

Statement of Mr. Jadegoke Adebajo Badejo
Principal Partner Bonajo Badejo & Co. cc: LiftUpNow Foundation & Nigerian
Faith Based Community Organisation, New Jersey Inc.
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**TRAVAILS OF DEMOCRACY IN NIGERIA: THE SEARCH FOR A
CREDIBLE ELECTORAL PROCESS AND THE GATHERING CLOUDS
IN THE BUILD UP TOWARDS THE 2015 ELECTIONS**

JANUARY 27, 2015

PROTOCOLS

Chairman Smith and members of the Sub-Committee, I thank you for this privilege to testify before you on an important issue which threatens the continued existence of Nigeria in the comity of Nations.

I acknowledge with gratitude, the tireless efforts of the Chairman and members on Africa and Nigeria in particular. I know that your efforts will further cement the bond of friendship between the United States of America and Africa and assist my country, Nigeria tremendously in the resolve to strengthen democratic institutions and confront the various challenges facing the young nation.

I have practiced Law in Nigeria since 1980. I have never held any Government position. I am not a member of any Political Party. Nevertheless, I have followed all the Political processes with keen and active interest. I regard myself as one of the citizens often referred to as “official bystanders”.

I belong to LIFT UP NOW FOUNDATION chaired by Professor Adeniyi Ojutiku who is based in North Carolina. I am also associated with the Nigerian Faith Based Community Organisation, New Jersey under the Chairmanship of Pastor Samuel Ayeni. I have the authority also to represent these two organizations whose objectives and viewpoints I share and have reflected in this Statement.

TRAVAILS OF DEMOCRACY IN NIGERIA

1. Nigeria consists of over 250 ethnic groups moulded together by fiat of the Colonial Power, Great Britain. Apart from the marked differences in culture and focus by these diverse ethnic groups, there are also differences in religion and world view.

2. The British Colonial power supervised some elections before independence in 1960. These elections seem credible to the extent that the British supervised them and acted somewhat as umpire. Nevertheless, the Political landscape which emerged was disconcerting. The three regions; that existed then; North, West and East were controlled by Political parties having their main support rooted in the Geo-Political Zones they controlled.
3. Nigeria went into independence in 1960 and began its democratic experience and travails on the tripod of ethnic Political parties. These Political Parties pursued the agenda of their ethnic groups/regions, perpetually competing with each other, seeking surrogates and alliances in other ethnic groups in order to control the Federal Government and its immense resources at the centre.
4. The Political Parties utilised all sorts of methods, including but not limited to, the normal campaign and other abnormal methods like deceit, blackmail, subjugation of opponents, electoral frauds, abuse of Judicial process, rigging, thuggery and brigandage to subdue each other and remain in Government in their respective domains and control the Federal Government.
5. This unhealthy situation led to serious security challenges particularly in the Western Region and led to the collapse of the First Republic with the Military intervention of 15th January, 1966.
6. The Military interregnum lasted till 1st October, 1979 when the Second Republic was inaugurated. By this time, the Military Government had broken the three regions into 19 States which were unequal in terms of geographical size, population and economic strength.
7. The electoral process did not improve significantly. The chairman and members of the Federal Electoral Commission were appointed by the President. The major Political Parties of that era were also mainly regionally based with haphazard attempts to have sprinkles of supporters in other regions. There were a few small Political Parties based on strong ideological leanings but they were completely ineffective because of the deeply entrenched regional Parties.
8. The race for predominance by the regions continued albeit in less pronounced but subtle ways. The natural suspicion within the regions, the lack of transparency, fraud, vote rigging, ballot box snatching and

other electoral malpractices continued unabated. The wide spread malpractices during the 1983 General Elections and the post-election violence in the South West provided the main excuse for another military intervention in the polity on 31st December, 1983.

9. The Military interventions eventually lasted until 1999. However, there was in 1992/1993 an attempt to inaugurate the 3rd Republic which commenced with elections into the various legislative and political offices at the Local Government and States levels but which was aborted with the annulment of the June 12, 1993 Presidential Election.
10. The June 12, 1993 election which many observers have adjudged the most credible election in the annals of Nigerian History was aborted by the Military for reasons which still remain shrouded in mystery but which observers believe also have deep roots in the Geo-Political configuration of the country. The abortion of the June 12, 1993 election and the return of the Military Government in actual sense mirror the unpreparedness of the power brokers in the country for a free, fair and credible election.
11. The June 12, 1993 experience has been described as a watershed in the sense that the electoral process was guided by strong legislation, fashioned in a way to create only two Political Parties in the Political space, de-emphasizing regional parties and reducing automatically and by Military fiat, the cankerworm of unrestrained pursuit of regional and primordial agenda.

