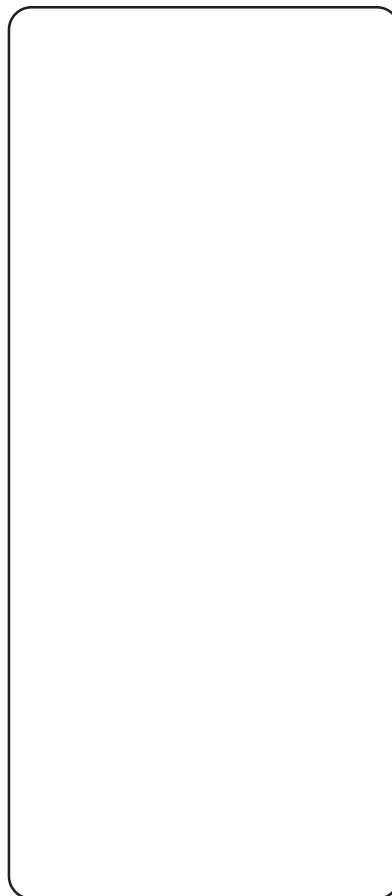


EXECUTIVE WATCH

A Public Assessment Of President Olusegun Obasanjo's
Government Policy Statements And Actions

**Nigerians Support
FG's Suit on
Resource Control**



February 2001

...promoting and protecting press freedom and freedom of expression

Executive Watch

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Government Policy Statements And Actions**

Feberuary 2001



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Other Publications by Media Rights Agenda (MRA)

- * *Media Rights Monitor* (Monthly Journal) published since 1995
- * Annual Reports on the State of the Nigerian Media
 - + *Sentenced to Silence*, 1998
 - + *Back from the Brink*, 1999
 - + *A Harvest of Blooms*, 2000
- * Other reports and publications
 - + *Unshackling the Nigerian Media: An Agenda for Reform*, July 1997 (In collaboration with ARTICLE 19)
- * *Media Scorecard* (Report of the Print Media Coverage of the Political Transition Programme - six issues, from January - June 1999)
- * *Airwaves Scorecard* (Report of the Broadcast Media Coverage of the Political Transition Programme - six issues, from January - June 1999)
- * *Unlocking Nigeria's Closet of Secrecy*, August 2000 (A Report on the Campaign for a Freedom of Information Act in Nigeria)

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This report was written by **Osaro Odemwingie**, Publications Officer for Media Rights Agenda, while **Ademoyewa Johnson**, Campaign Officer at MRA, coordinated the research exercise for the report.

Mercy Epete Jones, Secretary/Receptionist at MRA, provided the secretarial support for the report.

The report was edited by **Edetaen Ojo**, MRA's Executive Director, who supervised the project.

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FOREWORD

Alexandra Pope once stated thus: “For forms of government, let fools debate, what is best, is best administered”. His point seems to be that there is inherently no form of government that guarantees fulfillment of the people’s aspiration, be it an authoritarian or a feudal government, communism or democracy. To him, the temperament and vision of political leaders determine the success or otherwise of the government.

But for many people, Alexandra Pope was simply engaged in an exercise in sterile academism. To such people, democracy is simply the beacon of good governance. For them, this is essentially so for two reasons. The first is because of the elaborate provisions it makes for the psychological appeasement of the people by giving them the dignity of having a say in deciding who does, or who does not, govern them. It is obviously with this at the back of his mind that former American President Abraham Lincoln defined democracy as a “government of the people, by the people, for the people.”

The other reason is the checks and balances provided for leaders in a democratic setting. These give democracy a great appeal as a form of government for many people all over the world. Hence, numerous countries of the world are fast embracing democratic rule. It is believed that autocratic rule is archaic, barbaric and old fashioned. This was one of the basis for the Africa leaders at the 35th Summit of the Organisation of African Unity (OAU) held in the Algerian Capital, Algiers, to pass an anti-coup resolution which says any government that comes to power in any African country through a coup d-etat, would be diplomatically isolated. In effect such a leader, would not be admitted as a member of O.A.U.

It is also worthy of note that with three decades of military rule (1966 – 1979) and (1983 – 1999), Nigeria has been brutalized and bastardized in the face of the outside world. In this age when democracy sweeping through the entire world, no one is left in the doubt that military rule is an aberration and a phenomenon with far more vices than virtues, if any.

For the new democracy to be sustainable, Nigerians must draw some lessons from the past mistakes and be able to guide the future of the new democracy. It is with this as a motivation that Media Rights Agenda has undertaken this project: “Executive Watch”. The project seeks to monitor the new government of President Obasanjo to guard against possible derailment. It is to act as a feedback to President Obasanjo on what the populace, cutting across all sections of the society, feel about his policies and decisions, and also their reaction to his statements on crucial state matters.

Edetaen Ojo

Executive Director

Media Rights Agenda

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INTRODUCTION

The return of civil rule in Nigeria after more than 15 years of military rule came with the promises of civil liberties, freedoms, respect for rule of law as well as constitutional and participatory democracy. By its nature, democracy as a system of governance requires active participation and regular intervention through commentaries, questions, suggestions and debates by a large section of the civil society.

But the constant interruption of the democratic process in Nigeria by successive military regimes eroded the culture of effective participation in governance in the country. Elected officers at the Federal, States and Local Councils show, by their utterances, attitudes, and actions tendencies of military officers holding public offices. With government's seeming disregard for interaction, there are fears of alienation by government, which portends grave danger for the new experiment at democratization.

