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The Death of Ken Saro-Wiwa: Its Moral Implications on Nigeria

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ABSTRACT

This study is centered on the death of Ken Saro-Wiwa and its moral implications on Nigeria. The study adopts both the philosophical and sociological approaches. Findings from the study revealed that Ken Saro-Wiwa was outspoken among a group of nine activists from Ogoni of Niger Delta region of Nigeria; popularly called 'the Ogoni Nine' who were executed by hanging in 1995 by the military government of General Sani Abacha. Ken Saro-Wiwa and his fellow Ogoni activists were arrested, detailed and charged by a 'Kangaroo' court with murder and conspiracy to murder of four prominent Ogoni men who were allegedly brutally murdered by a Mob on the 21st May, 1994 at Giokoo in Gokana Local Government Areas of Ogoni. Ken Saro-

Wiwa, an author, playwright, MOSOP spokesman was viewed by different people in different ways. For some people he was a freedom fighter, an ethical egoist, a utilitarian, an existentialist, while to others, he was a controversial figure. The ideas which Ken Saro-Wiwa and nine other Ogonis died for include justices, equity and freedom of all Nigerians. These ideas found expression in the Ogoni Bill of Right (OBR) and many of Ken Saro-Wiwa's write ups, epistles and books. The death of the nine Ogoni activists was pathetic, brutal, sorrowful, unjust, sacrificial and motivating in nature. By implications the death of Ken Saro-Wiwa and other nine Ogoni activists have raised consciousness among minority people of Nigeria over their fundamental human rights and increase agitations for resources control and true federalism amongst others.

Introduction

The Ogonis are minority ethnic groups located on the Northeast fringe of the Niger Delta of Nigeria. Ogoni consists of four distinct kingdoms. Each has a dialectic classification of the main Ogoni language of the Volta-Congo language family. Thus, we can talk of Khana, Gokana, Tai and Eleme dialects respectively. Her neighbours are the Ndoki of the Igbo stock on the north, the Efik/Ibibios and Adoni/Oppbo on the west, Bonny and Okrika groups on the southeast and the Ikwerre group on the North-West (Loolo, 1981).

The people have enormous natural resources; chief among them is "crude oil". This crude oil has been more of a curse than a blessing to the Ogonis, judging from the incidence that have befalling them in contemporary times. In the late 50s the Ogoni land was brought into the forefront of oil producing areas, with the consequent discoveries of oil in Korokoro, Ebubu etc. As early as the post-independent era, the Ogonis has become a major player in the production of oil, which is the main stay of Nigerian economy. The Ogonis occupy an area of 400 square miles and number an estimated 700,000. The population density of about 1,250 persons per square mile is among the highest in any rural area of the world (Mitee, 2002).

The situation predominant in this study is that of whether the death of Ken Saro-Wiwa is justified or unjustified? On what ethical standard did the ideals and ideas of Ken fit into and how did his death promulgate these ethical principles? Also how has his ideas and moral contributed to the ideals of morality in Nigeria? For instance, in the issue of Niger Delta militancy, has the death of Ken Saro-Wiwa played any role? Have the ideals which he spearheaded contributed meaningfully to the emancipation of the people of Ogoni? These are problematic issues this study intends to address. Thus, the morality of the people and that of the government is put in check here.

This study also samples some ethical theories and fathoms the possible implication of the death of Ken Saro-Wiwa on Nigeria, putting it under examination based on the statement of Birsch (2002) that “moral rights theory asserts that persons are valuable, and that we ought to respect that value. It encourages this respect by identifying persons’ vital interests and protecting those interests from the interference of others”. In the light of this quote and that of other ethical insights, a correlation will be placed to see if Nigeria’s ethical standards were or will be affected by the execution of Ken Saro-Wiwa and his kinsmen.

An Overview of Literature on Morality and the Death of Ken Saro-Wiwa

Morality is the cardinal point of Ethics which is a branch of philosophy. Morality, according to Hornby (2000), are principles concerning right and wrong or good and bad behaviour. These principles are enshrined in the theories of morality. For purpose of this study, we shall enumerate some essential ones and shall use some in the cause of this study.

Ethical Theories

The **Divine Command theory**, according to Birsch (2002), states that the conception of God and His commandments is sometimes called divine command theory. Divine command theory claims that God's commandments establish the requirements for how to live and create an objective view or good and bad conducts. This is similar to the postulation given by Socrates in the works of Plato (Euthyphro). When he states in his dialogues that "...yes, I should say that what all the gods love is pious and holy and the opposite which they all hate, impious". Birsch (2002) puts it this way:

.... Euthyphro's definition: what is good is what God commands, and its opposite is what God forbids, Bad," Next we can rephrase Socrates' question, "is what is good because God commands it, or does he command it because it is good.

Also Moore and Bruder (2002), reviewing Plato’s view stated that because the form of the Good is the source of all value and reality, Plato believed, we must strive to obtain knowledge and understanding of it.... Therefore, strive for knowledge of the Good and be ruled by reason.

