

National Unity, Transitional Justice, and the Human Rights Violation Investigative Commission (HRVIC)

Victoria Openif Oluwa Akoleowo
Department of Philosophy and Religious Studies
Dominican University, Samonda
Ibadan, Nigeria
opeakoleowo@gmail.com
+234-803-561-2876

Abstract

Memories often stand in the way of complete national integration. This is especially true of Nigeria, a multicultural, multireligious and multiethnic entity. This paper examines the various types of memories necessary for Nigeria's national identity, with particular emphasis on individual and collective memories which detail legacies of past injustices. It also examines the instrumental use of memory in constructing ethnic and religious categories. These memories, it argues, influence contemporary projects of reconciliation and national unity. It asserts that Nigeria is paying a big price for not dealing with her past, ignoring it in the hopes that such past would be forgotten, inadvertently denying justice to the victims of her tumultuous past by her refusal to demand accountability from public officials alleged to have committed crimes against humanity. Thus, it recommends an urgent imperative to acknowledge traumatic events in the Nigerian past in order to transcend to a process of historical interrogation through which the pains and burdens of such memories become tolerable, and the critical work towards the collective end of reconciliation and national unity can begin.

Keywords: Collective memory, Human rights violations investigative commission (HRVIC), National unity, Nigeria, Transitional justice.

1. Introduction

In 1999, President Olusegun Obasanjo, then Nigerian President, inaugurated the Human Rights Violations Investigation

Commission (HRVIC), later called the Judicial Commission for the Investigation of Human Rights Violations Investigation Commission, and more commonly known as the Oputa Panel. The HRVIC was initially mandated to investigate cases of human rights abuses committed between January 15, 1984 and 1999, but it was extended backwards to 1966, to include the year of Nigeria's first coup. The panel was particularly mandated to establish the causes, nature and extent of human rights abuses/violations between this period – a period spanning a total of nine successful and failed, real and alleged military coups, a civil war, as well as many other instances of human rights abuses. The panel operated between June 1999 and May 2002, and was granted extensive search and seizure as well as summoning powers. This, coupled with an extensive mandate to investigate and report on the nature and causes of all gross human rights violations committed between 15th of January 1966 and the 28th of May 1999, painted a picture of the HRVIC as a fearsome and promising Truth Commission. The promising aspect, for a country that was still reeling from the consequences of military governance, was especially bright, in the light of the successes of other African commissions/national conferences which played reconciliative and restorative roles in transitioning to peaceful civil societies, including South Africa's Truth and Reconciliation Commission.¹

In June 2002, the Commission presented the Nigerian government with its eight volume, 15 000 pages' report on the human rights abuses committed during the earmarked period. In January 2003, the Nigerian government, in a surprising *volte-face*, annulled the Commission on grounds that it was unconstitutional. The government cited the Supreme Court's January 2003 ruling which declared the HRVIC illegal and unconstitutional as the basis for the annulment. Given the legal basis of the annulment, the Panel's report was invalidated and it was neither disseminated, nor were its recommendations followed. This, in essence dashed the

¹ The South African Truth and Reconciliation Commission has been heralded as one of the most successful commissions in history through its peaceful reconciliation of the opponents and proponents of the South African apartheid regime.

hope of victims of human rights abuses committed during the period of reference, many of whom had approached the HRVIC to petition and give evidence of such abuses.

This work therefore sets out to examine the HRVIC as a measure of transitional justice. It argues that the HRVIC connotes a form of remembrance, a public process of acknowledging the importance of past events and historical figures. In particular, it examines the role of memory in the formation of a nation, and argues that the primary reason Nigeria remains a fractured state is that the sustained memory of violations has not been addressed, and as such, victims of such violations are left without a sense of belonging. This is largely responsible for the renewed secessionist agitations for self-determination in contemporary times.