Majority of the civil populace who are not consulted and barely included in the scheme of governance are those mainly affected by the discrepancy between government policy plans and implementation. A common reaction is a feeling by the governed that there is no difference between military dictatorship and democracy as practiced in Nigeria. Experiments on democracy have seen three unsuccessful models, all of which failed largely due to the lack of communication between the leaders and the governed.

However, for the current experiment to yield dividend, there has to be a way of measuring the undercurrents of reactions from civil society. There needs to be established a forum through which the people can effectively participate in the daily events that shape the present and define the future or, at the very least, be given an opportunity to have a say on such matters. The culture has to be developed as a way of giving assurance to civil society that democracy is indeed, and not merely by proclamation, a government of the people by the people and for the people.

The Executive Watch is designed to open a communication line for civil society to effectively participate in the growth and sustenance of democracy. Through the Executive Watch project, Media Rights Agenda monitors the activities and policies of the Executive arm of Government, particularly the Presidency, to ascertain the popularity such activities and policies enjoy among a wide spectrum of Nigerians, the overall objectives being to ensure greater public participation in governance and create a feedback mechanism for the government to enable it gauge its popularity and the acceptance of its policies.

Media Rights Agenda began the Executive Watch as a pilot project in September 1999 when it began a publication of monthly reports in a modest form. This is the eighteenth issue of the Executive Watch. Before now, the reports have focused only on Lagos State in assessing the way citizens view the policies and activities of the Federal Executive. The survey was carried out only in Lagos as a result of lack of resources to conduct a more nationally representative survey.

However, in this report, in addition to Lagos, the scope of the survey has been widened to include Benin City in Edo State, Kaduna, Ibadan in Oyo State, and the Federal Capital Territory, Abuja. Media Rights Agenda proposes in subsequent reports to broaden the scope even further to include Kano, Port Harcourt in Rivers State, and Enugu and thereby ensure that all the major regions of the country are represented.

This survey addresses public reaction to the suit filed by the Federal Government before the Supreme Court in which it is seeking a judicial interpretation of Section 162(2) of the 1999 Constitution as to between it and the coastal states in the southern part of the country, on whose purview falls the right to the management and control of natural resources derived from the seas.

OBJECTIVE

The specific objectives of the Executive Watch project are:

- * To regularly monitor and document discrepancies in government's policies and actions and thereby provide a primary source of information on these for the local and international communities on public reactions and responses to the government's performance.
- * To provide a framework for the Nigerian government, its departments and agencies to assess their performance in relation to their policies and their implementation, and understand the public attitude to such policies and governmental action.
- * To provide the citizens a forum to respond to and highlight areas of distortions in government policies and their implementation and contribute to the effective management of these distortions.

JUSTIFICATION FOR THE TOPIC

Resource Control

On Tuesday, February 7, 2001, the Federal Government filed a suit at the Supreme Court against the 36 states of the federation seeking the court's interpretation of the constitutional provision for the control and management of the country's natural resources as enshrined in Section 162(2) of the 1999 Constitution. The action is in response to the agitation by State Governors in the Southern part of the country to gain control over all natural resources located within the territorial land and waters in their states.

Interestingly, some Nigerians have applauded the initiative of the Federal Government in going to court and described it as a good development for democracy. They regard the action as indicative of the Federal Government's acknowledgement of the importance of the Judiciary and its belief in the rule of law. Some other Nigerians, however, accused the Federal Government of double standards. They cited the example of the implementation of Sharia, the Islamic legal code, by some Northern States, which was rejected by their Southern counterparts but over which the Federal Government refused to approach the court to determine its constitutionality or otherwise, despite calls on it to do so.

Reacting to the Federal Government's legal action, Dr. Chimaroke Nnamani, the Governor of Enugu State and the Chairman of the Conference of Southern Governors stated that the 17 Southern States would go ahead and file their own suits so that all other constitutional questions would be resolved.

The basis of MRA's enquiry, therefore, is to determine the popularity of the legal action taken by the Federal Government in resolving the issue of the resource control among Nigerians, whether Nigerians believe the matter can be judicially resolved and if not, whether they can suggest other ways by which the issue could be resolved.

It is also necessary, to clarify the suggestion among some Nigerians that the Federal Government is more sensitive to its economic gains than the rights and welfare of its citizen which it swore to adequately protect at the onset of the administration.

In addition, it was considered necessary to establish whether, of a fact, there is a preponderant view among Nigerians suggesting that the Federal Government is not even handed in dealing with issues of national concern, without undue political consideration. Specifically, whether Nigerians do indeed consider President Obasanjo's resistance to the southern governors' quest for natural resources control as contradictory to his seeming inaction to the northern governors' implementation of the sharia despite opposition from their southern counterparts.

SUMMARY OF FINDINGS

More Nigerians Support the Federal Government's Suit On Resource Control

Even as political interests groups in the South and Southern States' governors firm up preparations to tackle the Federal Government in court over the latter's prayer at the Supreme Court to give precise interpretation to Section 162(2) of the 1999 Constitution on whose purview falls the right to control Nigeria's natural resources, majority of Nigerians have expressed support for the federal government's action. Nigerians feel the federal government's action is an affirmation of its belief in the rule of law and thus a moral booster for the present democratic government.

