RESTRUCTURING

Nigeria's Approach
To
TRUE FEDERALISM

Compiled and Introduced

By

Bisi Akande
Governor, Osun State
RESTRUCTURING

NIGERIA’S APPROACH
TO TRUE FEDERALISM

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# TABLE OF CONTENT

<table>
<thead>
<tr>
<th>SECTION</th>
<th>TITLE</th>
<th>PAGES</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>PREFACE</td>
<td>2</td>
</tr>
<tr>
<td></td>
<td>FOREWORD</td>
<td>3</td>
</tr>
<tr>
<td>1</td>
<td>INTRODUCTION AND</td>
<td></td>
</tr>
<tr>
<td></td>
<td>BACKGROUND TO THE NIGERIAN QUESTION</td>
<td>6</td>
</tr>
<tr>
<td>2</td>
<td>EXTRACTS ON FEDERALISM FROM, &quot;THOUGHTS ON NIGERIAN CONSTITUTION&quot;</td>
<td>24</td>
</tr>
<tr>
<td>3</td>
<td>MEMORANDUM BY THE OBAS, CHIEFS, LEADERS OF THOUGHT AND ENTIRE PEOPLE</td>
<td>53</td>
</tr>
<tr>
<td></td>
<td>OF LAGOS, Ogun, Ondo, Osun and Oyo State</td>
<td></td>
</tr>
<tr>
<td>4</td>
<td>DRAFT OF THE YORUBA CONSTITUTION</td>
<td>74</td>
</tr>
<tr>
<td>5</td>
<td>A MEMORANDUM ON BEHALF OF THE IGBO SPEAKING PEOPLES OF NIGERIA.</td>
<td>86</td>
</tr>
<tr>
<td>6</td>
<td>THE NATIONAL CONSTITUTIONAL CONFERENCE COMMISSION (NCC) THE MIDDLE BELT POSITION</td>
<td>99</td>
</tr>
<tr>
<td>7</td>
<td>MOVEMENT FOR NATIONAL REFORMATION (MNR) UPDATED PROPOSALS</td>
<td>105</td>
</tr>
<tr>
<td>8</td>
<td>ALTERNATE CONSTITUTIONAL PROPOSALS</td>
<td>110</td>
</tr>
<tr>
<td>9</td>
<td>DRAWN UP BY NADECO A ROAD</td>
<td></td>
</tr>
<tr>
<td></td>
<td>OBSTACLE TO PEACE IN NIGERIA</td>
<td>119</td>
</tr>
</tbody>
</table>
PREFACE

When United States of America had independence from the British in 1776, each state had autonomous powers while the central government was going cap-in-hand to requisition for authority and funds from the states. That was confederation. Ten years later, when the delegates of leaders from their states met in Philadelphia to review the situation, the arguments were between rigid continuation of state powers and strong centralization of powers. Those in support of strong state powers were branded federalists. Those in support of strong central powers were called nationalists.

The federalists were afraid that strong centralized powers, when abused, could lead to tyranny. Not only that. They were afraid that the central Government might be inefficient and impotent, thereby paralyzing every state's economy and resulting in abject poverty, for all the citizens, as we have in Nigeria today. The nationalists were afraid that each state was too small and weak to withstand possible machination, exploitation and invasion of foreign countries. In the end, common sense prevailed. The grass-roots social and economic powers (e.g. education, health, agriculture, transportation, communication, energy and internal law and order)" were left with the states, while the powers of American territorial integrity and defence (e.g. foreign affairs and military defence) were transferred to the centre. They created central and state authorities where the jurisdiction of one would not overlap with the other. That was the beginning of how America now becomes the boss of the whole world.

Today, in Nigeria, all powers are already with the central government. At one time or the other, the central government has been tyrannical, inefficient and impotent and it is so much constituting a weight of big burden on the states' path to progress. Evidence has shown that the rulers at the centre are not necessarily better educated, neither are they more politically experienced nor more patriotic in any way than those operating at the states. Hence, the need for a review: In a multi-ethnic and multi-religious society with divergent levels of social and economic development, as we have in Nigeria, the need for such review is today rather urgent and imperative. Hence, our support for the call for national conferences. This book will serve as part of our contribution to the debates at such conferences.

CHIEF A. BISI AKANDE
2nd April, 2003
FOREWORD

The Nigerian union has been a subject of concern to those who truly love the nation and would like to see it fulfill its destiny in the comity of nations.