Another Ethical theory, **Ethical Relativism** relates moral good and bad to the ethical guidelines of actual societies or groups. According to Moore and Bruder (op cit), there are three types of Ethical Relativism: descriptive relativism, Cultural relativism and Individual relativism. Their differences depend on the practices but the standard necessarily does not change. For instance, they all accept the standard that it is wrong to kill a living person but disagree on whether a fetus counts as a living person. However, cultural relativism and individual

relativism are always summed up as subjectivist ethical philosophy. Moore and Bruder (2002) went on to state "... what is right or wrong depends entirely on what a person (i.e. a subject) or a culture (i.e. a group of subjects) think is right or wrong

Furthermore, "**Ethical Egoism** involves a value judgment ... that everyone ought to pursue primarily for his/her own interest" (Miller, 1996). According to Birsch (2002) ethical egoism,

claims that to act ethically, moral agents should act in their own self-interest and maximize benefits for themselves. The ethical standard of ethical egoism is that what is good for an individual is what produces a net benefit for that individual, and what is bad is what produces a net harm for that individual.

Lawhead (2002) quotes Spinoza as saying that since reason demands nothing which is opposed to nature, it demands, therefore, that, every person should love himself, should seek his won profit ... and absolutely that every one should endeavour, as far as in him lies, to preserve his own being. Ethical egoism is ... the doctrine that in all conscious actions you ought to seek your self-interest above all else (Moore & Bruder, 2002).

Another ethical theory is utilitarianism. Birsch (2002), explicating the ideas of Bentham and Mill on utilitarianism, centers their ideas on common principle which is "what is good is what tends to produce a net utility for the persons affected". Moore and Bruder (2002) quoted Mill as saying, "... the creed which accepts as the foundation of morals "utility" or the greatest happiness principle holds that actions are right in proportion as they tend to promote happiness; wrong as they tend to produce the reverse of happiness". Furthermore, Miller sees utilitarianism in three folds viz: The doctrine that we ought to act so as to promote the greatest balance of good over evil, the doctrine that we ought to act so as to promote the greatest balance of pleasure over pain and the doctrine that we ought to act so as to promote the greatest happiness for the greatest number.

This takes us from the selected review of ethical theories to the response of Nigeria to the Ogoni crises. In order to effectively picture the enormity behind the execution of the "Ogoni 9", chief amongst them Ken Saro-Wiwa, Pyagbara (2005) quoted Mitee as saying that in the firestorm of rage that blew across the world following the execution, John Major then Prime Minister of Great Britain, speaking at a Commonwealth Heads of Government meeting, holding at the time in Auckland, New Zealand, described the hanging as "judicial murder. According to Pyagbara, Nwabueze saw the term "judicial murder" rather as incorrect, according to him ... the trial, conviction, sentence and execution of the "Ogoni Nine" as "Judicial murder" is to play down the staggering enormity of this palpable travesty of injustice. It is

simply a euphemism for some reasons. First, the trial, the conviction and sentence were not judicial decisions; accordingly, the executions following upon the trial. There could be no greater abhorrent affront on human rights that where a government constitute itself the prosecutor, the judge and the executioner of a person accused of murder or any other criminal offence for that matter.

Ken Wiwa (Jnr), the son of Ken Saro-Wiwa recounts the circumstance that pervaded the last movements of Ken Saro-Wiwa before he was executed in these words:

Still conscious of his status as the leader of his people and of the verdict of history, my father offered to go first. He straightened his back and shuffled defiantly into the hut that housed the gallows. A priest followed him with a viaticum, then came out again, there was short delay, then my father's voice echoed around the court yard; "what sort of country is this that delights in the killing of its illustrious citizens? What have I done that I deserve death, than that I spoke the truth, demanding justice for my poor people of Ogoni?..."

Ken Saro-Wiwa's death was also seen by William Boyd in this vein, through a letter by the former; except of the letter reads:

I'm in good spirits... There's no doubt that my idea will succeed in time, but I'll have to bear the pain of the moment... The most important thing for me is that I've used my talents as a writer to enable the Ogoni people to confront their tormentors. I was not able to do it as a politician or a businessman. My writings did it. And it sure makes for the worst, but hopeful for the best. I think I have the moral victory.

In the words of Azaiki (2004) the Ogoni Bill of Rights sponsored by Kenule Saro-Wiwa's Movement for the Survival of Ogoni People (MOSOP) demanded for "the right" of control and use of a fair proportion of Ogoni economic resources for Ogoni development. The crusade continued to attract serious comments from various quarters within and outside Nigeria. In the end nine Ogoni citizens, including their spokesman Kenule Saro-Wiwa lost their lives to the extra-judicial devices of the military under Sani Abacha.