Although majority of Nigerians said they supported the legal action taken by the Federal Government in addressing the issue of resource control, they, however, support the states' resource control agitation.

The above views were the outcome of a field survey carried out by Media Rights Agenda. The survey was conducted in five major cities across Nigeria, namely Lagos, Benin City, Ibadan, Kaduna and Abuja.

Besides their support for the state governments in their quest for resource control, respondents also observed that the Federal Government is overly sensitive of economic gains to the detriment of the rights and welfare of Nigerian citizens, which it swore to defend and protect. They warned, therefore, that this attitude could truncate Nigeria's nascent democracy.

Majority of Nigerians also believe that the Federal Government applied double standards on issues of national importance in favour of a section of the country. They base their argument on the implementation of Sharia, the Islamic Legal Code, by some Northern State which was rejected by their Southern counterparts but over which the Federal Government refused to approach the Court to determine its constitutionality or otherwise, despite calls on it to do so, and its present stand on the issue of states' control of natural resources being championed by the southern states but which the federal government is set to scuttle using the court.

OUTLINE OF FINDINGS

The first critical issue that the survey sought information on is whether respondents support the legal means, which President Obasanjo resorted to, in addressing the issue of the resource control. When asked "Do you support the legal action taken by the President to address the issue of resource control?", out of the total sample of 1780 respondents, 1142 respondents, representing 64.1 per cent answered "Yes" while 638 respondents, representing 35.9 per cent answered "No".

On a zonal level, the response pattern shows that except in Benin where there is a tie, respondents generally gave approval to the federal government for its resort to the court to seek a legal interpretation of the section of the constitution which deals with the issue of natural resource control. Specifically, responses show that 56.5 per cent of respondents in Ibadan gave their support to the federal Government for its action; Lagos respondents 64; 68 per cent in Kaduna with Abuja coming tops with 76.5 per cent.

Asked the question: "If your answer to Q1 is 'No', how would you recommend that the Federal Government resolves the issue?", the response pattern of the 638 respondents who did not support the President's legal action were as follows:

One hundred and fifty respondents suggested the use of "Administrative Means", being one of the response-options provided; and 366 opted for the matter to be resolved through the National Assembly, being another response-option provided. For 122 respondents who did not agree with the two response-options provided and who therefore chose to suggest any other means, they generally opted for the convocation of a National Conference / Sovereign National Conference, an exercise which President Obasanjo has consistently ruled out.

In percentages, this response pattern shows that 23.5 per cent of the respondents opted for Administrative means; and 19 per cent opted for National Conference/ Sovereign National Conference and the bulk of respondents, specifically 57.5 per cent, opted for the intervention of the National Assembly.

Generally, the response pattern also show that the preference for the National Assembly to resolve the issue cuts across all the cities surveyed with clearly over 50 per cent of the respondents voting for this option, except in Ibadan, where a slightly more per cent of the respondents, precisely 38, 31 and 31 per cent, respectively, would prefer the issue is resolved through Administrative Means, National Assembly and other means, in that order.

Similarly, while an average of between 16.5 and 31 per cent of the respondents in each city surveyed suggested the convocation of some sort of conference to resolve the issue, not a single respondent from Abuja voted for this option.

To a question which asked respondents: "Do you agree with the suggestion that the Federal Government is more sensitive to economic gains than to the rights of the people in the oil producing areas?", an overwhelming number of respondents, precisely 1202, answered "Yes" and 578 answered "No". This indicates a percentage average of 67.5 as against 32.5, clearly over two-thirds.

It is, however, important to note that on the basis of city by city, the response pattern shows respondents

from Lagos, Kaduna and Abuja supporting this view in the average percentage of 68. But this view received its highest support from respondents in Benin who support it by an average of 91.5 per cent. Paradoxically, the scale tilts differently in respect to Ibadan respondents. Unlike respondents from other cities, fewer respondents from Ibadan support the view that the federal government is more sensitive to economic gains than the rights of Nigerians. Specifically, 43.5 per cent of the respondents from Ibadan support this view as against 56.5 per cent who do not support it.

Noting the preponderant opinion in the South which accuses the Federal Government of double standards on issues of national concern, in this case the Federal Government's contest of the agitation for natural resource control in the south and the seeming complacency to oppositions to the implementation of Sharia in some states in Northern Nigeria, the survey posed the question: "Do you think that the Southern Governors should go ahead and take control of the natural resources in their states just like some Northern Governors adopted and are implementing Sharia?"

The response pattern showed a marginal tilt in favour of natural resource control agitators. Specifically, the response pattern shows that 922 respondents, representing 51.7 per cent, support the Southern Governors' agitation for natural resource control while 858 others respondents, representing 48.3 per cent, answered "No" indicating that they did not support the idea of states' control of natural resources.

On a city by city basis, it is instructive, however, to note that except for Lagos and Benin where the agitation for states' control of natural resources received very significant support of at least 64 per cent, majority of respondents from Ibadan, Kaduna and Abuja do not support the initiative. Specifically, while 74 out of the 190 respondents from Ibadan, representing 37 per cent, support the agitation of southern states to take control of their natural resources, 126 respondents, representing 63 per cent, do not support the idea.

