



INDEPENDENT SERVICE DELIVERY MONITORING GROUP (ISDMG) (CENTRE FOR TRANSPARENCY ADVOCACY)

TEXT OF PRESS BRIEFING ON THE HALTING OF KOGI WEST RECALL PROCESS BY THE COURTS: EMERGING ISSUES

Good morning Ladies and Gentlemen of the fourth Estate of the realm,

It is not normal to have a gathering of the Steering Committee of the ISDMG outside the quarterly meetings that its articles of association mandates, but “these are the times that try men’s souls” (apologies to Thomas Paine) and every well-meaning Nigerian should be concerned about the attempt to ridicule national institutions and individuals who by carrying out constitutional mandates of their public offices are at the crosshairs of very powerful individuals.

Just this past week, we woke up to reports popularized by the social media that the Independent National Electoral Commission(INEC) has halted the process of recall of the Senator Representing Kogi West Senatorial District, Senator Dino Melaye. The reports claimed that the Commission was being blackmailed into abandoning the process because of the Senate decision to probe the Tertiary Education Trust Fund (TETFUND), where the present INEC chairman, Professor Mahmood Yakubu had previously served as its Executive Secretary between 2007-2011. INEC has through a press release debunked these farcical reports as the figments of the authors’ imaginations and have also informed the nation that it rightly obeyed the pronouncements and orders of a court which the Senator had approached to halt his recall process. The same release was also very clear that INEC disagrees with the order and has taken legitimate steps to reverse it including a petition to the Chief Justice of Nigeria on the appropriateness of the action taken by the Judge who granted the order.

These actions taken by INEC is not why we are herein gathered but to address the innuendos of corruption contained both in the report by the media and the allegations that a probe intended to halt a legitimate recall process would succeed because Professor Mahmood has something to hide. Why would the ISDMG undertake to clear the air and not wait for the INEC chair to fight his battles you would ask? The reasons are not too farfetched. The ISDMG's advocacy thematic area in the last 10 years has been on good governance with focus on the assessment and monitoring of service rendered by public institutions. While engaging with public institutions, the Group normally interacts with the actors that are saddled with the responsibility of leading agencies of government. The TETFUND under Prof. Mahmood was one of those agencies we vigorously engaged with.

It is pertinent to highlight that the coalition of CSOs that make up the ISDMG have been severally and collectively engaging with elections and good governance since the inception of civil rule in Nigeria, any labelling therefore, which robs at the integrity of the head of the EMB, as critical stakeholders, we are compelled to interrogate such accusations since ultimately, institutions are as good as the quality of leadership they get.

More importantly however, the FOI regime which actors within the ISDMG coalition played prominent roles to midwife has created a template and the requisite conditions for citizens to freely put public servants to task on their activities and legitimately call for a rendering of accounts of their stewardship at no cost. It is this fertile environment for public accountability that the ISDMG harnessed to dig into the circumstances surrounding the alleged "disappearance" of 850-million-naira intervention fund under the watch of Prof Mahmood Yakubu as Executive Secretary of TETFUND in 2012.

Let us reiterate that the facts that we present today are results of FOI requests carried out almost five years ago by the ISDMG as the only organization that utilized the opportunities created by the law to demand answers from public servants. We certainly did not possess 'Nostradamuesque' powers to anticipate that a day like this would come when evidence would be required to clear the air on accusations of grand

corruption in previous national calling that prevents the head of the EMB from discharging his duties without fear or favour.

This is the account of how 850million "disappeared or did not disappear" five years ago and we hold the facts and evidence that we shall present here to be true to the best of our knowledge. Facts they say, are sacred.