Okonta and Oronto (2001) opine that the unholy union between Shell and Government were responsible for the eventual execution of Ken Saro-Wiwa and his kinsmen. According to them, that same day SHELL (capitals mine) issued a press statement reminding the world that the company withdrew from Ogoni area in January 1993, because it was no longer safe for staff and contractors to work there in the face of growing intimidation and physical violence from members of the communities; that Saro-Wiwa was accused of a criminal offence within "Nigerian Legal system" (quotations mine) and that MOSOP was a violent organization. On the

morning of 10 November 1995, ten days after Shell issued this statement in London, Ken Saro-Wiwa and others were hanged in Port Harcourt Prison. Okonta and Oronto also assert that Ken Saro-Wiwa was aware of the enormity of the struggle. Hence, was prepared for the worse, according to them, Ken Saro-Wiwa knew he had signed a pact with death when he sat down at his desk one early morning in 1990 and wrote the first draft of the Ogoni Bill of Rights. He stated, "... when I decided to take the word to the streets to mobilize the Ogoni people and empower them to protect the devastation of their environment by Shell ... I had no doubt where it could end ... Death".

Falana and Ogunye (1998) explain that the avalanche of global condemnation of the imposition of the death penalty on the Ogoni 9 by, and the deluge of pleas from communal of the death sentences from the international community, did not dissuade the military junta from accomplishing its murderous aim either. In the night of November 10, 1995 the world had to accept the incredible reality that the deed has been done.

The death of Ken Saro-Wiwa poses lots of moral questions and explanations. His death was frowned at by the International Community; which were holding a Commonwealth Heads of Government meeting, this resulted in John Major, the Prime Minister of Great Britain calling the execution a "judicial murder", because it lacks the credibility of judicial processes with the withdrawal and consequent imposition of legal counsel to the accused, the involvement of government in the process acting as the plaintiff, the judge and the executioner at the same time. Also the denial of a video tape tendered as evidence to prove the innocence of the defendants and the unholy union between the government and the oil companies which was allegedly orchestrated to silence the revolt led by Ken Saro-Wiwa.

Commenting on Ken's death Pyagbara says Nwanbueze calls it an "*Executive Murder*" instead of a "*Judicial murder*", because it lacks any judicial ingredient in its ramification; for instance, a judicial process gives one a benefit of appealing to a higher court; like the Court of Appeal at the event of an unfavourable judgment to the accused. But this was not the case. Furthermore, another striking point that made the whole process an "Executive Murder" rather than a "Judicial Murder," is sequence on the understanding of Nwanbueze and other judicial analysts, that saw the execution of Ken Saro-Wiwa and his kinsmen as murder (whether judicial or executive) the refusal of the accused persons to be kept alive for at least 30 days, which is given to those on death row; from the day of the pronouncement of their judgments also applicable to the tribunal. But in the case of Ken Saro-Wiwa, he and his colleagues were executed barely 10 days after the verdict. This was the height of it! Also what makes the execution of the 'Ogoni 9' an

executive murder instead of a judicial murder is because, what other justification can be sufficient enough for, firstly, the "Ogoni 9" not to be tried in a regular court? Why were there series of brutalization on the Ogonis and other Niger Delta people who protested for the right to control their God given resources amounting to the deaths of many? Lastly, a report of about 30,000 pages of proceedings in the tribunal which is suppose to be studied by every member of the Provisional Ruling Council (PRO) intensively, was read only for four hours. It therefore means it was already a pre-established fact that the decision to execute Ken Saro-Wiwa and his colleagues has already been in the offing as Falana, Ogunye, Oronto and Okonta have observed in this study.

The Ideals Ken Saro-Wiwa Died For

Ken Saro-Wiwa's ideals which he died for, can be summarized in these words "*justices*", "*equity*", "*freedom*" etc. and these ideals are expressed in his write-ups, epistles and books. But most predominantly is the ideas entrenched in the Ogoni Bill of Right (OBR) which was presented to the Government and People of Nigeria with an appeal to the International Community by the Movement for the Survival of the Ogoni People (MOSOP), published in December 1991. In August 1990, the chiefs and people of Ogoni in Nigeria met to sign one of the most important declarations to come out of Africa in recent times: the Ogoni Bill of Rights. By the Bill the Ogoni people, while underling their loyalty to the Nigerian nation, laid claim as a people to their independence which the British colonialism had first violated and then handed over some other Nigerian ethnic groups in October 1960. The Ogoni Bill or Rights is centered on the political Autonomy of the Ogonis without any detachment from Nigeria, as it states: Now therefore, while affirming our wish to remain part of the federal republic of Nigeria, we make demand upon the republic as follows.

The ideals of political autonomy, which entails political freedom to control their affairs the rights to the control and use of a fair proportion of Ogoni economic resources for their own development, as well as adequate representation in all Nigerian national institutions. In addition to this is the development of Ogoni culture, the right to protect the Ogoni environment and ecology from further degradation. These views encapsulate the ideas of Ken Saro-Wiwa entrenched in most of his works and predominantly in the Ogoni Bill of Rights. This was the ideals Ken lived and died for. Ken Saro-Wiwa was not perturbed by the consequence in the pursuance of these ideals, because he knew what might be the possible outcome. According to Ken Saro-Wiwa (2004) "to everyman upon the earth Death commeth soon or late, how man can die better than facing fearful odd, for the ashes of his fathers and the temple of his gods".