This same response pattern also emerged from Kaduna respondents who specifically voted 32 per cent for and 68 per cent against the agitation. Proponent of states' control of natural resources however got a slightly higher boost in Abuja, but not enough to serve any redeeming purpose. Specifically, out of the 200 respondents from Abuja, 94, representing 47 per cent supported states' control of natural resources while 106 representing 53 per cent voted against the idea.

Lastly, conscious of the political quotient of the suit and the attendant multiplier effect it could have on Nigeria, the question was posed: "If your answer to Q4 is 'No', do you support Governor Chimaroke Nnamani's position that the Southern Governors should go ahead and file their own suits so that all other constitutional questions could be resolved?"

Instructively, virtually all the 858 respondents who did not support states' control of resources opted for legal resolution of all constitutional questions as proposed by Governor Nnamani, regardless of the possibility of a political back-lash from the action.

In fact, all the respondents from Abuja, Benin, Ibadan and Lagos who do not support states' control of natural resources, representing 83.6 per cent of the total, unanimously supported Governor Nnamani's position. However, 140 respondents from among the 340 in Abuja who earlier indicated that they do not support states' control of natural resources disagreed with the position of Governor Nnamani. This represents a sub-group percentage of 16.4, and a local percentage of 41.

RESEARCH METHODOLOGY

The Executive Watch survey is simply by the use of structured questionnaires. For this particular survey, 1900 questionnaires were produced and administered out of which 1,780 were returned representing 91.4 per cent in all. The questionnaires were administered in Lagos, Benin, Ibadan, Kaduna and the Federal Capital Territory, Abuja, in the ratio of 800, 200, 200, 500 and 200 respectively. It is, however, hoped that this shall be broadened in future to include respondents from Port Harcourt, Enugu, and Kano.

The survey was conducted between February 13 and 19, 2001. It comprised four close-ended questions requiring respondents to indicate either 'Yes' or 'No'. However, in one of the questions, respondents were asked to specify any other response, if they do not agree with the two response-options provided.

The questionnaires were distributed to include people of three broad educational background, i.e. No formal education to primary school education level; post primary education level and post secondary education level.

This is the eighteenth report under this project and response was conducted in Lagos, Benin City, Ibadan, Kaduna and Abuja.

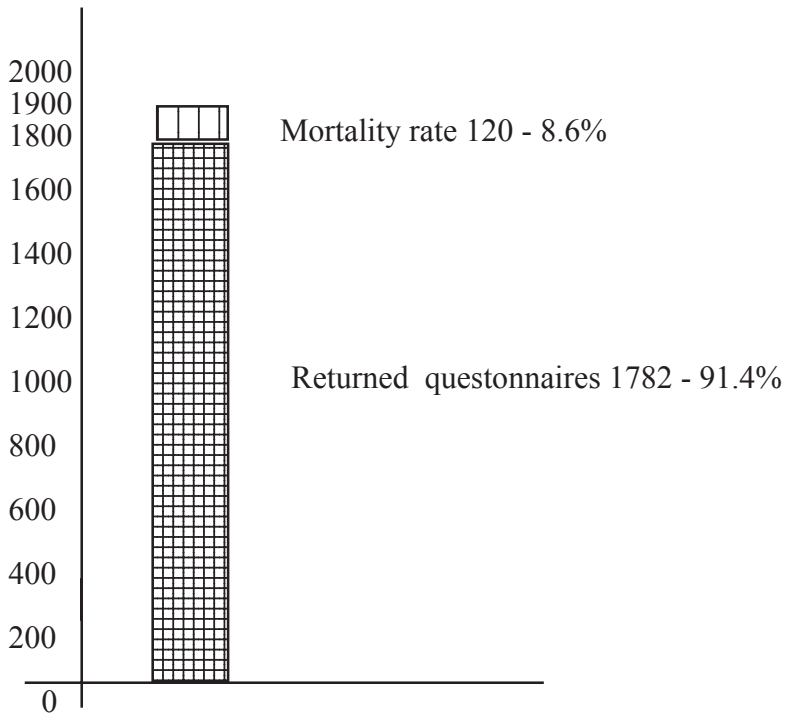
The questionnaire for this survey contained five structured questions. The sample comprised Nigrians from the age of 18 years and above, both male and female.

Respondents who do not possess a sufficient literacy ability were assisted by MRA's researchers to read and interpret the questions and elect appropriate options according to the preferences of the respondents concerned.

QUESTIONNAIRE RATE OF RETURN / MORTALITY

ACHIEVED SAMPLE

Sample sizes Sample groups	Nos of questionnaires administered	Nos of questionnaires received and %	Nos of questionnaires not received and %
Lagos	800	704 94.6%	96 5.4%
Benin City	200	176 90%	24 10%
Ibadan	200	200 100%	0 0%
Kaduna	500	500 100%	0 0%
Abuja	200	200 100%	0 0%
Grand Total	Cummulative 1900	Cummulative % 1782 91.4%	Cummulative % 120 8.6%