2. What is Memory?

The *Merriam-Webster Dictionary* defines memory as “the power or process of reproducing or recalling what has been learned and retained especially through associative mechanisms,” and also as “the store of things learned and retained from an organism's activity or experience as evidenced by modification of structure or behaviour or by recall and recognition.”² In philosophy, memory is defined as the mind's (or brain's) capacity to store and remember information, accounting for varied outcomes from diverse forms of learning. It plays important roles in many areas of philosophy, including a vital role in knowledge acquisition, either past or present, and in determinations of personal and social identities.³

Various classifications, and varying taxonomies of memory exist, all studied under various disciplines.⁴ These include, among others, declarative and non-declarative; episodic and long-term;

² Anon, “Memory,” *Merriam Webster Dictionary* <https://www.merriam-webster.com>.

³ Kourken Michaelian and John Sutton, “Collective Memory,” in *The Routledge Handbook of Collective Intentionality*, edited by Marija Jankovic and Kirk Ludwig, (London: Routledge, 2017), 143.

⁴ Michaelian and Sutton, “Collective Memory,” 144.

habit, recollective and propositional memory.⁵ This work concerns itself with the taxonomy of memory as declarative, individual and collective, in line with contemporary research on how memory affects society and politics.

2.1 Declarative Memory

Larry Squire defines memory as a cerebral function that is distinct from other cognitive functions and is composed of multiple systems that operate in different ways through different neuroanatomy.⁶ Squire notes that research indicates that various types of memory systems exist, including Declarative/Explicit and Non-declarative/Procedural memory systems.⁷ He defines conscious Declarative memory as “the capacity for conscious, declarative memory about facts and events” while simultaneously defining Non-declarative memory as “a collection of unconscious, non-declarative memory abilities, such as skill learning and habit learning.”⁸ He further notes that “Non-declarative memory is expressed through performance while Declarative memory is expressed through recollection, as a way of modelling the external world.”⁹

For Squire, declarative memory is the memory referenced in everyday activities where there is a conscious recollection of facts and events. It is the memory system that is impaired in amnesic patients which allows for storage of representational material which can, in healthy persons, be subject to comparisons and contrasts.¹⁰ In contrast, Non-declarative memory systems are dispositional, and are neither true nor false. Declarative memory is

⁵ See Larry Squire, “Memory and Brain Systems: 1969-2009,” *Journal of Neuroscience* 29, no. 41 (2009), 12711-12716; Kourken Michaelian and John Sutton, “Collective Memory” 146.

⁶ Larry Squire, “Memory and Brain Systems: 1969-2009,” 12711; “Memory Systems of the Brain: A Brief History and Current Perspective,” *Neurobiology of Learning and Memory* 82 (2004), 175.

⁷ Squire, “Memory Systems of the Brain,” 173.

⁸ Squire, “Memory and Brain Systems: 1969-2009,” 12711.

⁹ Squire, “Memory and Brain Systems: 1969-2009,” 12711-12716.

¹⁰ Squire, “Memory Systems of the Brain,” 174.

divisible into Semantic and Episodic.¹¹ While Semantic memory deals with recollections of general information about the world in general (facts), Episodic memory concerns itself with the recollection of contextual events, thus highlighting the notion of memory being of the past.

Alternatively, Kourken Michaelian and John Sutton, quoting Richard Atkinson and Richard Shiffrin (1968), distinguish the typology of memories according to their persistence in time to include Ultra-short-term memory, Short term memory and Long term memory. Ultra-short-term memory involves the holding of modality-specific information for less than one second. Short term memory involves holding same for up to thirty seconds, while long term memory involves the persistence of information for over an indefinite long period of time.

Another important taxonomy of memory germane to our current undertaking is Individual and Collective memory. Previous discussions of memory have focused on memory from the individual stance-point. However, recent studies have challenged the individualistic approach to the metaphysics of memory, resulting into a resurgence of research on collective memory.¹² It is, therefore, from this understanding and bearing in mind our designated leitmotif that we shall examine these two taxonomies more closely.