Progressive thinkers, activists and politicians have suggested a restructuring of the country so that Nigeria can become a true federation. But the lords of the manor continue to insist that the status quo must be left untouched. Advocates of restructuring are branded as "anarchists", "separatists" and other derogative names which the beneficiaries of the inequities in the land would never stop coining.

Yet, democracy is not built with such mindset. Chief Obafemi Awolowo said in 1960 and it sounds relevant for Nigeria of 2003 "It is universally agreed that the quintessence of a democratic way of life is the freedom of all the citizens of a state to hold and express divergent and opposing views on any issue without let or hindrance".

A nation is daily plebiscite by its people. But some people would want us believe that once people elect their representatives they have lost all sovereignty. That certainly is not the theory of social contract.

Nigeria with its abundant human and material resources has not been able to be what it should be because it has neglected the route to harmony, development and prosperity.

It is a settled matter in Political Science and Art that any multi-ethnic nation could only make progress by practicing Federalism as operated in America or India. But we have had to be talking of "True Federalism" in Nigeria because we have perverted the concept. The fact of the whole idea of advocating "True Federalism" is the reality of a false Federalism.

India has proved the advocates of true Federalism right. India is a multi-ethnic nation like Nigeria. She got her independence in 1947 while Nigeria got hers in 1960. India operates Federalism while Nigeria practices a unitarist variant of Federalism.
From 1947 till date, India had not experienced a military coup while Nigeria, in 43 years, has had 29 years of military rule. India is today a nuclear power while Nigeria cannot manufacture a tank!

At the root of the refusal to allow a restructured Nigeria is the desire of a section of the country to continue to exploit the resources of other sections without compunction, or how do we explain the fact that the North, which supported the principle of derivation in 1954, now refuses to accept the same principle? Did the same North not support a confederation arrangement in 1951? Could it be because petroleum has taken the place of groundnuts and leather?

At a recent summit of concerned Leaders of Thought/Traditional Rulers, the South-West, South-East, South-South and the Middle Belt all supported the need for a national conference. Over a year after, the government has done nothing to implement the wish of the majority, apparently pandering to the dictate of the minority.

There is an observation I could not resist making after reading the manuscripts. I discovered that 'Bisi got the views of the Yoruba, Igbo, the Middle Belt and the South-South in support of restructuring, but had nothing to publish from a comer of the country. While hazarding probable reason for this, I saw an advertisement in a newspaper promising a reward of N50,000.00 for anybody who can get a quotation in support of any democratic cause by the Presidential candidate of one of the political parties in Nigeria.

I commend 'Bisi for finding the time to add this book to the literature on the struggle for restructuring of Nigeria. It is an invaluable contribution to the process of finding a better shape for our nation.

I have this strong feeling in me that Nigeria would not die with its potentials only if it could take a cue from the salad bowl which contains lettuce, cabbage, cream etc in proper mix to form a delicacy. None of the ingredients disturbs the other.

If Nigeria would allow its various component units to retain their identities like the ingredients in the salad bowl, a great nation would emerge from the present rot.
The success story of 'Bisi Akande, as Governor of Osun State, is a testimony to what development can take place in a restructured Nigeria with regional autonomy. At the commissioning of the "Bola Ige House" in Osogbo recently, Bisi explained that he was spending N520,000.00 to build a primary school classroom as against the N1,534,000.00 the Federal Government was spending on same in his state. That while the Federal Government gave him money to build 15 blocks; he built 30 according to their specification and under their supervision.

This is a tip of the iceberg of the creative energies that will be released into the polity if the regions are allowed to develop at their own pace without central let or hindrance. A lot of leakages in the system will be plugged.

It is no wonder that the golden moments of Nigeria belonged to the past when there were regional Governments with full autonomy and their own constitutions. I pray Nigeria will not for long continue to have its best moments behind it.

It is my hope that the coming of this great work by 'Bisi Akande would nudge the caretakers of Nigeria to realize that time is running out for this country. It would amount to a delusion of grandeur to think that the present structures can sustain a united country for a long time. To continue to insist on the present arrangement is an evil wind, which will blow every person very ill indeed. We have right on our laps the golden opportunity to make or mar Nigeria. I hope we would choose to make it by calling a National Conference where a mutually agreed agenda for restructuring can be forged.

I thank 'Bisi for his contribution and I do not hesitate to say that this is a book for all those who care for the future of Nigeria. It is a manual on restructuring. Nobody that reads this book would ever ask again "what do they mean by restructuring?"