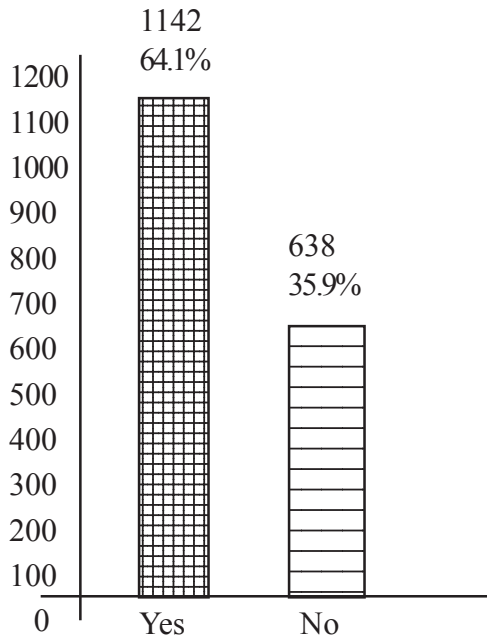


Questions

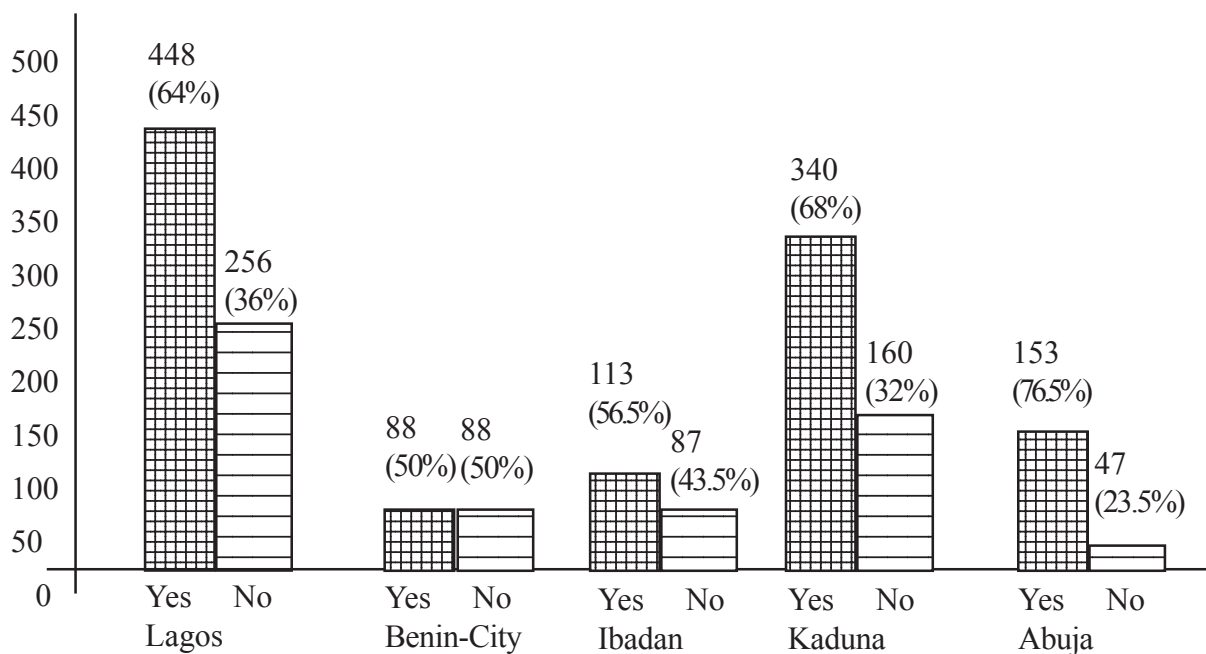
1. Do you support the legal action taken by the President to address the issue of resource control?

