

GLOBAL INFORMATION SOCIETY WATCH 2011

INTERNET RIGHTS AND DEMOCRATISATION

Focus on freedom of expression and association online



This edition of Global Information Society Watch is dedicated to the people of the Arab revolutions whose courage in the face of violence and repression reminded the world that people working together for change have the power to claim the rights they are entitled to.

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NIGERIA

IMPACT OF THE WIKILEAKS CABLES ON NIGERIA: TRANSPARENCY IN GOVERNANCE AND FORUMS FOR CITIZEN VOICE



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Introduction

On 30 November 2010, news broke that there were 4,598 sensitive diplomatic discussions involving the United States (US) Embassy in Nigeria among some 251,287 items released by the online whistleblower WikiLeaks.¹

The Nigerian government is not usually forthcoming when it comes to sharing information, ostensibly in the interest of national security. Investigative journalism is still in its early stages of development in the country; whistle blowing is a dangerous undertaking and has little or no constitutional protection. This, in part, explains the chequered history of the Freedom of Information Bill, which was designed to make some information more readily available to the government.

While WikiLeaks claimed that “the cables show the extent of US spying on its allies and the UN; turning a blind eye to corruption and human rights abuse in ‘client states’” and White House press secretary Robert Gibbs labelled the WikiLeaks a “reckless and dangerous action,” in Nigeria the cables were recognised as one of the most authentic and accurate accounts of the history of Nigeria’s governance in one of the most difficult periods of its existence as a nation. And, inadvertently, they helped to confirm the credibility of a home-grown whistle-blowing site, Sahara Reporters, which was established in 1996² and has been championing the right to information and challenging government secrecy in Nigeria.

Policy and political background

The period of ill health and eventual death of President Umaru Yar’adua on 5 May 2010³ was one of high political tension. The legislature and judiciary were unable or unwilling to create an enabling environment for a smooth transition of power from

an ailing president to his vice president, Goodluck Jonathan. The public was largely in the dark regarding the power tussle at that time. In the absence of credible information from the various organs of government, the public relied on the usually robust online information sources and news from the diaspora community of Nigerians for rumours, updates and analysis. It was the online newspaper *The Next*⁴ that had access to the full WikiLeaks cables on Nigeria, and began their serialisation from 30 March 2010.

Description and analysis of key events

Yar’Adua, who was terminally ill, left the country in November 2009 for medical treatment in Saudi Arabia. The ailing president was “smuggled” back to Nigeria, in the dead of the night, from a Saudi intensive care unit, amidst unprecedented security. The state of his health was shrouded in secrecy, and neither the vice president nor the Senate had first-hand information about his health. The vice president had not been sworn in as acting president, and some bizarre constitutional duties were still being ascribed to the (comatose) president.

What happened during those dark days of governance in Nigeria? Who was or was not in charge? It took WikiLeaks to shed some light on these issues.

The fortuitous, unforeseen ascendancy of a member of the minority tribes in Nigeria to the foremost position in the Nigerian political landscape created disequilibrium in the polity. Jonathan hails from one of the riverine communities that is producing over 90% of Nigeria’s oil wealth. His humble background and apparently low political ambitions made him an unlikely candidate for a job that had been the monopoly of a powerful northern political circle. Jonathan’s administrative inexperience and lack of confidence was vividly portrayed in WikiLeaks;⁵ the US ambassador’s team in Abuja and Lagos went to lengths to guide him on how to take the reins of power from a cabal that had surrounded the ailing President Yar’adua. The cables reported how the US ambassador, Robin Sanders, also

1 cablegate.wikileaks.org

2 www.nairaland.com/nigeria/topic-707677.o.html

3 234next.com/csp/cms/sites/Next/Home/5564878-146/umaruyaradua_is_dead_.csp

4 234next.com/csp/cms/sites/Next/Home/5681720-146/the_complete_wikileaks_cables_on_nigeria.csp

5 saharareporters.com/news-page/wikileaks-cable-nigeria-i-lack-administrative-experience-jonathan-tells-us-ambassador

provided the strategy to get rid of the incumbent chairman of the Independent National Electoral Commission (INEC), Maurice Iwu, who had supervised one of Nigeria's most discredited elections in 2007.