**Senator Abraham Adesanya**

*Lagos*  
*April 7, 2003*
SECTION 1

BACKGROUND

TO THE

NIGERIAN QUESTION
SECTION 1

BACKGROUND TO THE NIGERIAN QUESTION

TABLE OF CONTENTS

1. INTRODUCTION 8
2. THE SETTLEMENTS ALONG THE RIVERS NIGER AND BENUE 8
3. TRADES ALONG THE RIVER NIGER 9
4. SLAVE TRADERS 10
5. FULANI JIHADS 11
6. IBADAN AND ILORIN WARS 12
7. THE BRITISH INCURSION 12
8. THE BRITISH AND THE FULANI 13
9. NATIVE TUTELAGE 15
10. NIGERIAN INDEPENDENCE 16
11. STATE OF EMERGENCY 17
12. MILITARY RULE 18
13. MILITARY CONTRACTORS 19
14. THE REGIME OF BRIBERY 19
15. CONCENTRATION OF POWERS 19
16. HISTORICAL EPITOME 20
17. DELICATE DEMOCRACY 21
18. POOR BRAIN BREEDS POVERTY 21
19. POLITICAL IMPERATIVES 22
20. CONCLUSION 23
BACKGROUND TO THE NIGERIAN QUESTION.

Extracts from a Paper titled: Poverty Reduction In A Delicate Democracy presented at the Faculty of Basic Medical Sciences, College of Medicine University of Ibadan, Ibadan, Nigeria, On Friday 20 April, 2001.

By Chief Bisi Akande
Executive Governor of Osun State

Introduction:

Either in a democracy or in a dictatorship, national power is measured in terms of economic self-sufficiency and military superiority. Knowledge promotes economic and military power through scientific and technological impetus. In a dictatorship, knowledge can not grow because free thinking, free speech and free discussion are stifled to the extent that MAN has no opportunity to exercise; those fundamental human rights. In a democracy, however, access to rights such as free movement, free education, free healthcare, decent housing and good food are demanded, debated and discussed; even if they would not be addressed by the people in authority, they would form the basis for eventual promises by those aspiring to power through elections.

Democracy becomes delicate however in a polity consisting of rival ethnic groups whose people are economically poor and their government militarily weak and where MAN has no personal opinion for fear of contradicting the aggregate opinion of his ethnic group. It becomes worse where the leadership of such ethnic groups are either misinformed, confused and unfocussed and/or where the leadership use the opportunity of the credulity of their kinsmen for personal aggrandisement and wealth. It is necessary at this point to place the present state of the Nigerian democracy in its historical context.

The Settlements Along The Rivers Niger and Benue

The water from Futa-Jalon Highlands from around the towns called Jariba, Segu and Niani which flowed into a confluence at Jenne began the flow of
River Niger. It passes through Timbuktu and Gao at its northern bend into the hands of the Hausa Fulani near Kamba town and through the lands of Kamberi at Bussa, the lands of Takpa (Nupe) at Pategi, the lands of Ebira at Kutonkarfi, the lands of Igala at Idah, the lands of Igbo at Onitsha before entering into the swamps of its own delta via Ugheli, Warri, Degema and Yenagoa etc From these it empties into the Atlantic Ocean via Forcados, Brass and Port-Harcourt. Into river Niger flows River Benue at Lokoja. Rivers Niger and Benue begins from the Cameroon Mountains and passes through the lands of the Mumuye at Yola, the lands of Apa people (the Jukuns) at Benue-Gongola confluence and the land of the Tiv at Makurdi. At the middle of the northern part of Rivers Niger and Benue is a wide range of High Plateau and mountains from where Rivers Sokoto, Mariga and Gurara flow into river Niger by the North-Western part of Lokoja, and from where River Gongola flows into River Benue. Also from there flow Rivers Hadejia and Komadugu Gana towards the North-Eastern part of Lokoja into Lake Chad. River Taraba also flows into River Benue from Gotel Mountains.

These water net-works made it possible for the beginning of the village, town and tribal settlements among the Hausa Fulani, the Kanuri, the Gwari, the Margi, the Bata, the Longuda, the Angas, the Nupe, the Igala, the Ebira, the Idoma and the other ethnic groups that are located around and towards the northern part of the confluence of Rivers Niger and Benue. The Southern part of the confluence is rich in moisture from constant rainfall. While to the western part of River Niger are settled the various Yoruba and Edo kingdoms; to the eastern part are settled the Igbo and the Eko independent and republican hamlets and villages. To the South are the Ijaws, the Itsekiris, the Urhobos and the Efik and Ibibio family clans and village kingdoms.

