. (2010, May 28). *The Dark Chapter in Nigeria's History*. The New York Times. Retrieved from <https://www.nytimes.com/2010/05/29/opinion/29iht-edbourne.html>
- Carter Center. (2007). *The Carter Center election observation mission report: Nigeria 2007 presidential and national assembly elections*. Retrieved from https://www.cartercenter.org/resources/pdfs/news/peace_publications/election_reports/nigeria-pre-election-rpt-2007.pdf.
- International Budget Partnership. (2016). *Nigeria: Annual Open Budget Survey Report*. Washington, DC: International Budget Partnership.
- Freedom of Information (Nigeria). (2011). *Nigeria Freedom of Information Act* (No. 2). Abuja, Nigeria: Federal Republic of Nigeria.
- Premium Times. (2018, July 20). *Criminalizing Dissent: The Case Of Jones Abiri*. Premium Times. Retrieved from www.premiumtimesng.com.
- Reporters Without Borders. (2017). *How the Nigerian Government Muzzles the Media*. Paris, France: Reporters Without Borders.