For three months while the president was in a Jeddah hospital, a group of four – comprising his wife, chief security officer, aide-de-camp and chief economic advisor – virtually held the president hostage. They prevented even the vice president from visiting him and there was no constitutional instrument that enabled the vice president to take over the reins of power. The group maintained a public façade of a president who was recuperating, even providing a BBC voice interview and making claims that the president had signed a legislative bill. WikiLeaks confirmed a nation's fears: that the president was indeed comatose all this while.

The constitutional path for a resolution of the political impasse that had paralyzed the nation required that two thirds of the 42-member Federal Executive Council (FEC) declare that the ailing president was “physically incapacitated and mentally unfit” to rule the country. This would pave the way for Jonathan to be sworn in as the legitimate acting president and take the reins of government. But the political dynamics, collusions, party patronages, pecuniary interests and affinities of members of the FEC made such a face-saving action impossible. Efforts were made by former heads of state to persuade the ailing president's surrogates and family members to secure a formal resignation from the president, but to no avail. The nation teetered on the brink of civil breakdown and military takeover. It was almost a relief when Yar'adua died in May 2010 and Jonathan was swiftly sworn in as president.⁶

Some of the major allegations contained in the WikiLeaks included:

- There was a fear of impending military takeover of government.
- The late president's wife, Turai Yar'adua, and the attorney general and chief security officer were receiving large bribes for various oil-related and contract activities.⁷
- The group that kept the president incommunicado also had “nefarious plans” towards Vice President Jonathan.⁸

- The Nigerian Police botched investigations into the murder of Chief Legal Officer of Nigeria Bola Ige.⁹
- The government was involved in assisting kid-nappers to collect ransom.¹⁰
- The speaker of the Nigerian House of Representatives, Dimeji Bankole, claimed that Supreme Court judges took bribes to validate Yar'adua's election.¹¹
- The US government had little confidence in the leadership, independence and transparency of Nigeria's anti-corruption czar, Farida Waziri.¹²
- Yar'adua handed over the running of the country to Yayale Ahmed, the secretary to the government,¹³ effectively sidelining the vice president.

The polity was heated during the last few months of Yar'adua's life, largely due to the refusal or inability of his surrogates to permit non-family and non-partisan members of government to have access to him. There was no effective flow of information from the Presidency regarding the state of the president's health, and the statutory body that could rescue the situation, the FEC, remained paralysed.

The public had to rely on news leaks as released by Sahara Reporters: in fact Sahara Reporters and its volunteer whistle blowers were the first to alert the nation to the president's terminal illness. Yar'adua's team strenuously denied many of the Sahara Reporters claims. WikiLeaks provided confirmation of many of these leaks and allowed Nigerians to know more about the details of the political intrigues that attended Yar'adua's last days.

Government responses to WikiLeaks have been lame and unconvincing. Its denials are all the more suspect because WikiLeaks merely confirmed earlier revelations by Sahara Reporters.

A recent international judicial pronouncement provided additional support of the authenticity of the WikiLeaks documents and Sahara Reporters allegations, specifically in the case of Anglo-Dutch oil giant Shell. On 3 August 2011 the United Nations (UN) indicted Shell for 30 years of oil spillage and environmental degradation of the Nigerian Niger

6 www.guardian.co.uk/world/2010/dec/08/wikileaks-cables-nigeria-president-death

7 news2.onlinenigeria.com/headlines/61271-wikileaks-on-nigeria-turai-aondoaka-tanimu-took-millions-in-bribes.html

8 news2.onlinenigeria.com/headlines/61271-wikileaks-on-nigeria-turai-aondoaka-tanimu-took-millions-in-bribes.html

9 234next.com/csp/cms/sites/Next/Home/5684203-146/story.csp

10 234next.com/csp/cms/sites/Next/Home/5682079-146/story.csp

11 234next.com/csp/cms/sites/Next/News/National/5681699-146/story.csp

12 234next.com/csp/cms/sites/Next/Home/5681717-146/wikileaks_cable_supreme_court_bribe_.csp

13 234next.com/csp/cms/sites/Next/Home/5681904-146/story.csp

Delta.¹⁴ The extent of the infiltration of government machinery by Shell¹⁵ was such that environmental campaigners could only get justice when they took their case to British courts. WikiLeaks had already detailed the vice grip that Shell had on the Nigerian government, and how it exploited its political channels to make any successful prosecution for its environmental negligence impossible.¹⁶ Shell's activities had been extensively reported by Sahara Reporters, but the company's overbearing control and access to government channels ensured that few measures were taken to rein the oil giant in.