FACTORS WHICH MILITATED AGAINST FREE, FAIR AND CREDIBLE ELECTIONS BETWEEN 1960 AND 1993

12. It is important to note that the period, 1960 to 1993 was largely dominated by Governments perceived to have been controlled by what is commonly, but mythically, called the Hausa/Fulani Oligarchy. The three democratic experiences collapsed because of sustained resistance by other Geo-Political Zones to domination by the Hausa/Fulani Oligarchy. The agitations of that era made a free and fair elections unrealizable in the Polity.
13. The major factors which militated against free, fair and credible elections between 1960 and 1993 can be summarized as follows:-
 - The complexities of the Nigerian society itself emanating from the existence of diverse ethnic groups and the sustained internal rivalry between the geo-political zones.

- The inability to have Political parties with National spread and Appeal.
- Lack of internal democracies within the Parties and absence of clear ideological leaning and direction.
- Ethnic and regional sentiments
- Rampant State supported impunity by the Political class and the conversion of public asset to personal use.
- Fraud, vote rigging and other election malpractices
- Lack of effective and sustained political education
- Lack of a credible Electoral law and regulation: Inability to work out a credible process of voting and releasing results of elections which will be transparent and acceptable to majority of the people.
- Appointment and inauguration of a credible and impartial election regulatory bodies
- Failure of intelligence and effective monitoring and policing of the electoral process by various arms of the security forces
- Systemic inefficiency
- Poverty which creates National Security problem and pre-disposes a large segment of the society to cynicism, criminal activities and lack of commitment to the well-being of the country.
- Endemic corruption in the system
- Lack of the necessary Political will by the Government at all levels.

PAST EFFORTS TO SOLVE THE PROBLEM

14. Notwithstanding all efforts by Government and progressive forces within and outside Nigeria, all these factors have combined to produce pre and post election violence and plunge Nigeria into a cycle of palpable insecurity which eventually crippled the 1st and 2nd Republics and aborted a promising 3rd Republic.
15. What is easily discernable in the 1st, 2nd and the aborted 3rd Republic is an attempt by the Political class to solve the problems of Political instability emanating from a flawed electoral process by seeking post election alliances with one or two of the Political Parties that lost the Federal elections and also outrightly lure some of the Politicians in opposition Parties into the fold of the Political Party in control of the Federal Government. This occurred mostly in the form of patronages through lucrative Ministerial and other Government positions. All these attempts, sometime inappropriately called Governments of “National Unity”, failed woefully to address the problems.
16. The Military Government at various intervals also attempted the formation of an all-inclusive National Government to accommodate representatives of the Regions and provide space for various Political

tendencies to participate in Government. The efforts also failed to have any appreciable impact on the Electoral Process.

THE 4TH REPUBLIC MIDWIVED BY THE MILITARY ON 29TH MAY, 1999

17. The Military Government midwived the 4th Republic and made bold attempts to seek solutions to the various challenges by fashioning a Constitution and Electoral Law which sought to address some of the inadequacies and lapses in the Electoral process.
18. National Elections have been held in 2003, 2007, 2011. The Elections have succeeded to a limited extent in the sense that the democratic structures survived. The serious challenges in the electoral process however remain unabated and have been reproducing themselves in several fronts and formats.
19. The 1999 Constitution have been amended once to address some salient issues while the Electoral Law has been amended four times in 2003, 2007, 2010 and 2011 to address problems that have arisen in the framework and regulations for the elections.
20. At the Federal level, the same Political Party have won all the Presidential Elections and controlled the Senate and House of Representatives since 1999. At the State and Local Government levels in all the regions of the Federation particularly in the South West, there have been successful changes of Political Parties controlling some Governments through the electoral process. These changes have been more pronounced in the North West and South West region. In the South West region, only Lagos State has remained under the control of one Political Party since 1999. Other States have experienced changes in Political Parties controlling the Government. In the North West, only Katsina and Kaduna States have remained under the control of the same Political Party since 1999.
21. At the conclusion of each election, there has always been resort to Election Petition Tribunals at all levels. The Tribunals and the Appellate Courts have performed fairly well despite all odds and many elections particularly at the Gubernatorial levels have been challenged and set aside with the rightful winners successfully reclaiming their mandates through the Court process.
22. There has been a marked departure from the practice prevalent in the 1st, 2nd and 3rd Republics of attempting to form a Government of National Unity by co-opting members of one or more Political Parties