Yes No

AGGREGATE RESPONSES



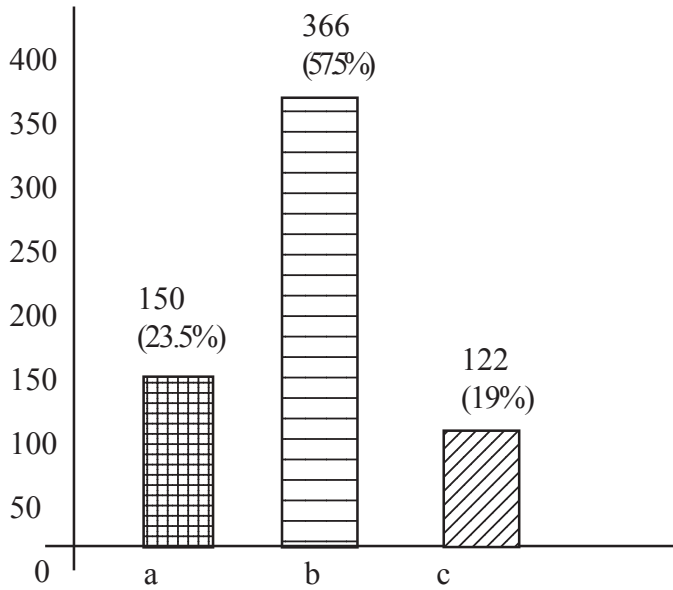
CITY-BY-CITY RESPONSES



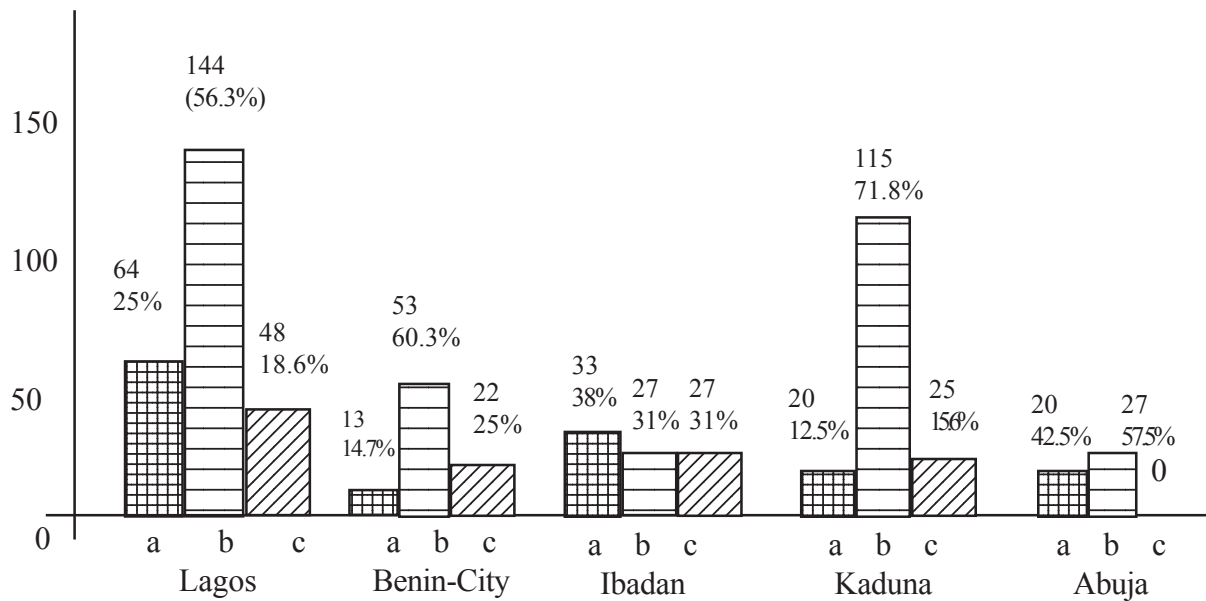
2. If your answer to Q1 is 'No', how would you recommend that the Federal Government resolve the issue?

- a. administrative means
- b. the National Assembly
- c. others, specify-----

AGGREGATE RESPONSES



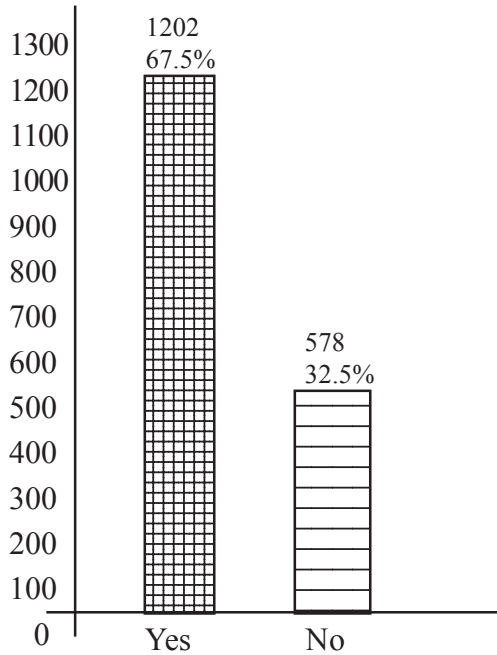
CITY-BY-CITY RESPONSES



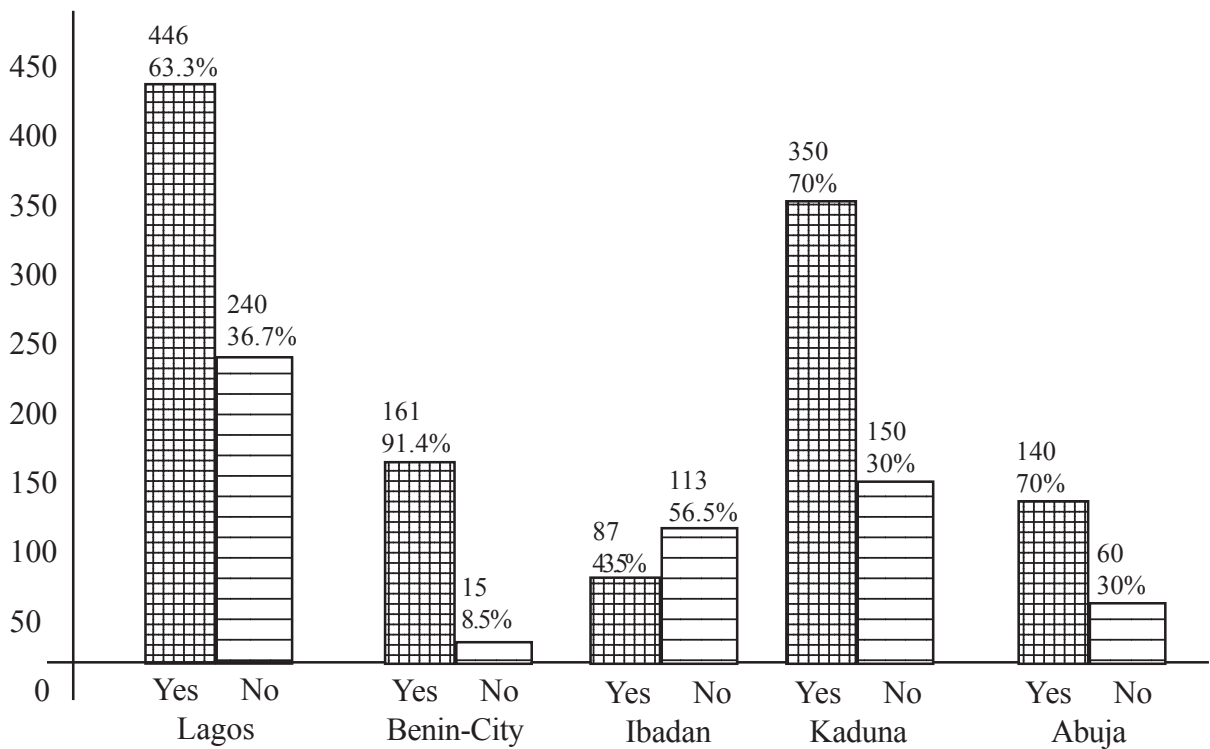
3. Do you agree with the suggestion that the Federal Government is more sensitive to economic gains than to the rights of the people in the oil producing areas?