Conclusions

Nigeria's own internet-based whistle blower, Sahara Reporters, is a year older than WikiLeaks and its emphasis has been consistently on exposing corruption in Nigeria and Africa. Although there was an attempt by a national daily to undermine the impact of Sahara Reporters by conferring an award¹⁷ on WikiLeaks, the role of Sahara Reporters in defending the right of people to know has not been surpassed by any other news channel in Nigeria. It has been consistent in its revelations of the Nigerian government's abuse of power, and the abuse of power by individuals in government.

Whistle blowing and exposure of corruption within government circles has been one of the long-standing features of Sahara Reporters.¹⁸ Sahara Reporters is written by unpaid citizen reporters, making it more reflective of civil society views. The release of the WikiLeaks documents contributed significantly to the credibility of Sahara Reporters. The WikiLeaks documents on Nigeria have heightened the confidence of Nigerians in the Sahara Reporters, and anecdotal evidence indicates that this online newspaper has become a must-read for Nigerian politicians.

Sahara Reporters uses the internet to reach millions of readers, and it has been nicknamed Africa's WikiLeaks.¹⁹ It effectively uses "citizen reporters" who work with risk-taking whistle blowers to ensure a free flow of information to citizens. The use of information and communications technologies (ICTs) has empowered the civil population to expose human rights abuses and high-level corruption, and it has enabled an unprecedented level of freedom of expression for citizen reporters.

Action steps

In May 2011, after eleven years of struggle, the Nigerian government passed the Freedom of Information Bill into law.²⁰ The implementation of this law will have teething problems; there will be initial resistance, the result of entrenched ways of information hoarding. Individuals who have been less than candid while in government may try to obstruct access to information needed to bring them to justice. WikiLeaks and Sahara Reporters need to be relied on to ensure an empowered and informed citizenry.

In order to ensure that Sahara Reporters continues its citizen reporting, it is important to:

- Address the high cost of internet access so that Sahara Reporters can become accessible to more citizens. The retail cost for broadband in particular needs to be lowered.
- Enforce the rights of Omoyele Sowore, the editor of Sahara Reporters, to safe unencumbered passage whenever he chooses to return to or visit Nigeria. ■

14 www.iol.co.za/news/africa/un-slams-shell-for-nigeria-pollution-1.1112312

15 english.aljazeera.net/video/africa/2010/12/201012101525432657.html

16 www.guardian.co.uk/business/2010/dec/08/wikileaks-cables-shell-nigeria-spying

17 saharareporters.com/column/nigeria%E2%80%99s-citizen-reporters-sonala-olumhense

18 saharareporters.com

19 wikilinksnews.com/wikileaks-news/nigeria-saharareporters-africas-wikileaks-global-voices-online

20 www.foicoalition.org

In the year of the Arab uprisings **GLOBAL INFORMATION SOCIETY WATCH 2011** investigates how governments and internet and mobile phone companies are trying to restrict freedom online – and how citizens are responding to this using the very same technologies.

Everyone is familiar with the stories of Egypt and Tunisia. **GISWATCH** authors tell these and other lesser-known stories from more than 60 countries. Stories about:

PRISON CONDITIONS IN ARGENTINA Prisoners are using the internet to protest living conditions and demand respect for their rights.

TORTURE IN INDONESIA The torture of two West Papuan farmers was recorded on a mobile phone and leaked to the internet. The video spread to well-known human rights sites sparking public outrage and a formal investigation by the authorities.

THE TSUNAMI IN JAPAN Citizens used social media to share actionable information during the devastating tsunami, and in the aftermath online discussions contradicted misleading reports coming from state authorities.

GISWATCH also includes thematic reports and an introduction from Frank La Rue, UN special rapporteur.

GISWATCH 2011 is the fifth in a series of yearly reports that critically cover the state of the information society from the perspectives of civil society organisations across the world.

GISWATCH is a joint initiative of the Association for Progressive Communications (APC) and the Humanist Institute for Cooperation with Developing Countries (Hivos).

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www.GISWatch.org