- into Government to address the problems emanating from a flawed electoral process.
23. What has marked the 4th Republic out is the prevalent cross-carpeting by Politicians from one Party to the other either to be able to utilize their new Platforms to contest elective positions or decamp to the Party that won the election in order to partake in “the spoils of office”. Many of the cross-carpeting pre-elections are caused by the absence of internal democracies within the Parties. Politicians who feel cheated in Primary elections find it convenient to shift allegiances to other Parties.
 24. It is to the credit of the Political class, the Judicial Process and the Nigerian people that the 4th Republic has lasted for almost 16 years, much longer than the previous experiences.
 25. The 4th Republic has lasted this far because the Government and the Political class having realized the bane of regionally-based Political Parties, actively and consciously encourage the formation of Parties with National Political spread and outlook and put in place expansive regulations for the registration and de-registration of Political Parties. There is also a marked attempt by all the Political Parties to ensure that Party Officers and Political Posts are filled in such a way as to ensure representation by all Geo-Political Zones.
 26. It thus appear that the Political Parties consciously ceded the Presidency to the Yorubas of the South West in the first eight years of the 4th Republic to apparently placate the Geo-Political Zone for the losses suffered in the struggle for the restoration of Democratic Governance in the fall out of the annulment of the June 12, 1993 Elections. It is common knowledge that the Political class appear to have consciously agreed that henceforth, the Presidency will be rotated within the North and the South in order to address the fear of domination and solve the disequilibrium in the control of National resources and oil revenue.
 27. These measures in retrospect, merely covered up the real challenges facing the Nigerian Polity as they have not been addressed fundamentally and holistically. The cosmetic cover up have not solved the serious challenges of organizing a free, fair and credible election.
 28. Thus at every point of election, 2003, 2007 and 2011, there were unprecedented build-up of pre-election tension and gathering clouds

which the Political class have so far managed to contain at the conclusion of each election.

THE BUILD-UP TO THE 2015 GENERAL ELECTIONS AND THE GATHERING CLOUDS

29. The Build-up to the 2015 General Elections started gathering momentum in 2007 at the conclusion of the tenure of President Olusegun Obasanjo.
30. Alhaji Umaru Musa Yar'Adua won the 2007 election with the incumbent President, Dr. Goodluck Jonathan as the Vice President. President Obasanjo, a Yoruba from the South West had a Vice President from the North East. He handed over Power to a President from the North West and a Vice President, from the South South. This signifies the power shift scenario carefully implemented to stem the usual tension arising every time there is change of Government through the electoral process.
31. Despite the fact that President Yar'Adua acknowledged that the 2007 elections was be-deviled by several malpractices, there was curiously no post election violence. The election disputes were largely resolved by the Election Tribunals set up under the Electoral Law and the Appellate Courts.
32. The unfortunate demise of President Yar'Adua and the emergence of Dr. Goodluck Jonathan as President, caused a disruption in the gentleman arrangement put in place by the Political Class.
33. The fall out was not well managed and the Regional agitation re-surfaced with an alarming ferocity. The geographical North demanded for Power to return to them in 2011, the South South Geo-Political zone insisted that Dr. Goodluck Jonathan must contest election and be re-elected the President. Although the current Vice President is from the North West, the agitation by the Geographical North resumed and we find that post election violence erupted mostly in the North West Geo-Political zone after the 2011 elections won by the President, Dr. Goodluck Jonathan.
34. The pattern observed in the 1st and 2nd Republics where post election violence were more pronounced in Geo-Political Zones which failed to control the Federal Government and the Centre through the electoral process has returned to the Nigerian Polity in full gear.