2.2 Individual Memory

Individual memory can be defined as the personal interpretation of information gained in the course of living. It is that capacity that aids in the construction of the self, and is thus, responsible for the notion of personal identity, as it is through individual memories that a person gains the notion of herself as a self, constructed from the associated experiences and relations.¹³ Individual memories are

¹¹ Endel Tulving, *Elements of Episodic Memory*, (Cambridge: Oxford University Press, 1983); Michaelian and Sutton, "Collective Memory" 146.

¹² Kourken Michaelian and John Sutton, "Memory," in *The Stanford Encyclopedia of Philosophy* edited by Edward N. Zalta Summer 2017. <<https://plato.stanford.edu/archives/sum2017/entries/memory/>>.

¹³ John Locke, *An Essay Concerning Human Understanding*, edited by P. H. Nidditch, 106-110 (Oxford: The Clarendon Press, 1975), 150.

formed through the process of consolidation, a process where immediate and fleeting bits of information are converted into a stable and accessible representation of facts and events, resulting in a version of the past with which a person navigates the present.

In Individual memory, long-term memory is divisible into Declarative/Explicit and Non-declarative/Procedural. Declarative/Explicit memory is further subdivided into Episodic and Semantic memory. Suffice it to say that Individual memory accounts for most typologies of memory.

2.3 Collective Memory

Coined by Maurice Halbwachs to highlight the necessity of social structures in the construction of 'individual' memories, Collective memory refers to how members of a collective, that is, a group, remember past events/incidents.¹⁴ Halbwachs holds that individuals are products of social interactions, and that such interactions are made on several bases. The individual belongs to several groups arising from these varying bases, and cannot therefore, lay sole claim to the memories arising from interactions in the various social grouping s/he is affiliated with/to, given that members of groups recollect events/incidences experienced together in a collective manner. Such collective mode memories, even when factual, are usually tainted by the biases held by the collective whole.

Noteworthy is the fact that collective memories are socially constructed based on common sentiments, values, and the present circumstances in which the group finds itself. Memories created by, and in groups, serve an important role in creating a sense of identity within the group. Thus, a collective's memories determine the collective's identity and representation, and to understand a collective's memories is to know an essential part of the collective's identity.¹⁵

¹⁴ Maurice Halbwachs, *On Collective Memory*. Translated and edited by Lewis A. Coser, (Chicago: University of Chicago Press, 1992), 42.

¹⁵ Henry L. Roediger and K. Andrew DeSoto "The Power of Collective Memory: What do large groups of people remember and forget?" *Scientific American*.

Halbwachs' treatise, *On Collective Memory*, is particularly notable for its detailing of how memory is dependent on the social environment. In it he recounts the story of a ten/eleven years old girl transferred from her place of birth to a different and new location. Halbwachs notes that the girl's memories of her childhood are vague, and to retrieve the incomplete memories, "it is necessary that the child, in the new society of which she is part, at least be shown images reconstructing for a moment the group and the milieu from which the child had been torn."¹⁶ He also notes that "our recollections depend on those of all our fellows, and on the great frameworks of the memory of society."¹⁷ Utilising this as a fulcrum, he asserts that collective memory forms a means of creating a collective identity of the people. This position is akin to the notion of individual memory as the basis of self-subsistence and personal identity in the philosophy of John Locke.

It is worth noting that collective memories are not static, they undergo changes over the passage of time. Furthermore, they can be used to gauge the perspectives of different groups of people on past events; as an example, the Nigerian Biafran war is recollected in various ways dependent on the cultural perspective the recollector approaches it from. Collective memory is especially essential where the natural organic flow of events in a society is interrupted by unforeseen events which occasion changes to the organic flow of events. This becomes a historical point of reference at which a turn occurs in the tide of history. Memories of such interruptions are evoked time and again either on sighting places or persons associated with events before the interruption, or by discourses which jolt one into recollecting the past. This contrast between the past and the present can evoke actual or imagined memory.

(2016): 646. Accessed July 6, 2019. <https://www.scientificamerican.com/article/the-power-of-collective-memory/?redirect=1>.