These ideals made Ken Saro-Wiwa on the 4th of January, 1995; when the world was celebrating the United Nations year of the World's Indigenous populations

to stage a peaceful protest march against Shell's ecological war and the Nigerian government's denial towards the Ogoni demands, as enumerated in the Ogoni Bill of Rights. This amounted to an estimated 300,000 men, women and children of Ogoni decent to come out in support of this just course. His ideals also included Peace. The Ogoni has irrevocably chosen the non-violent option, unless and until that approach is rewarded. This non-violent peaceful, equitable stand, was quite impressed on Ken Saro-Wiwa by the worthy influences of some nationalist that already existed before him, Ken Saro Wiwa (2004) states that his research in MANSER also showed that the mobilization efforts of Ahmadu Bello, Obafemi Awolowo and Azikiwe among the Hausa-Fulani, the Yoruba and Igbo respectively, were non-violent and successful, whereas Ojukwu's mobilization of the Igbos, magnificent as it was floundered because it was violent... I was encouraged in this view by the writings of Obafemi Awolowo and my brief meetings with the eminent philosopher. In the first brief, Ken Saro-Wiwa was influenced by the non-violent nature used by Ahmadu Bello, Awolowo and the Great Zik of Africa; Nnamdi Azikiwe, Ken Saro-Wiwa dislikes the campaign championed by Ojukwu, because it was characterized by violence. There is no doubt that those other nationalist (Ahmadu Bello, Awolowo, and Azikiwe) were in their own ways ethical philosophers *of justices and equity*. And the insistence of true federalism was their watchword. According to Ken Saro-Wiwa, we should do the same, as it was the case of these great nationalists.

Ken Saro- Wiwa's Death

The death of Ken Saro-Wiwa's till today happens to be one of the worst controversial moments in the history of Nigeria, as it concerns the Oil Industry and the Nigerian Government on the issues of resource control and environmental degradation in the Niger Delta. Ken Saro-Wiwa took upon himself the courage to fight for the Ogoni people, because according to him, the Nigerian government has neglected the '*Goose*' that lays the '*golden egg*'. The Nigerian government has been accused of been after the 'egg', not minding the situation that the 'Goose' goes through in laying the 'eggs'. Ken Saro-Wiwa not happy with these situations of neglect and the gradual ecological and environmental obliteration of his people (i.e. the Ogoni people and the Niger Delta), and revolted through his writings, speeches, interviews etc. This resulted in the establishment of Movement for the Survival of the Ogoni People, (MOSOP), and the subsequent drafting of the Ogoni Bill of Rights (OBR). These steps (MOSOP & OBR) were the beginning of the woes that accompanied Kenule Saro-Wiwa to his eventual execution by a military junta. According to Azaiki, sincere observers have indicated that the indigenous populations and communities of the Niger Delta and their environment have been forgotten, neglected and marginalized by the federal government and the oil and gas companies for too long, despite the Willink's Commission Report of

1958. The Ogonis led by Kenule Saro-Wiwa, showed the world how the activities of Shell and other Oil companies in collaboration with the Military Government, gradually moved towards the total extermination of the Ogonis, by extension the Niger Delta. When the Ogoni campaigns exposed the intrigues of the government and Shell, these Siamese collaborators committed more money into first, 'sanitizing the people through the use of physical thrust of force' second they invested huge sums of money in image laundering and in organizing conference to place their argument on a more credible footing.

On the 21st day of May, 1994 a meeting was held in Gokana (one of the kingdoms of Ogoni-land) precisely in Giokoo, at the palace of the Gbenemene of Gokana. This meeting was organized to honour two illustrious sons of Gokana by extension the Ogoni; which were just appointed as commissioners in the Old Rivers State. The meeting was well attended by the sons and daughters of Gokana, including Prominent Ogoni men like; Mr. Albert Badey, Chief Edward Kobani, Chief Samuel Orage and Mr. Theophilus Orage: That same day Ken Saro-Wiwa in company of Ledum Mitee was campaigning in a village near Giokoo. At Kpopie *junction about* one kilometer from Giokoo, Ken Saro-Wiwa's car and Ledum Mitee's were stopped by security forces, from further movements towards Giokoo; they were asked to go back to Port Harcourt. They did, but it was alleged that Ken Saro-Wiwa told his supporters that came out to see him, during the altercation between him the security forces in Gokana dialect that they should go and 'kill the vultures'. And the mob went to the meeting at Giokoo, started a riot that resulted in the death of the earlier named prominent Gokana cum Ogoni indigenes. ... A huge crowd invaded the hall where the function was taking place, broke up the gathering taking place, and started a riot during which those in attendance were attacked and the Ogoni 4 killed. Two of the murdered men were later put into a Volkswagen beetle car and burnt.

Ken Saro-Wiwa (Jnr.) quoting his father, on the death of the Ogoni 4, states:

Express my gratitude to international pen and amnesty international. The state is yet to charge us to court if they have any evidence whatsoever. I gather they are now trying to establish a remote link between the leadership of MOSOP and the murders. But that is an exercise in futility. There was nothing to gain by the murder of any Ogoni man – all of us are victims of the state and shell. The Ogoni cause is a quest for justice (underling mine) and not for power. So there is nothing to kill for.

