

Andy Uba, hell no!

Monday, 04 February 2008

By Okey Ndibe

Emmanuel Nnamdi (alias Andy) Uba sought to lure the Supreme Court into committing judicial suicide, but the wise justices looked him straight in the face and said, "Andy Uba, hell no!"

Exactly a week ago today, the nation's final court dismissed Mr. Uba's arrogant, contemptible and self-indulgent petition that asked the justices to collaborate in his morally, legally and politically reprehensible scheme to return to the gubernatorial seat in Awka. Reading the verdict, Justice Aloysius Katsina Alu comforted Nigerians by stating that it was the court's "final judgment on this matter." In a veiled rebuke to Uba, the justice contended that the "argument that we should hear the matter on its merit is an invitation for us to embark on a wild goose chase."

By squelching Uba's inordinate gubernatorial fantasy, the justices gave long-suffering Nigerians a rare cause for exuberant cheer. If the justices had made the calamitous error of facilitating Uba's illegitimate inheritance of the governor's office, they would have done grave damage to the already dented image of the judiciary. For one, they would have empowered the narrative that Nigeria's judiciary prostitutes itself to the highest bidder. They would have exposed the nation's highest court to profound ridicule and deepened the impression that Nigeria's principle of justice is rooted

in the cash-and-carry culture. In effect, the judiciary, which (thanks to too many unscrupulous judges) is already viewed with considerable suspicion, would have engaged in the moral equivalent of suicide.

Thank goodness that the justices had the judicial flair and moral capital to rebuff Uba's deodorized temptation. Their repudiation of Uba's cash-driven ethics and their frustration of the man's device to wangle himself into power at all costs meant that the judiciary spoke in a voice that echoed that of the majority of Nigerians. For this was a case in which so much was at stake, and Nigerians were riveted.

Last June 14, the same justices had delivered what was arguably the most enthusiastically acclaimed verdict in Nigeria's legal history. They had ordered that Uba be immediately removed from his illicitly acquired governorship perch, and that Governor Peter Obi continue his tenure till 2010.

In the wake of that judgment, a wave of celebration swept through Nigeria. Uba's rustication, it ought to be underscored, was not a victory merely for Peter Obi. Nor was it an exclusive source of joy only for the people of Anambra who had seen their democratic will nearly usurped by Uba. As an Hausa friend of mine who called me from Kaduna stated, Uba's

removal “is a triumph for all Nigerians. There’s as much celebration in Kaduna and Sokoto as in Awka.”

That mood of universal exhilaration soon turned into collective fear when it was reported that Mr. Uba had returned to the Supreme Court to fish for a different outcome and ruling. Armed with a plaintive petition, Uba and his lawyers importuned the justices to jettison the verdict of June 14, 2007 and to proclaim Uba as entitled to resume his interrupted revelry as governor.

It was a deplorable and nightmarish judicial adventure. Uba was goaded into it, it seemed, by a few judicial eccentrics as well as some parasitic hangers-on who well know about his faith in the supremacy of cash. Then Samson Uwaifo, a retired Supreme Court justice, offered witting or unwitting encouragement when he delivered a highly curious and maverick opinion that questioned the legal soundness of his brother-justices’ first ruling that blitzed Uba out of office.

It wasn’t long before rumors swirled to the effect that Uba was shopping for lawyers who would anchor his ill-conceived case: an appeal to the Supreme Court against a unanimous verdict of the Supreme Court. There were reports that most lawyers approached to handle the case demurred, sensibly worried about the potential negative impact on their professional resume.

At first, many of my friends and acquaintances doubted the plausibility of the rumors about Uba’s intent to mount an obviously foolish legal campaign. Not I. It seemed clear to me that a man of Uba’s ethical emptiness and shadowy provenance was capable of anything,

including embarkation on a politically ruinous and legally jeopardous misadventure.

Even to a legal novice, the planks on which Uba finally staked out his appeal appeared tenuous, if not laughable. He claimed that one of the justices, Pius Aderemi, should not have sat on the seven-justice panel that deliberated on his case and issued him a red card. Uba imputed bias to Justice Aderemi on the most feeble and flimsy ground: that the justice was on the panel that affirmed Governor Obi’s claim that he, not former Governor Chris Ngige, had won the gubernatorial election in 2003. In layman’s language, Uba was making the jejune argument that, because Justice Aderemi rendered justice to Governor Obi by removing Ngige in 2006, the justice’s sense of judgment had become so beclouded in all matters Obi that the man could not be trusted to think fairly and straight about the governor’s future antagonists.

Any law student who wishes to compile an anthology of the dumbest legal contentions ought to consider this eminently qualified entry. Even if Aderemi were demonstrably blinkered as alleged, Uba and his cohorts should still have been in no haste to build an appeal on that “fact.” A more prudent petitioner than Uba might have realized that Aderemi cast only one vote last June. Since the six other equally sagacious colleagues joined him in a unanimous verdict, even in the event that Aderemi’s single vote were invalidated, that would still leave a six-zip deficit against Uba.

Uba’s other appellate ground, also manifestly specious and puerile, was the insistence that the court had no

jurisdiction, in the first place, to entertain Obi's challenge of the electoral commission's illegal investiture of Uba as governor. Uba had carried the day at the first two lower courts that heard the case by persuading them to adopt, and parrot, the dangerous doctrine of lack of jurisdiction.

There are occasions when a court may have sound reason to plead a lack of jurisdiction. But judges who make a habit of ducking behind that mask in order to avoid their constitutional mandate of making reasoned pronouncements on substantive questions of law make themselves agents of anarchy. These evasive judges lend themselves to forces out to pervert justice and democratic ethos, and help breed cynicism as well as fertilize recourse to self-help, extra-judicial options.