¹⁶ Halbwachs, *On Collective Memory*, 38.

¹⁷ Halbwachs, *On Collective Memory*, 42.

2.3.1 Approaches to Collective Memories

There are three (3) basic approaches to collective memory. These include Primordialism, Constructivism and Instrumentalism.¹⁸ Primordialism holds that collective identity and collective memory are based on primordial ideas which are transferred inter-generationally. Such transmitted memory dictates a people's identity, values and purposes. Constructivism holds that collective identity is forged by a reconstruction of historical memory to fit contemporary ideas and purposes. Instrumentalism utilises Constructivism as a basis to explain how elites exaggerate historical memory to suit their narratives of power struggle. This eventually constitutes ethnic categories and incites hostility against other ethnic groups by positioning them either as the oppressors who dominate other groups or as those to be oppressed. Of these three, Constructivism and Instrumentalism adopt and highlight Instrumental Presentism; the notion that collective memory is dictated by 'present issues and understandings' where groups rationalise which recollections of the past conform with their present social narratives.¹⁹

3. Instrumental Presentism

The primordial, archival approach holds that "memory is a purely passive device for registering, storing and reproducing representations of particular past experience."²⁰ This notion of memory differs from the constructivist approach which avers that things are not recalled exactly as they occurred; implying that memory plays an active role in establishing social cohesion and identity by generating self-narratives. The latter approach explains why events are narrated in different ways, given the problem of perspective, as we experience and interpret events from differing perspectives. Furthermore, it highlights the instrumental nature of

¹⁸ Zheng Wang, *Memory Politics, Identity and Conflict: Historical Memory as a Variable* (Cham: Palgrave Macmillan, 2018), 12.

¹⁹ Michaelian and Sutton, "Collective Memory."

²⁰ Sven Bernecker, "Memory and Truth," in *The Routledge Handbook of Philosophy of Memory*, edited by Sven Bernecker and Kourken Michaelian, (London and New York: Routledge), 51.

memory which is found in its constructive nature, wherein it helps to construct memories of the past in accordance with contemporary preoccupations. This, known as Presentism, emphasises how memories of the past are constructed and utilised to fit present narrative.²¹ Presentism applies to individual and collective memories; however, its impact is more precisely felt in transmissions of collective memories where such collective memories are reconstructed in “various recollections to accord with contemporary ideas and preoccupations.”²²

Instrumental Presentism presents Collective memory as a powerful tool for collectives, implying that collective memories can be instrumentalised to achieve propaganda agenda. A clear example is seen in the rise of the Nazi in Germany under the leadership of Adolf Hitler with the powerful use of his rhetorical cum oratorical skills; playing on the repressed collective emotions of the Germans at the time having lost a World War (WW1) and under intense deplorable economic conditions.

4. Nigeria and Collective Memory

No doubt Nigeria is a State deeply divided along ethnic and religious lines. As Chinua Achebe notes, prior to the amalgamation of 1914, the many ancient kingdoms, and some of Africa’s most sophisticated civilisations inhabiting its present geographical location, including the Kanem-Bornu empire, the Nok, Oyo, Ife, Calabar and Nri kingdoms flourished independently.²³ If the Berlin Conference, where Africa was shared piecemeal, sealed Nigeria’s fate, then the amalgamation of the southern and northern protectorates of Nigeria inextricably complicated Nigeria’s destiny.²⁴ Animists, Muslims, and Christians alike were held together by a delicate lattice. One hundred and seven odd years after the amalgamation of Nigeria, 60 years after independence, Nigeria remains a collection of ethnic groups whose collective

²¹ Wang, *Memory Politics, Identity and Conflict*, 13.

²² Halbwachs, *On Collective Memory*, 224.

²³ Chinua Achebe, *There Was a Country: A Personal History of Biafra*. (New York: Penguin Books, 2012).