The State charged Ken Saro-Wiwa and his arrested Kinsmen with ***murder and conspiracy to murder*** and after mounts of torture and detentions, a Civil Disturbance Tribunal was set to try the accused. After series of abnormalities legally, Nine (9) Ogoni men, including Ken Saro-wiwa were tried, found guilty, and sentenced *to* death by hanging. This tribunal was constituted by two justices; Justice

Ibrahim Auta (Chairman), Justice Etowa Eyo Arikpo and Lt. Col Hameed Ibrahim Ali (members).

Remote and Immediate Causes

Commenting on the remote cause of the eventual death of Ken Saro-Wiwa, and his kinmen, Ken Wiwa (Jr) (2000) **states that** what pained his father about Nigeria was the lack of accountability in government....the easy access to oil money created an "easy come easy go" attitude, breeding a "collective failure to think", as he once said. That careless attitude was the why Nigeria's lawmakers refused to enforce environmental regulations, preferring to turn a blind eye to the oil companies that were destroying our environment. All these were as a result of the insensitive of the Oil Companies at the events of environmental hazards, poverty, and the lack of infrastructure as they were concerned about the barrels of oil from the region. Ken Saro-Wiwa is a voice in this struggle; the struggle for the end of marginalization, the struggle for the end of environment degradation, the struggle for resource control and the actualization of true federalism in Nigeria. Ken Saro- Wiwa knew he had signed a pact with death when he sat down at his desk one early morning in 1990 and wrote the first draft of the Ogoni Bill of Rights. After he and other Ogoni community leaders launched MOSOP, later that October he began to talk incessantly about death, coupled with the frequent interviews Ken Saro-Wiwa was participating in all over the world; in the print and visual media. The gradual build up to the eventual death of Ken Saro- Wiwa was in the offing. His agitations were regarded generally as the remote cause of his death. The riot that happened at Giokoo in Gokana was attributed to him. He was said to have conspired with the Militant Youth wing of the Movement (MOSOP) to inflict death upon those prominent Ogonis; which he allegedly termed "vultures"; and said that they should be eliminated. This was actually the last straw that broke the Carmel's back - the eventual death of Ken Saro-Wiwa.

Nature of Ken Saro-Wiwa's Death and Its Implication

The words pathetic, brutal, motivating, sorrowful, unjust, sacrificial etc. can be used to ascribe to the nature of Ken Saro-Wiwa's death. And its implications are numerous as well as dismal. The pitiable dismal display characterized by the tribunal processes, created to inquire and proffer sanction to the defendants (Ogoni 9) over the gruesome murder on the 21st May 1994 of four prominent Ogonis - Ken Saro-Wiwa and eight others who were charged with the murder. The constitution of the tribunal and the method it followed at arriving at the verdict made the nature of the death sentence of Ken Saro-Wiwa and eight others unjustly controversial, as well as immoral. According to Falana, one of the counsels of the Ogoni nine, the state had declared that Ken Saro-Wiwa and Ledum Mitee (and by extension the other persons put on trial before the OCDST) "were arrested for the offences of conspiracy

to commit murder, contrary to the relevant sections or the criminal code of Rivers state" they were not tried under the criminal code. Also Falana stated that according to the laws of the land, section 324 of the "... criminal code provides for conspiracy to murder and prescribes a sentence of fourteen years (14) for any person found guilty of the offence". One might ask, why wasn't Ken Saro-Wiwa and the others tried in a regular court, where they could make appeal in case of unfavourable judgments. But in this case, the military preferred the tribunal, because perhaps it was orchestrating its evil plot via the civil disturbances (special tribunal) decree of 1987.

Another question that suggests the already enumerated nature of Ken's death was that the question, Why is it that the Government of Rivers State did not try these suspects, because the crime was committed in Rivers State, rather they were tried by the Federal Military Government. Also, why weren't the accused granted bail after 48 hours as stipulated by law? Rather they were in prison for about eight (8) months without any hearing. Furthermore, ten (10) days after the sentence, Ken Saro-Wiwa and the eight others were executed amidst International and National out-cry; instead of the 30 days stipulated by the law as it relates to sentences of Capital Punishment even in the decree of the Tribunal.

These and many more occurrences made the death of Ken Saro-Wiwa, pathetic, brutal, motivating, sorrowful, unjust as well as sacrificial. The sacrificial nature of Ken Saro-Wiwa's death is implied in his last statements during the trial by the tribunal.

I predict that the scene here will be played by generations yet unborn. Some have already cast themselves in the role of villains, some are tragic victims, some still have a chance to redeem themselves. The choice is for each individual (Ken Saro Wiwa 2004).