Upon assumption of office as ES of ETF (as TETFUND was then known) Prof. Mahmood received a letter from the UBEC asking for the release of the sum of 850 million representing second tranche allocation for a 2005 intervention granted it by the ETF for the supply of pupils' desks and seats (attached is request). Before he could authorize a disbursement of such sum and in line with civil service best practices, Prof. Mahmood peered into the files and records and discovered glaring due process infringements in the administering and utilization of the first tranche. He wrote back and requested that the UBEC properly accounts and retires the first tranche and institutes the process of complying with all due process procedures before the disbursement of the second tranche could be undertaken (letter attached). The management of UBEC agreed to comply with this request and instituted the process to that effect. This signalled the beginning of a long legal tussle.

The company that poorly executed the contract for the first tranche approached the courts to halt the process of compliance with due process claiming that it had an irrevocable exclusive right to be awarded the contract for the second tranche. It got an Abuja federal high court under Justice A. Abdul Kafarati to order the TETFund to pay into a court administered account the entire sum of 850 million pending the determination of the substantive suit (court order attached).

Prof. Mahmood's TETFund disagreed with this order and challenged it in the court of appeal where the court asked for the status quo to remain. The money remained in the custody of the TETFund (order attached).

When Prof. Mahmood's tenure elapsed and just as the decision for his reappointment was being considered, a bold headline "How Mahmood and the ES of UBEC stole 850-

million-naira intervention fund" cropped up in a soft sale magazine. Alarmed by this headline, and determined to unravel the truth such as our advocacy efforts demands, we quickly commenced enquiries and served the management of the TETFund now under another ES and UBEC with FOI requests specifically asking them for the whereabouts of the said fund (find attached our letter in 2012).

The response to the requests were clear, unequivocal and unambiguous. The 850million was safely domiciled in the operational account of the TETFund with the CBN (find attached response). The magazine after conducting its own investigation was to retract the story in its next edition and to publish the correct account of events. It is noteworthy to inform everyone herein present that just two years ago, the management of UBEC and the company came to an out of court settlement and reverted to carrying out the earlier condition of complying with due process as directed by Prof Mahmood 10 years ago. The BPP has since issued a certificate of due process compliance for the project, the contract awarded and the fund released for the execution of the project. All these actions taken years after Prof. Mahmood had left office.

What then is the basis for the attempt to create a mountain out of sand? Simple, the Prof's decision to comply with the laws of the land and carry out a legitimate recall process has not gone down well with some people.

If the Senate in the legitimate discharge of its oversight functions wants to probe the activities of the TETFund from whatever period, it is certainly welcome and they must be encouraged to do so, but let no one use tax-payers' funds to indulge in a wild goose chase just for personal vendetta.

While the Senate may be carrying out their legitimate legislative agenda, the INEC in obeying the demands of the law guiding the recall process is also carrying out its mandate. Certainly, the INEC didn't initiate the recall process, Senator Dino Melaye's constituents did, tagging INEC and engaging in character assassination of its Chairman through the innuendo contained in the alleged probe process is irresponsible

and the height of cowardice. The same class of politicians that initiated the senator's recall process that compelled INEC commence its duties are the same that are using judicial processes to thwart it. In a fresh court action, the Kogi state APC has sued INEC to stop the Melaye recall. Although the case is yet to be heard and no injunction granted, it is clear that politicians and the courts are standing in the way of INEC's discharge of its constitutional responsibilities. How then does a warped mind begin to allege that that this process is being truncated due to the INEC chair caving in to blackmail?

In saner climes, national icons in public service are celebrated but in our society where every good person or work must be destroyed in the name of politics, it's time we start calling out these destructive elements in our polity to protect the few good men who still believe in project Nigeria and have dedicated themselves to a life of service.

Certainly, the recall process will go on and the ISDMG having already applied to INEC to monitor the process will do just that to ensure that fairness and compliance to the rule is guaranteed and justice is not only done but is seen to have been done. So far, the credibility of elections conducted under the Prof. Mahmood led INEC is a testament to the resolve to have a paradigmatic shift from previous flawed elections, and a determination to ensuring that the nation experiences the best elections ever in its annals. We have total and absolute confidence in the abilities of this INEC to midwife this process and urge politicians to support this movement rather than be cogs in the wheel of progress.