35. It is a matter for deep regret that in the build-up to the 2015 General elections, all the factors which militated against free, fair and credible elections have re-surfaced and have become more pronounced than Nigeria has ever experienced.
36. There has been a resurgence of ethnic considerations with the two leading candidates generally perceived by many in their ethnic origins as their candidates. Religious consideration which hitherto have been subdued have now come into open as one of the factors to be considered by the electorate.
37. There are other issues and factors which combine to heighten the current tension in Nigeria as the 2015 elections draw near. Some of them are:-
- The intractable Boko Haram insurgency which has remained unrelenting. Up to date, over 400,000 people have lost their lives. 250 school girls abducted in Chibok over a year ago are still in captivity. Boko Haram has brought several cities and villages under its control and have intensified its attacks in the North Eastern part of Nigeria and is threatening other parts.
 - The Boko Haram insurgency has led to the advent of so many internally displaced persons in and out of Nigeria. There are serious concerns as to whether these IDPs will be able to vote in the elections. It is understood that over two million voters in the North East are presently displaced and may not be able to vote.
 - Certain groups in the North West and South South are threatening mayhem if their preferred candidate for the Presidency loses the Election. This threat stems from deep suspicion on the credibility and gravitas of the electioneering process.
 - The present sustained emphasis on the number of eligible voters registered by the Independent National Electoral Commission (INEC) in each of the regions has heightened the tension. The South East has a total of 7,028,560 voters, North Central 7,675,369 voters, South South 8,937,057 voters, North East 10,038,119 voters, South West 14,298,356 voters and North West 18,900,543 voters.
 - This raised the volatile but highly sensitive issue of a credible census which has been rendered politically dormant for sometime. The suspicion that census figures have not reflected the true demography of the Geo-Political Zones and that figures might have been inflated have always rendered the returns on the list of voters highly suspicious.

- The looming fear of disenfranchisement of a large segment of the voting populace is real. INEC Chairman admitted a week and a half ago that 42 percent of registered voters are yet to collect the Permanent Voters Cards (PVCs) to be used for elections commencing on 14th February, 2015. This translate to over 28 Million voters who are likely to be disenfranchised unless the matter is addressed within the next few days.
 - If a large percentage of voters are disenfranchised, then whatever result is announced through the electoral process will be tainted. With the regional and religious tendencies currently at play, the situation becomes more complicated and may lead to violence if there is a perception that the failure to provide the PVCs is deliberate and calculated towards negative ends.
 - The Continuous Registration Exercise (CVR) put in place to register persons who have attained the voting age of 18 since the 2011 General elections has not produced the desired results because many of the voters in this category have not been able to register.
 - The order of election is also another thorny issue. Before the 4th Republic, elections into various offices in the State preceded the Presidential and Federal Elections. Politically, this order reduced tension because it will mean that results in the States would have been known before the Presidential elections. Parties who have won in States in their respective areas of control will have a stake in maintaining their victories and ensuring that no crisis ensue in the aftermath of the Federal Elections. For reasons yet to be fathomed, INEC has changed the order of Elections and has placed the Presidential and other Federal Elections first again in 2015. If there is wide spread violence, then it may become impossible to hold elections at the State Level.
38. The challenges facing Nigeria in the build-up to the 2015 General Elections is enormous. The fear of Political explosion is real. All concerned citizens have watched in alarm and disbelief as the Gathering Clouds thickens.
39. In the past, such Gathering Clouds have fizzled away with deft political maneuvering and appeasement of the contending forces. It seems that this time around, the forces of inefficiency, regional and Religious sentiments, systemic and structural defects in the political configuration and the endemic corruption have finally consumed the country beyond redemption.

40. At Page 12 of the Nigerian Punch Newspaper of Tuesday, January 20, 2015, no less a personality than the Sultan of Sokoto, Alhaji Sa’ad Abubakar, the Head of the Muslims told the Nigerian President who visited him on Monday, 20th January that he is yet to collect his PVC. He warned –

“Let us respect people’s wishes; let’s not try to disenfranchise anybody, we have had issues of the Permanent Voter Cards and I want to tell you that even myself, I don’t have a PVC, so it means I will not vote on February 14.