Generation present and those yet unborn, are and will feel the effect of the death of Ken Saro-Wiwa and the Ogoni nine, or to put it better, generations will feel or are feeling the implication of the death of the "Ogoni nine". This has given rise to the struggles witnessed in the Niger Delta region in recent times. As Jean Jacques Rousseau will say; Man is born free and everywhere he is in chains. Ken also asserted on the final moments of his life on earth. According to Daminabo, an eye witness, Saro-Wiwa was the first to be marched to the gallows. As they led him away, he himself began to shout; 'You can only kill the messengers you cannot kill the message...' Ken Saro-Wiwa's ideals are in his messages. The messages Ken preached was that of *justice, equity and peace*. Although there are some signs of *ethical egoism* in his *dispositions* coupled with some controversial moments which characterized his sojourn on earth.

Moral Adherence and Deviation on Ken Saro-Wiwa's Death

The constitution of the Federal Republic of Nigeria was suspended in parts during the military era. But the criminal code was not suspended as it was still applicable in Rivers State, where these crime was committed as it relates to the trial and verdict on Ken Saro-Wiwa, coupled with the flaws occasioned by the non-application of the laws governing the setting up of a Civil Disturbance Tribunal.

First and foremost, the question which remains to be answered by the Tribunal and the Government is who sent its security force to stop Ken Saro-Wiwa from getting into Giokoo and allegedly overhearing Ken Saro-Wiwa saying something, which was later said to be an instruction to 'eliminate the vultures'; why didn't the security forces stop the mob from attacking the Giokoo meeting; which caused the riot that led to the eventual death of the four Gokana prominent men? If they had the ability, why didn't they stop them? Or should we regard them as accomplices, if this was really the case.

Legally, Ken Saro-Wiwa was charged by the state to have conspired to commit murder, aiding and abetting murder, contrary to relevant sections of the criminal code. But the criminal code section 324 prescribes a sentence for conspiracy to commit murder as fourteen (14) years imprisonment for anyone found guilty. Why wasn't Ken Saro-Wiwa tried under a regular High Court? But a preference for a Civil Disturbance Special Tribunal was set up, maybe to actualize the aim of the 'powers that be'. This was a major deviation from the concept of human rights. Because, if at all Ken Saro-Wiwa was found guilty in a regular High Court, appeals could have been made to the Court of Appeal and Supreme Court at the event or an unfavourable verdict in any case subsequently.

Another deviation is that, the state detained the accused more than necessary, they were detained for eight (8) months. Worst still, according to law, not with respect to the suspended relevant sections of the 1979 constitution, but the defaulting of its own Decree. The Decree opines that investigation precedes trial. As shown here:

"Part 1: Constitution of the Civil Disturbance Investigation Committee Decree.

1. *whenever the president, Commander-in-chief or the Armed forces is of the opinion that; there has occurred civil disturbances, commotion, unrest in*

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"investigation committee)

2. *The investigation committee constituted under subsection 1 or this section*

shall conduct investigation into the civil disturbances and determine...

3. *Further to sub section (2) of this section, the investigation committee may make recommendation for the trial or any person or persons involved in the civil disturbances (Falana and Ogunye 1998).*

These sections of the Decree No. 4 of 1992, is not followed in the process that led to the eventual execution of Ken Saro-Wiwa. There was no investigation carried out before the trial. This is also a major flaw in the constitutionality of the tribunal.

Fourthly, as Falana noted that there was "**subornation of witnesses**" according to Falana; the only two witnesses who had in their statements made in June 1994, alleged that Saro-Wiwa told his supporters on 21 May 1994 to "deal with" the "vultures" - Charles Suanu Danwi and Nanyone Akpa, later swore to affidavits in February, 1995 disclosing that they were bribed by the federal military government, Shell and Alhaji Mohammed Kobani (brother to one of the slain Ogoni 4) to give false evidence. If this was the case why weren't the judgment which was based on these witnesses stopped and reconsidered, instead the Tribunal went on to pass judgments on the accused. It shows that tribunal was already determined to convict the accused persons.

Lastly on the premise of constitutional flaw is the Denial of access to counsel for a long period to the opening of the trials. The mission notes that Mr. Saro-wiwa and others were detained on the night of the incidence on 21 May, 1994 without charge, and brought for trial in February, 1995. During this period, they were held in inhuman conditions and denied access to counsel...A video tape, which was relied upon by the defense as an important piece or evidence, was not permitted to be produced before the tribunal. These and many more amounted to the constitutional flaw that that pervaded the whole process. In adherence to the normal procedures in a Court or Tribunal, Kenule Saro-Wiwa was given an opportunity to plead for leniency or pardon by the tribunal, but Ken Saro-Wiwa in his usual embodiment of boldness in him even in the face of imposing death, like Socrates did in 399 B.C. Greek Society remained consistent in asserting his innocence '... I have been very badly brutalized. My business has been destroyed. Today has been a black day for the black man...! I think we have made wonderful contributions to the nation. I have no hand in the killing of the deceased' (Daminabo, 2005).

The only part that can be seen as an adherence to the Constitution or Decree or that which shows justice or morality, was the request of the Tribunal for Ken Saro-Wiwa to plead for leniency or pardon, but Ken Saro-Wiwa did not do so, he was asked but he deviated from the normal *course of an allocutus*. Just like what Socrates did, in his trial by an Athenian court.