Obi's original suit raised an utterly important, and even fundamental, question. It invited the judiciary, the interpreter of the constitution, to weigh in in order to settle the vexed question of what the nation's supreme document stipulates with regard to gubernatorial tenure. In Obi's case, it was not an idle or abstract question. Cheated out of nearly three years of his tenure by a usurper governor, he—and indeed Nigerians at large—had a direct and substantial interest in having the courts determine the terminus of his tenure.

The lower court judges who shackled themselves with the ruse of lack of jurisdiction ought to be ashamed of themselves. In squarely taking up the question, the Supreme Court not only did the right thing. Its ultimate determination, beyond the satisfaction of saving the people of Anambra State from

the claws of an execrable yeoman, is consonant with the tenets of democratic values and political propriety.

Uba's disastrous second expedition to the Supreme Court was lent an air of sordid drama by one Ifeanyi Okonkwo's widely publicized allegation that Governor Obi had bribed him with N10 million to withdraw as a party in the original case. Citing the alleged inducement, Okonkwo asked the court to dethrone Obi.

On first reading Okonkwo's allegations, one felt an immediate and deep flush of vicarious shame for the man. What manner of man would willingly exhibit himself in such morally dim and unredeemed light? Here's a man who reprehensibly advertised himself—sworn on oath, no less—as a taker of bribes! It was heartrending to behold the ebullience with which this man made a fool of himself. Was he expecting the Swedes to decorate him this year with a new-fangled Nobel Prize for Self-Debasement? So abominable was this man's conduct that the justices, traditionally reserved in manner and speech, were provoked to abandon their accustomed verbal restraint. Taking turns, they bathed Okonkwo with barbs, assailing him with such choice epithets as "a common crook," a man "not fit to live in a civilized society," but only "fit for...the jungle among animals." In fact we should ask, in sympathy with the hapless animals: What sin did these animals commit to deserve this man?

After such thorough drubbing, a man with an iota of self-esteem would voluntarily disappear for a while from view, to give the society space to cleanse itself of his toxic contamination. But in a political space birthed by the likes of

Obasanjo, Andy Uba and Maurice Iwu, we should expect Okonkwo to haunt the public arena with greater regularity. Give him a year or so and he will appear on the nomination list for ministers or ambassadorships. At any rate, he has just perversely earned permanent inclusion in the ranks of “political stakeholders.”

Incapable of shaking off the self-entitlement of the Obasanjo days, Uba, through his lawyer, warned that the last had not been heard of his case. What’s next? A trip to the ECOWAS court followed by a stop at the Queen’s court on his way to the International Court at the Hague? Or an unprecedented, record-breaking third appearance before the Supreme Court, armed with a larger contingent of pricey lawyers?

On his part, Governor Obi has declared that “there is no winner or loser.” He is entitled to his magnanimity, but it is important to state that there are indeed winners and losers. The winners are the people of Anambra who have been spared the imposition of the most reviled characters to ever seek to pollute their political space. The winners are Nigerians who received an opportunity to rejoice at the judicial unmasking of one of the sordid scandals wrought by Obasanjo. The winners are young and impressionable Nigerians who have seen that a man who flaunts sudden, stupendous and inexplicable wealth and who claims a doctorate degree when he has not earned a first degree does not always get away with his lies, schemes and scams.

There is a hall of shame for the losers as well. There are the so-called traditional rulers and “prominent stakeholders” who, for love of lucre, proclaimed Uba as

the most qualified for governor. But the chief losers are Maurice Iwu, who has written his name in infamy by conducting the world’s worst elections in recent memory; Olusegun Obasanjo, who so despised the people of Anambra that he wished them Uba as governor; and Uba himself, a man who is a walking personification of falsehood. Uba was poised to bring woes, tribulations and gnashing of teeth to a proud, enlightened people. Some of us said tufia! And the Supreme Court agreed.

Readers' Favorites

1. Nigeria's savaged children
2. The war we ordered is here
3. What I saw in Nigeria
4. Murder Incorporated
5. No Longer at Ease
6. My Vote for Andy Uba
7. Achebe, Soyinka, and the Nigerian Mess
8. My Biafran Eyes
9. My Father's English Friend
10. A female speaker's manly vices
11. The education of Umar Yar'Adua
12. The triumph of barbarism
13. Achebe's apt censure
14. Andy Uba Goes to War (1)
15. Andy Uba Goes to War (11): What OBJ taught Uba
16. Why I Take It Personally
17. Andy Uba's highest bid
18. The folly of the Nigerian elite
19. Fraud Incorporated
20. Etiaba's father, not mine
21. Our laughing president
22. Fayose and God's response
23. My 419 Call
24. A feud of three bulls
25. More reasons to ignore Soyinka
26. Who does Obasanjo work for?

Read or download more titles at

<http://www.okeyndibe.com>

About Okey Ndibe



Okey Ndibe is a novelist, poet, political activist from Yola, Nigeria. He is the author of *Arrows of Rain*, a critically reviewed novel published in 2000. Ndibe relocated to the United States in 1988, where he founded *African Commentary*, a magazine described as "award-winning and widely acclaimed." Ndibe is also a published poet, and a former associate professor of English at Bard College at Simon's Rock. He currently teaches fiction and African literature at Trinity College in Hartford, CT. Okey Ndibe is finishing his second novel titled *Foreign gods, incorporated*.

Speaking Engagements

To discuss a speaking engagement, please contact Okey Ndibe by e-mail (okey@okeyndibe.com) or by phone (860.306.7843).

PDF conversions done with Adobe Acrobat Professional 6.0 (US & International Patents) under license to All Hands Business Solutions, Inc.