.....
So we have to look for a way out, it is for your government to look for what to do, how to ensure that all the cards get to the voters before the voting day or in the alternative find a way out because for any problem there is a solution. We believe you will find a solution as regards this very serious hitch facing us because millions of Nigerians seem to be heading towards disenfranchisement and they won’t be able to vote. I have heard comments from the INEC Chairman (Prof. Attahiru Jega) but we are still waiting for our cards to come..... As the leader of the Muslims in this Country, I will not fail to intimate the President and his government with the problems Muslims face in this Country, that is our own area of attention as Muslim leaders

.....
I will say never a time in this Country’s history that we face very serious challenges like what we are facing now. The whole politicking had been turned into either religion or ethnic matters and this should not be so because we see what happens across the world.....”.

41. It is generally acknowledged that a crisis ridden post election Nigeria, threatened by the Boko Haram insurgency is a threat to security and Political stability in Africa. The implication is horrendous and unimaginable. It is also clear that instability in Nigeria poses a threat to United States’ strategic interest in Nigeria, West and Sahel African and indeed the entire African Continent.

WHAT IS THE SOLUTION - WHAT WILL CLEAR THIS GATHERING CLOUDS?

42. Well intentioned people within Nigeria have called for a postponement of the election in order to ensure adequate preparation, douse tension and address whatever challenges that could be tackled in the short run.
43. INEC has the prerogative to postpone elections as it did with the first set of elections in 2011. The only limitation to INEC’s power is Section 25(2), (4) and 6 of the Electoral Amendment Act which stipulates that

- Elections shall not be held earlier than 150 days and not later than 30 days before the end of tenure of the current Political Office holder. This means that all elections can be held anytime between 30th December, 2014 and 29th April, 2015. The postponement of the Federal Elections slated for 14th February, 2015 for a few weeks, is feasible and desirable but has to be carefully handled in view of the volatile situation on ground.
44. On Wednesday, 14th January, 2014, all the fourteen Presidential Candidates and representatives of the Political Parties attended a Sensitization Workshop on None Violence in Abuja and signed a Peace and Non-Violence Pact with a commitment to ensure free, fair and credible Polls. This is a step in the right direction.
 45. There is need for the Nigerian Government and INEC to act fast to douse the tension and address all administrative and logistic lapses in the preparations for the 2015 Elections. There is need to ensure peace in the North East of Nigeria, plan for the registration and voting of the large numbers of voters who are yet to receive the PVCs and displaced persons particularly in the North East and take urgent and transparent steps to assure the general public that the in-coming elections will be free, fair and credible.
 46. The Nigerian Government should as a matter of urgency sensitise and ensure that the security forces remain unbiased and take pro-active steps to secure and ensure that areas prone to post election violence are adequately policed without infringing the fundamental rights of the people and with the sole aim of fostering a peaceful and conducive atmosphere for the free expression of the will of the people and their right to vote for leaders of their choice at all levels.
 47. Friendly nations like the United States and Britain should continue to encourage Nigeria and assist in training, logistics and intelligence which will strengthen the Democratic Process and address the teething problems of the country. It is important for this Sub-Committee to invite and interact with the Nigerian President and other relevant functionaries to work a way out of the present challenges.
 48. After the 2015 elections, it is suggested that the following long term solutions should be put in place:
 - The present Government and the in-coming Government i.e. whoever is declared winner of the election must take immediate Political steps to douse tension and melt the gathering clouds.
 - If the election is perceived as credible, it will not be a difficult task for the Government and security agencies to deal with post-election violence and any threat to security.

- All the complexities which militate against the conduct of free, fair and credible election and promote insecurity should be addressed fundamentally.
 - The 2007 report of the National Electoral Reform Commission (NERC) headed by Honourable Justice Muhammed Lawal Uwais, former Chief Justice of Nigeria has made far reaching recommendations which ought to be implemented.
 - The Nigerian Government should be encouraged to implement the recommendations of the recently concluded National Conference as regards the reform of the electoral process.
 - Assets declaration by Political office holders before and after they assume office should be made compulsory by law. A strict legal procedure of verification of the assets should be put in place. This will surely discourage corruption.
49. Few of the recommendations of NERC and the National Conference which are yet to be fully implemented are as follows to:-
- Autonomy of INEC to guarantee its independence and free it from executive control.
 - Security and tenure of office of Chairman and members of the Board of INEC should be institutionalized. The procedure for appointment and removal of members should be established to enhance her independence. It is recommended that they could be renewed by the Senate on the recommendation of the National Judicial Commission by a two-thirds majority of the Senate which should include at least 10 members of the minority Party in the Senate.
 - Impressive measures which make INEC independent, non-partisan, impartial, highly professional, transparent and reliable should be put in place.
 - Full adherence to the principles of political rules and freedom related to elections, contained in declarations conventions, protocols and other instruments adopted by UN, AU, ECOWAS and the Commonwealth.
 - Structurally unbundle and functionally delineate INEC into 3 (three) separate and distinct entities: Political Parties Registration and Regulatory Commission, Electoral Offences Commission and Constituency Delimitation Commission.
 - Encourage democratic culture within the Political Parties by ensuring that all Political Parties maintain internal democracy and allow any person aggrieved in a primary election to seek redress in Court.
 - quick dispensation of electoral Petitions.
 - inclusion of provisions on internal party democracy in the Constitution. Candidates must be chosen for election by Political