²⁴ Achebe, *There Was a Country*.

memories derive from ethnic commonalities. Nowhere is this more evident than in the contemporary tradition of associating primarily on the basis of ethnicity before considerations of common citizenship. Such association takes its cue from the establishment of the first political parties of the 1940s. These parties included the Ahmadu Bello's Northern People's Congress (NPC), Obafemi Awolowo's Action Group (AG) for the West, and Nnamdi Azikiwe's National Council of Nigeria and the Cameroons (NCNC) for the Eastern part.²⁵ The North was afraid of Southern domination and thus, formed the NPC under the resolute leadership of the Sardauna of Sokoto, Sir Ahmadu Bello; the West afraid of Igbo domination formed the AG under the astute leadership of Chief Awolowo. The East in a quest for self-assertion formed the NCNC under the determined leadership of Dr. Nnamdi Azikiwe, Zik of Africa.²⁶

Such politicking presents evidence that the amalgamation did little to cement pre-amalgamation differences, and pre-independence and post-independence, there was (and still, is) very little to serve as the unifying factor(s) for the nation's cohesive adhesion. Furthermore, the minorities of the Niger Delta, Mid-West, and the Middle Belt regions of Nigeria remain resentful of their exclusion in national matters. National events are interpreted from ethnic perspectives, leading ultimately to tribal resentments. The Nzeogwu-led military coup subtly lent credence to the Igbo eastern tribe's (earlier accused of unfairly dominating all sectors of the Nigerian society and public service) attempt to marginalise other groups within the Nigerian space.²⁷ The failure of the coup and the military takeover led by the then most senior officer Maj. Gen. Aguiyi Ironsi would later worsen the tensions that had risen among the populace. Ironsi was among those slated to be killed in the coup but the attempt failed. Ironsi's leadership style was

²⁵ See Achebe, *There Was a Country*, and Obafemi Awolowo, *Path to Nigerian Freedom*. (London: Faber and Faber, 1947).

²⁶ Achebe, *There Was a Country*.

²⁷ Till date, this coup is defined as an Igbo coup, despite evidence that (a) the coup supposedly aimed at releasing Obafemi Awolowo from prison in order to install him as Prime Minister, (b) Igbo, Yoruba and Hausa soldiers played active roles in the coup, and (c) the coup was foiled by Igbo military soldiers.

thereafter criticised for its indecisiveness and promotion of an Igbo agenda, and he was brutally executed in a counter-coup.²⁸

These events – Ironsi's takeover, death and the resultant effect of these incidences, laid the foundation for calls for secession, leading to the declaration of the Biafran Republic and the Nigerian civil war. Post-civil war, Igbos were cast in the role of treasonable felons and wreckers of the nation despite the *no victor, no vanquished* mantra. They became the alleged targets of anti-Igbo policies and sentiments during the aftermath of the war.²⁹ After the war, military regimes, the 'defacto' form of governance in Nigeria, became more dictatorial and more sectional, with the Buhari and Abacha regimes notoriously famous for their repressive crackdown on critics through military decrees. Altogether, Nigeria experienced almost thirty (30) years of military rule before its 1999 return to democracy.

Contemporaneously, Nigeria remains a collection of ethnic groups, "a mere geographical expression."³⁰ Nigerians remain in a seemingly unending search for the elusive goal of national unity, where citizens of a nation act as a cohesive whole to achieve set goals as a nation, rather than as component individuals. Underpinning the notion of national unity is the feature of a common identity shared by all citizens of a nation, complimented by a common goal. To that extent, this research asserts that Nigeria's aborted nationhood is partly as a result of the crisis of memory.

Nigeria has largely disregarded its collective memories by downplaying such memories. Until recently, history, the careful construction/reconstruction of collective memory, was excluded

²⁸ See Achebe's *There Was a Country* which details the history of Ironsi's rule and policies.