The Moral Implications of Ken Saro-Wiwa's Death on Nigeria

As earlier stated in this study Ken Saro-Wiwa's ideals bothered on *justice, equity and peace*. But these dispositions will be seen in the light of **utilitarianism; ethical egoism** and **existentialism**, because these moral principles and philosophical schools seem to be the foundation of which Ken Saro-Wiwa stood to build his ideas. The concept of **utilitarianism** which connotes that an action that is moral is that one that is done for the benefit of the generality of people or the greater good for the greater amount of people. Ken Saro-Wiwa's life was actually revolving round this idea, because his idea of **resource control** and **true federalism** was for the common good of the generality of the people or the greater amount of people. Because, if true federalism is practiced, it will help the diversification of the economy, reduce corruption, etc thereby achieving the greater good for the greater amount of people.

Ethical egoism still remains an aspect of Ken Saro-Wiwa's foundational standpoint. This theory that connotes that every one ought to pursue primarily his/her own interest; can be seen as being a contributive motivational factor for Ken Saro-Wiwa. Because in pursuing the plight of the Ogonis, he pursued firstly, his individual interest, because if the Ogonis peradventure succeeded in their clamour, there wouldn't have been any other as qualified as him (Ken Saro-Wiwa) to hold anypost as in the case of Nelson Mandela. It is therefore established deductively, that Ken Saro-Wiwa is an Ethical Egoist. The only philosophical school reviewed in this study, is worthy to encapsulate the ideas and ideals of Ken Saro-Wiwa.

Fighting against life absurdities, Ken Saro-Wiwa established himself as an existentialist. In the explanation of Søren Kierkegaard; Ken Saro-Wiwa moved from the *Aesthetic stage*; which is the stage of appreciation of material things, to the *Ethical Stage*; where he is ruled by norms, laws and dictates, and moved to the *Religious stage*; where he achieved his **authenticity** and fought vehemently against life challenges. Succeeded in his own feat; he lives the fight to continue till this very moment. According to Albert Camus, Ken Saro-Wiwa fought against the absurdities of marginalization, oppression and the likes, and that ended up making him an existentialist in this premise. This further moves us to the implication of his death on the entire polity of the Nigerian moral standings, during and after his death. It is often said that "*when oil touches one finger it soils the others*". Due to this dismal fact of whether the execution of Ken Saro-Wiwa was unjustified by the majority of people and the International Community? It can be seen crystal clear that it wasn't. As Kant would say, "Act as if the maxim of your action were to become by your will a universal law of nature coupled with the wide condemnation by people both in Nigeria and in Diaspora on the unethical nature of constitution of the Tribunal and its judgment, it can be so deduced logically that; Nigeria committed a moral blunder which not only affected them then, but still

affects us till now. The judgment was not for the common good of the majority or generality of people, therefore also making it immoral in the light of the ethical theory - Utilitarianism reviewed in this study. The moral standard in Nigeria especially in the Niger Delta has been on the low, because the people are unconsciously depreciating at the denouncement of the death of Ken Saro-Wiwa. With the contemporary events of hostage-taking, kidnapping and the likes, which have pervaded and plagued the entire country, it can be seen that moral standards have declined drastically.

Immediate and Future Implications

The immediate implication of the death of Ken Saro-Wiwa is characterized by increase agitations for resources control, true federalism etc. These agitations have resulted in the forming of Militant groups in the creeks of Niger Delta, because the peace path chosen is not favourable, which latter resulted in the granting of Presidential Amnesty on the Militants. Militancy in the Niger Delta has eaten through the pores of Nigeria and ravaged it beyond repair; like a predator, its prey. It honestly started with the genuine agitations of Niger Delta Volunteers Forces, but latter degenerated to a coven of criminal minded individuals, politicians and individuals who capitalizes on the struggle to further dilapidate the lugubrious moral state of Nigeria. Kidnapping, hostage taking and militancy is now the order of the day as witnessed in many parts of Nigeria, in particular; South-South and South East of Nigeria. It started out in the South-South, as a way to drive home their demands, but has become a lucrative business for the South Easterners and Northerners in recent times. These are among the immediate implication, but it is not only the dismal aspect of his death that there is implication, there is also the positive aspects.

Due to the eventual death of Ken Saro-Wiwa, series of appointments have been given to Ogonis and minorities to appease them, because, the Nigerian State has seen its mistakes, but lacks the will to correct it. According to Daminabo, Kenule's Martyrdom earned Ngalele a Federal Ministerial appointment. Also, in the same vein President Obasanjo's appointment of Dr. Magnus Kpakol to the office of special adviser to Federal Government on economic matters between 1999 and 2003. This is the first time the job is given to a Nigerian hailing from a minority ethnic nationality.

Furthermore, suffice to say that Kenule's martyrdom raised consciousness among minority people of Nigeria over their rights. The immediate implication of the death of Ken Saro-Wiwa also involves the steady recognition of the people of the Niger Delta. Ken Saro-Wiwa played many roles in bearing many children for the struggle - the good the bad and the ugly.