Parties through Democratic process.

- The rights of domestic and international observers to witness and monitor the electoral process should be guaranteed by law.
- Security agencies should be sensitized and trained to be able to identify, trace, co-ordinate, maintain, control and apply methods and techniques for preventing, investigating, enforcing as well as prosecuting all electoral malpractices/frauds, thuggery, terrorism and related offences and initiate criminal proceedings.
- establishment of a code of Conduct for Political Party Office holders.
- whenever a political office holder decamps from a Political Party on which platform he is elected to office, such officer shall automatically forfeit his seat but is free to re-contest for the position under his new Party platform.
- establishment of a Constitutional Court to determine pre-election matters.
- Anti-corruption agencies must be strengthened and kept outside the influence of Politics, Politicians and financial inducement. They must be independent to be effective.
- establishment of Political Parties Regulations and Electoral Offences Commission to oversee the enforcement and administration of the provisions of the Electoral Act, among other functions.
- continuation and sustenance of Open-Secret Ballot system and the deployment of latest technology in the conduct of elections.
- interconnectedness between the National Identity Card and Voters' registration data to ensure the credibility and integrity of Voters' register.
- continuous voters' registration, education and sensitization.
- institutionalization of Political debates.
- need for a Constitutional amendment to allow independent candidacy in elections.
- the strengthening of democratic institutions and Political Parties and Electoral Systems and re-orientation of the Nigerian Society along the path of honesty, probity and service.
- All the strategies to achieve all the short and long-term recommendations should be worked out through consultation with relevant bodies and agreed upon for implementation.

CONCLUSION

50. The challenges confronting enduring Democracy in Nigeria include insecurity and the organization of a free, fair and credible election. The challenges are not rooted in the absence of legal framework or ideas as to how an election should be conducted.

51. There is indeed a copious legal framework which requires few adjustments here and there but the framework by itself does not and cannot guarantee a complete solution to the gigantic challenges and the clouds that gather every time a general election is to be conducted.
52. As we can clearly observe from the Nigerian historical experience, the major factors which militate against free, fair and credible elections and the various breaches of security lie squarely in the complexities of the Nigerian nation, plagued with various challenges of lack of political consensus, ethnic and regional rivalries, structural defects, endemic corruption and other systemic inadequacies.
53. The challenges will have to be addressed on a long term on various planks and from various angles. The regional and ethnic suspicion must be addressed by the formulation of a consensus and realistic political arrangement that will be widely acceptable.
54. Efforts must be made consciously to encourage the sustenance of National Parties with clear national spread and ideological directions, the political education of the Politicians, the Voters and all engaged in the democratic process must be a matter of utmost priority. It is strongly suggested that a Centre for Democratic Studies should be re-established in collaboration with the Nigerian Government and the active participation of all the Political Parties with a clear agenda to midwife and nurture the entrenchment of a virile and enduring Political culture.
55. Above all, there is an urgent need to help Nigeria, a promising country with great potential, to open up the treasure of its "Political Kingdom" firmly rooted in the enduring tenets of democracy. Once the "Political Kingdom" is realized, and the enduring virtues are cultivated, then every impediment standing in the way of peaceful co-existence and free, fair and reliable election will disappear.
56. Nigeria needs understanding and urgent help by all concerned to dissolve the gathering clouds and realize its destiny as a model of democracy in Africa.

Distinguished Chairman and members of the Sub-Committee, I thank you for your attention.

JADEGOKE ADEBONAJO BADEJO, LLM, BL., FCIArb, S.A.N
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