²⁹ Uzodinma Nwala has argued in his paper "Graveyard federation and Biafra @ 50" that the retributive post-war treatment of the Biafrans by the Nigerian state, including dismissal of/reduction in rank of some officers on the losing side, dismissal of civil servants, execution of surrendered officers, abandoned property seizures, punitive boundary adjustment, closure of the Eastern Sea Port and Railway lines, coupled with half-hearted attempts at post-war reconstruction and reconciliation is not conducive to pacification, conciliation or reconciliation.

³⁰ Obafemi Awolowo, *Path to Nigerian Freedom*, 47-8.

from Nigeria's educational curriculum and replaced with civic studies. Thus, the study of how Nigeria came into being, as well as the specific and sometimes tumultuous experiences which changed the natural course of Nigeria's history and the trajectory of the Nigerian State was not taught to many generations. Given Nigeria's multi-ethnic nature, each ethnic group, in transmitting the history of Nigeria, has therefore, presented a history of the Nigerian state from its collective group perspective. This is a prime example of how memory can be utilised in its instrumental presentism mode. In this mode, ethnic collective memories determine how such people define themselves in relation to others, as marginalised or otherwise. In this manner, history and historical accuracy is neglected in favour of ethnic recollections. The resultant effect of omitting such an important study as history is that we now have generations of Nigerians who relate on the basis of ethnic solidarity. They conceptualise others through pictures of such others that have been painted by their ethnic group's collective memories, regardless of whether such collective memories are true or not.

The Nigerian state, thus, evinces a case study which shows how memories stand in the way of national unity. Its varying ethnic nationalities do not agree with each other's recollections of shared events, with particular emphasis on shared traumatic experiences. Memories of such experiences, being disputed and unresolved, tend to stand in the way of national unity in form of humongous boils which can only be lanced when all perspectives are captured in the telling of the story. This, therefore, implies the need to confront such disparate collective memories, in order to arrive at collectively agreeable recollections of the past which paint accurate/near accurate pictures of events experienced by the collective nationalities under the rubric of the Nigerian state.

In 1999, the Nigerian system of governance transited from a military, autocratic one, to a democratic one. This return, well lauded as it was, was however, merely the tip of the iceberg. The Nigerian populace continued to agitate for justice and accountability on the part of culpable individuals where human rights violation had occurred. For many Nigerians, the return to democratic rule heralded a period of self-rule in which past wrongs

needed to be addressed and resolved before the establishment of a decent civil order. This was premised on the necessity for Transitional Justice, understood as “the full set of processes and mechanisms associated with a society’s attempts to come to terms with a legacy of large-scale past abuse, in order to secure accountability, serve justice and achieve reconciliation.”³¹ These agitations eventually led to the establishment of the Human Rights Violation Investigative Commission (HRVIC), now known as the Oputa Panel.³²

5. Collective Memory, The HRVIC and Nation-building

In the foreword to the first part of the Commission’s report, the chairman of the commission Hon. Dr. Chukwudufu Oputa noted that the 1999 return to democracy afforded Nigeria the opportunity to confront the moral, institutional and physical decay experienced under military rule. To him,

[W]e must be prepared to confront this history, if we are to forge ahead. We need to understand it, even if it means asking unpleasant questions and offering blunt answers. Where did we make the wrong turn? Who was responsible for what? What opportunities did we miss and why? What are the major lessons to be learnt? What do we now need to do to put the past behind us and to look to the future with renewed hope and patriotic zeal? What are the basic conditions for us to effect national catharsis?... [W]e have to confront and resolve a basic paradox in looking at the past: to forget, we have to remember. But remembering the past is one thing and living in the past is another thing. To live in the past is to be a slave to revenge, to retributive recrimination. We must rise above and

³¹ Kofi Annan, *The Rule of Law in Conflict and Post-Conflict Societies* (New York: United Nations, 2004), 4.