Finally, on the positive immediate implication of Ken Saro-Wiwa's death, it is worthy of note that Kenule's martyrdom greatly escalated the zeal, commitment and attention the various minority peoples of Niger Delta to the issue of resource control. Through his martyrdom, he has heirs or 'political children' across Niger Delta, most of them, including this writer from outside Ogoniland.

The future implications will be viewed from two opposing sides. Following Ken Saro-Wiwa's words; *you can only kill the messengers but you cannot kill the message*, generations present and yet unborn, especially in Ogoni land and the Niger Delta at large will either enjoy the dividends of the death of Ken Saro-Wiwa and other martyrs, or end up in more excruciating circumstances than that of Ken Saro-Wiwa. If the former happens, then it will definitely amount to the *"birth of a new child"* the one yours faithfully calls the *"Technology Driven Militancy"*.

The dividends of Ken Saro-Wiwa's death will be so felt in the positive light if, firstly, Nigeria practices True Federalism. This will give room for diversification of resources and derivation. What we mean by this is; for example, if Nigeria practices true federalism, then the Northerners (Hausa/Fulani) will cultivate their Groundnut and other cereals for exportation; the Westerners (Yoruba) will remember their Cocoa farm, the Easterners (Ibos) will remember their Rubber and Coal, the Niger Deltans will produce and export their Oil and other farm products. These regions will pay percentages to the Federal Government of Nigeria. Nigeria then will not rely only on Oil but on other resources, corruption will be less, nepotism and other vices will be greatly reduced. But if the Nigerian state keeps on marginalizing the Niger Deltans, the new phase of militancy that may arise may be highly sophisticated and proficient as manifested in Boko Haram. And the speculation of moving towards the words of Ken Saro-Wiwa; *that you can only kill the messengers not the message* will again play itself. This futuristic speculation might set the stage for situations which will only be acting on the premise of existentialism using the theory of *dialectics*. They will be fighting against the *absurdities* of life, to come to *self actualization*, because they will move from the present stage which can be regarded as a thesis, to the internal contradiction which has already arisen- the marginalization, that is the anti-thesis; this will lead to a new synthesis. Nigeria will gradually move towards the already acclaimed *failed state* or otherwise.

Conclusion

It is worthy of note at this juncture that moral decadence or moral uprightness is sequenced on the theory of *cause and effect*. Morality decline where there is less truth, justice and equity. That means that immorality is sequenced upon injustice and inequity as it relates to the universal code. On the other hand morality is thickening by the rightful practice of justice, equity and truth.

The oppression of a people no matter how insignificant they are should not be practiced because there is always an elastic limit they can be stretched to, and the eventual bouncing back may be detrimental to the overall benefit of all. As it is seen in the case of the Ogonis in particular or the Niger Delta at large, Ken Saro-Wiwa may have died and gone but the message he preached is still in play. The marginalization is still witnessed, though it is decreasing, especially at the event of a Niger Deltan becoming the President of the Federal Republic of Nigeria. Derivation fund for the Niger Delta Oil producing states still remains at 13%. The practicing of true federalism is still elusive; corruption is still on the increase. As Ken Saro-Wiwa will say that he predicts that a denouncement of the riddle of the Niger Delta will soon come. Whether the peaceful ways (*which we have seen as ineffective, rather the violent ways have been very effective though with its abnormalities*). As he said, only the oppressor will decide.

Recommendations

First of all, we recommend the immediate and effective practicability of **True Federalism**, as this will allow for diversification of the economy, which in turn will reduce poverty. This will cause a drastic shift from the agitations and marginalization to productivity and prosperity, especially in our clamour for 'ision 20, 20-20'.

Secondly, the derivation formula should be reviewed. That is in the short term, the revenue allocation formula has to be adjusted fundamentally in favour of the States and Local Government and should be premised on the principle of derivation, There is no way communities that are producing oil will be giving dividends of the resources in their land in reasonable quantity and quality and will not be happy. Therefore, in line with the communiqué of the Committee for the Defense of Human Rights of September, 20-23, 1999, we recommend increase in the derivation formula for the Niger Delta.

Thirdly, knowing full well that there is always a possibility of crisis, a framework for the effective resolution of conflicts should be put in place, a resolution that will allow for a win/win situation, not a resolution that will allow for either party to be marginalized. For that will not allow for *justice, equity and peace* to happen; these are major stakes in morality.

Fourthly, the Federal Government should be wary of been used by the Oil Companies to kill its own people. That is the height of immorality! Part of the aforementioned communiqué states,

Further, conference demanded that where the military and security force agencies are on peacekeeping duties, there should be very strict and rigorous monitoring to ensure that their presence is not manipulated by oil companies and other negative interests. (Wumi et al 2000)

Finally, for justice to be done; by implication doing that which is moral, the Federal Government of Nigeria should remember and honour the memory of Ken Saro-Wiwa and that of other freedom fighters from Niger Delta, worthy of note is Major Jasper Adaka Boro, by granting the Niger Delta people their demands as contained in the Ogoni Bill of Rights (OBR), in addition to the recent report of the Niger Delta Technical Committee led by Ledum Mitee on the Niger Delta issue.

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