Yes No

AGGREGATE RESPONSES



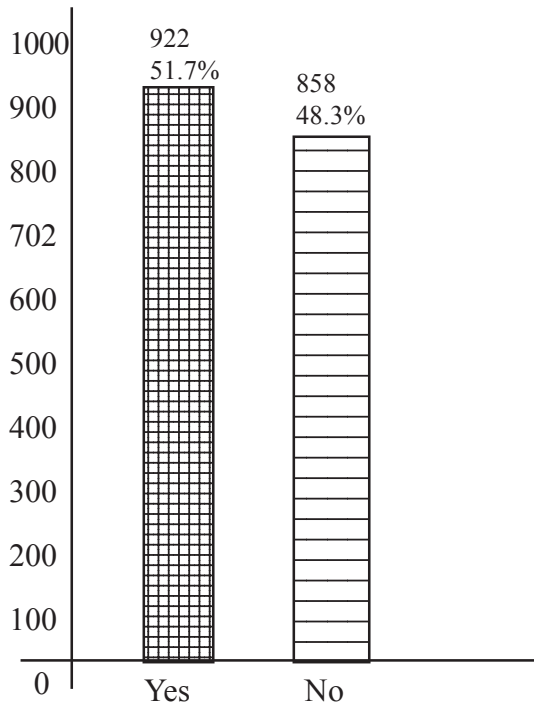
CITY-BY-CITY RESPONSES



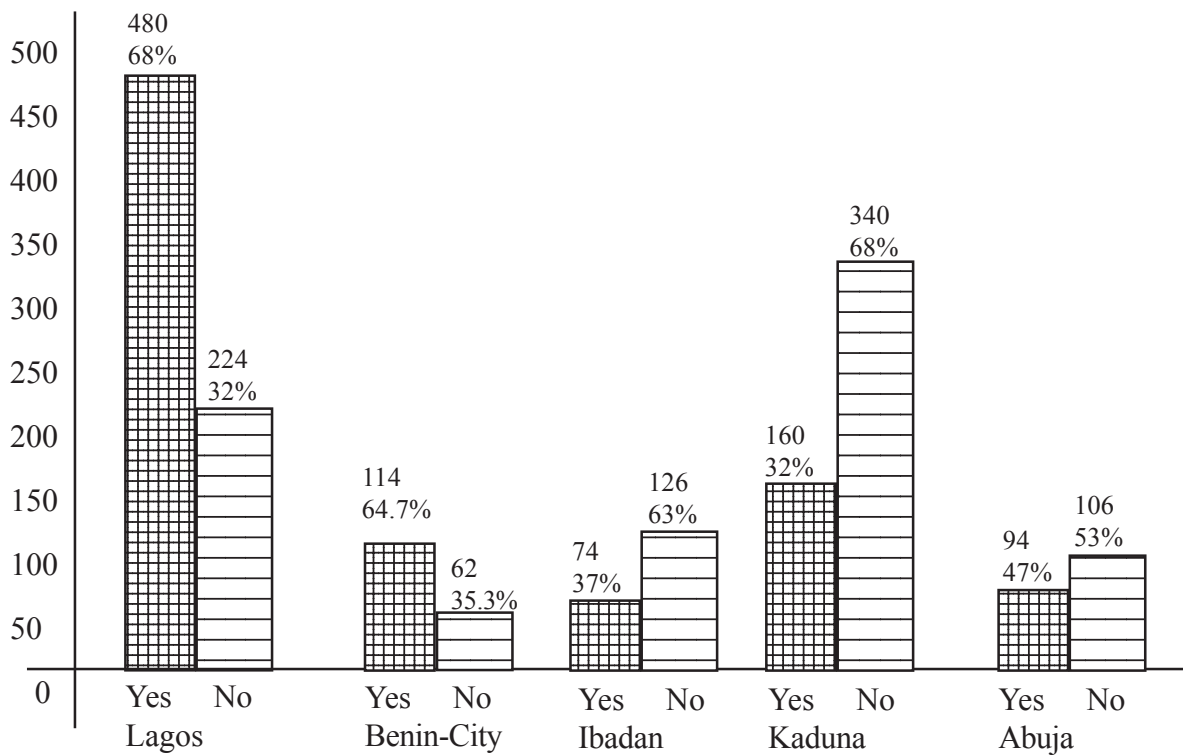
4. Do you think that the Southern Governors should go ahead and take control of the natural resources in their states just like some Northern Governors adopted and are implementing Sharia?