³² The Human Rights Violation Investigative Commission will thereafter be referred to as the Commission, the HRVIC, the Oputa panel or the Panel.

beyond the pettiness and the social and political paralysis that revenge breeds.³³

This foreword succinctly addresses how collective memory is instrumental to the continuous existence of a unified Nigerian State. The HRVIC was a transitional justice mechanism through which the memories of the past hurt would be unearthed, seemingly disparate collective recollections would be reconciled into systematic, lucid, and generally acceptable collective 'national' memories, with the recounting of such memories creating a conducive avenue for forgetting and forgiveness.³⁴ Unfortunately, its controversial annulment truncated the hopes it had instilled in many Nigerians – hopes on the records and recognition of human rights violations and accompanying traumas, as well as recommendations on how such violations and traumas are to be resolved, and how the victims would be helped to restructure and restore their lives. The annulment, coupled with the Obasanjo-led government's continuous violations of human rights as seen in the assaults of Odi and Zaki Biam where Nigerian soldiers killed scores of civilians in retaliation for the killings of soldiers by local gangs in 1999 and 2001 respectively,³⁵ highlighted the insincerity of the

³³ *Human Rights Violations Investigation Commission Report (A.k.a. Oputa Panel Report)*. (Washington, DC: Nigerian Democratic Movement (NDM), 2005). Accessed May 22, 2018. <https://www.dawodu.com/oputa1.pdf>.

³⁴ See Cindy Minarova-Banjac, *Collective Memory and Forgetting: A Theoretical Discussion*. (Australia: Bond University, 2018) for an extensive discussion on the social aspects of forgetting. Here she argues that collective forgetting is instrumental to deconstructions and reconstructions of history. It is especially useful to a society's dominant group in delegitimising alternative histories and memories and maintaining power. However, it leaves painful memories and traumas unacknowledged. See also Jack Volpe Rotondi and Nir Eisikovits "Forgetting After War: A Qualified Defense," in *Theorizing Transitional Justice*, edited by Claudio Corradetti, Nir Eisikovits and Jack Volpe Rotondi, 13-28 (London and New York: Routledge, 2015), where forgetting is identified as an essential aspect of reconciliation in transitional justice.

³⁵ This article's author was a serving corps member in Igbogene, Bayelsa in 1999, and witnessed the terrified emotions of Odi residents who fled to other Bayelsan towns, Igbogene included, for safety. No single member of the Nigerian Army was prosecuted for these extra-judicial killings. See Agnès Callamard "United Nations Report of the Special Rapporteur on Extrajudicial, Summary or Arbitrary Executions (A/HRC/47/33/Add.2)" (Advance Unedited Version) 2021: 28.

Nigerian government's establishment of the Commission. This made mockery of the government's avowed reconciliatory and restorative programmes, causing many to argue that the Oputa Panel was annulled to avoid the government's self-incrimination. Governmental positions then, were mainly occupied by military retirees, many of whom were indicted by the Commission's Report.

Till date, the Nigerian State grapples with challenges that confront its political instability because of its inability to resolve issues of justice raised by past traumatic events. The new Nigeria is even more conflicted than the old - ethnic, religious and communal conflicts have increased and secessionist movements have multiplied by virtue of Nigeria's inability to address the wounds of the past. The Oputa panel 'forced' a recognition and acknowledgement of the existence of these wounds. Afterwards, attempts were made to redress these wounds, including the convocation of two national conferences: the 2005 Obasanjo-inaugurated National Political Reform Conference (NPRC), and the 2014 Goodluck Jonathan-inaugurated Sovereign National Conference. These attempts have however, failed in their inability to provide Restorative justice, an essential form of justice in multicultural societies. This form of justice is a prerequisite for all forms of reconciliation, given that it is a victim-centred form of justice aimed at restoring the victim's human dignity and honour.

Thus, the questions raised by the Commission's chairman in his foreword to the report continue to reverberate. How do we confront the past? How do we resolve the challenges militating against the unity of the Nigerian State? How do we even arrive at a common goal/good given the diverse interpretations of past events and the implications of these interpretations on present and future events? How, in the midst of such political instability, can Nigerians achieve unity in the midst of such diversity?

Answers to these questions border on the notion of Nationhood which presupposes:

- (1) A common identity shared by all citizens of a nation;

- (2) The notion of unity which makes it possible for the citizens of a nation to act as a cohesive whole, and
- (3) A common goal which Nigerians have not been able to articulate thus far.³⁶

These three presuppositions remain central to the quest for social peace and harmonious living. As Ibrahim Gambari avers, nation-building transcends the political entity within a given territory, with shared norms, rules and citizenship, to building a common good, a collective imagination of belonging, all of which form tangible and intangible threads that hold a political entity together and gives it a sense of purpose.³⁷ Thus far, the ethnic nationalities within the Nigerian enclave have built their ethnic, religious and cultural identities on their collective historical memories which conceptualise other ethnic, religious and cultural nationalities as Others. Others who are either foes or friends, depending on whether they are part of the group or alien to the group. These collective memories have enabled identities and norms which aid the group's perceptions of reality. This is a pertinent example of how, using memory in its Instrumental Presentism approach, collective history becomes a fluid set of ideas shaped by time and emotions rather than objective/factual reality.

Collective historical memory must be viewed as a selectively process through which glories and traumas are selectively chosen for inclusion in a group. These memories are passed down to future generations to ensure collective imaginations of shared triumph or suffering respectively. Chosen traumas symbolise groups' deepest threats and fears, and such chosen events, real or imagined, help to form cohesive groups/wholes by acting as ethnic markers.³⁸ In the Nigerian case, the transmitted chosen historical memories are reconstructed and manipulated by political elites as instruments of exploitation and oppression. These memories are

³⁶ V. Ope Akoleowo, "A Thomistic Interpretation of Theological Education for National Unity," *Aquino Journal of Philosophy* 1, no. 1 (2021), 90.

³⁷ Ibrahim A. Gambari "The Challenges of Nation Building: The Case of Nigeria," First Year Anniversary Lecture of Mustapha Akanbi Foundation, Abuja 2008. Accessed June 21, 2021. https://www.mafng.org/anniversary/first_anni.htm.

³⁸ Wang, *Memory Politics, Identity and Conflict*.

reconstructed to evoke feelings of victory and superiority in descendants of perpetrators of harm, while evoking feelings of oppression in descendants of victims of past harm. These reconstructed memories are thereafter utilised to perpetuate societal conflicts by instigating ethnic, religious and communal clashes based on such reconstructed memories. As such, interpretations of the past are always at the heart of national conflicts.

6. Conclusion

Collective memories are an integral part of national building. However, what people choose to remember or forget indicate the values, perceptions and future objectives of such people. Such memories remain the major ingredients of the political arena, public discourse and the policy setting in every county. They circumscribe the acceptable, define such key ingredients as pride, shame, fear, revenge and comfort for a large number of a country's citizens, and remain central to an understanding of the forces of nationalism.³⁹ There is, therefore, an identified essential need for members of a nation to have collective memories which arise from their shared experiences and which ultimately define their identity. Given the multicultural status of the Nigerian entity, its 'collective memories' remain controversial, determined by the social, political, ethnic or religious perspectives of the recollectors. The HRVIC was a prime opportunity for Nigeria's nationalities to air these controversial memories, and through the acknowledgement of traumatic events as recollected, lance the pain of such memories and eventually collectively exorcise them or distinctively lessen their impact. Such memories move the collective (national memory) away from atrophy and amnesia to a process of historical interrogation through which the pains and burdens of such memories become tolerable. This can bring about

³⁹ Andrei S. Markovits and Simon Reich, *The German Predicament: Memory and Power in the New Europe* (New York: Cornell University Press, 2001), 9.

a healing process and the critical work towards the collective end of reconciliation and national unity can begin. With the failure of the HRVIC as a mode of transitional justice, Nigeria remains caught in the web of unresolved historical trauma, a placeholder for the diverse nationalities within its geographical enclave, and tethers on the edge of a slippery slope to disintegration.