Yes No

AGGREGATE RESPONSES



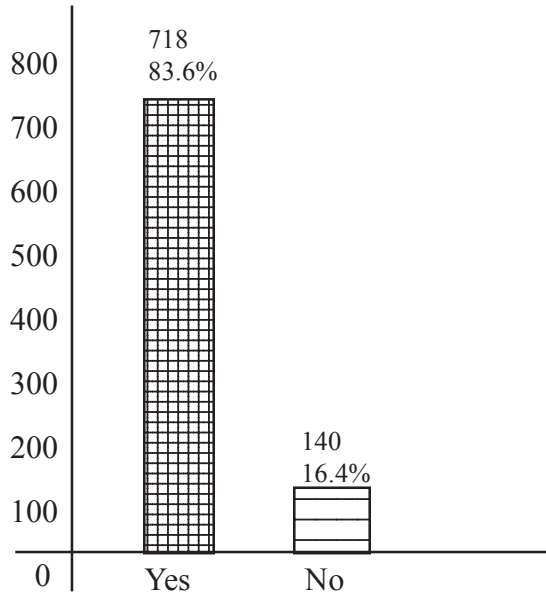
CITY-BY-CITY RESPONSES



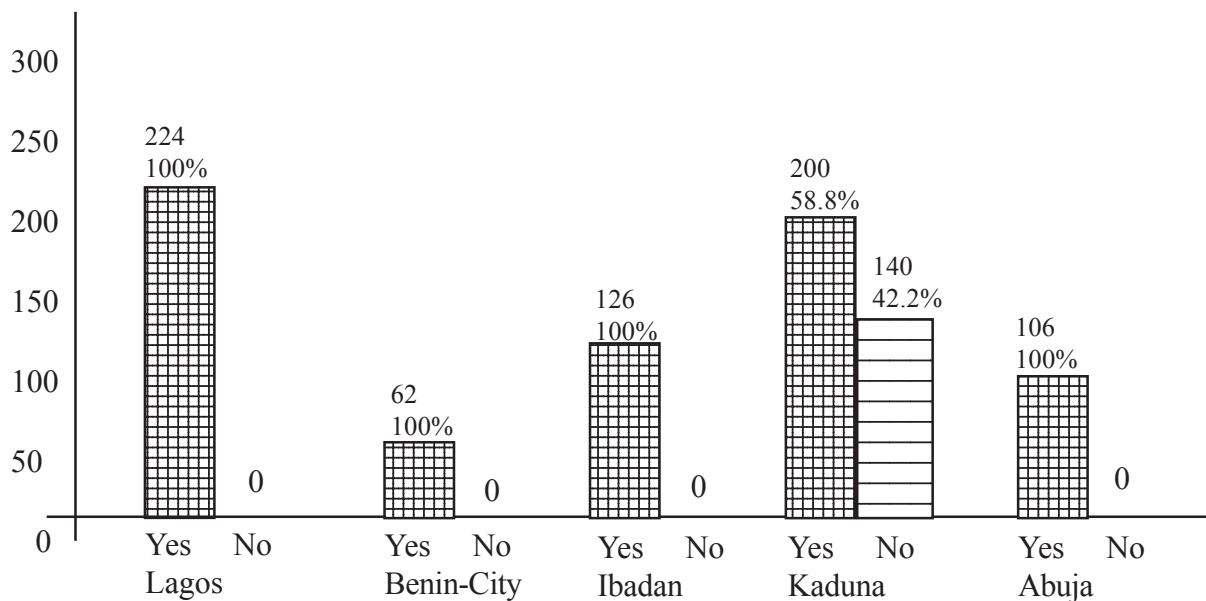
5. If your answer to Q4 is 'No', do you support Governor Chimaroke Nnamani's position that the Southern Governors should go ahead and file their own suits so that all other constitutional questions could be resolved?

Yes No

AGGREGATE RESPONSES



CITY-BY-CITY RESPONSES





Media Rights Agenda (MRA) is an independent, non-governmental organisation established in August 1993 for the purpose of promoting and protecting press freedom and freedom of expression in Nigeria. MRA is registered in Nigeria, and has Observer Status with the African Commission on Human and Peoples' Rights in Banjul, The Gambia.

MRA's programmes fall into four broad categories, namely: Litigation, Training, Research and Publications, and Advocacy, although its projects in these areas often overlapped. Its specific project activities include monitoring of attacks on the press, publication of reports on media issues, legislative lobbying, organizing seminars, conferences and workshops, research and litigation, particularly class actions and legal assistance to journalists who are physically attacked, arrested or detained, unjustly dismissed from their work or are harassed in other manners.

The Aims and Objectives of Media Rights Agenda are:

- a. to promote respect and recognition for press freedom and freedom of expression in Nigeria;
- b. to provide protection and support for journalists and writers engaged in the lawful pursuit of their professional duties;
- c. to promote the highest standards of professional ethics, integrity, training and conduct in the journalism profession; and
- d. to bring about a conducive social and legal atmosphere for the practice of journalism, and ensure the protection of the journalist's right not to be compelled to work against his or her conviction or disclose confidential sources of information.

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