**Trades Along River Niger**

To the north of Rivers Niger and Benue, there were small individual family farm-holdings for grains production while to the south, similar farm-holdings were devoted to tuber production. Many women engaged in food preparation for the consumption of family members and for neighbours at a price by barter. This stimulated inter-family relationship. This sort of inter-family co-operation developed into daily (or nightly) markets and periodical markets (every third, fifth, ninth or fifteenth – day markets) in
all the settlements within the neighbourhood kingdoms and village republics to the north and south of the Niger and Benue rivers. Trade activities and cultural relationships thus started and became regular and intense. Apart from farming, hunting, fishing, gathering, and trading, cattle rearing became another economic activity in these parts.

Strategically located along the Niger river were Yauri, Rabba (a Nupe entrepot destroyed by war in 1842) and Idah. Trade across the Sahara Desert involved import and export from the Mediterranean coast through Katsina and Bornu to Kano and from Kano and Bornu again to Rabba and Idah water-way markets and also to Yauri and Nikki from where the south coastal markets of Ejiinrin, Whydar and Porto Novo were reached via the caravan routes. Trade intercourse between the Sahara of the north and the southern coast of West-Africa stimulated economic activities which included iron-mining and smithing, wood and leather crafts, soap making, salt and potash refining, palm produce and intensive land, water and animal transportations. This commercial interaction later encouraged kingdom and empire building, raiding expeditions and aggressive inter-tribal warfare which degenerated into slave raiding, slave labour, local slave trading and slave exportation across the Sahara to the Arabian countries. In the meantime, numerous rudimentary chieftainships were already being founded by hunting tribes in the areas covering the mouths, the estuaries, the deltas, the valleys and the swamps of the various rivers that flowed into the Atlantic Ocean on the western coast of Africa. Some of these chieftainships were already growing or federating into feudal states and kingdoms.

**Slave Traders**

To aggravate the confusion arising from these induced inter-tribal warfare was the arrival of the Portuguese to the Ocean gulf between the mouth of river Senegal at St. Louise and the delta of River Niger which was named as the Gulf of Guinea (guinea is a derived word from the Berbers' phrase meaning 'land of the Black man'). The Portuguese stopped to catch Senegalese slaves in 1445, reached River Gambia in 1455, arrived in Sierra Leone (the Lion Mountains) in 1462, began trade in Benin river in 1472, built a fort in Gold Coast (Ghana) in 1482, landed missionaries in the Congo in 1484, arrived Cape Coast in South Africa in 1486 and loaded slaves into their trading vessels in the Forcados rivers in 1522.
By 1659, 'Ichoo' (Eko) an Island settlement by the 'region of river Lagua' with the only natural harbour on the West Africa Coast was already on the Dutch map as a slave market. The name 'Lagos' was later derived from the Portuguese word 'Lagoon'. The estuary of the Cross River was already being used to export slaves by 1698. These slaves were being used for mining and for plantation works in Mexico and Peru in the Hispaniola and Cuba. All along, as was earlier remarked, from about the middle of the 15th century, slaves were being exported more intensively through Katsina and Bornu across the Sahara Desert in exchange for horses, salt and jewelry. In all these tribulations, the traditional rulers and the powerful people always acted as the agents of the slave traders against the interests of their subjects.

**Fulani Jihads**

In 1804, the Fulani Jihadists under Uthman B. Fudi (Usumanu dan Fodio) began the colonization of the Rausa kingdoms and those other kingdoms adjacent to the Hausa territories by conquest, by Islamic religion evangelisation and by imperial administrative control through caliphal authority from Sokoto. By 1812, the whole of Northern part of Rivers Niger and Benue except Bornu and Tiv land had almost been conquered by the Fulani Muslim Empire. To placate the vanquished and to consolidate their rule the Jihadists called the area Hausa/Fulani land and emphasized the reformation of Islamic religion in line with their own doctrines.

In the meantime, Oyo Empire to the South West of River Niger had begun to disintegrate since about 1790. While the South-Western territories were seceding, Fulani Moslem Jihadists began attack by the North in 1810. In the process, Afonja, a Chief of Alafin of Oyo, posted to the outpost of Ilorin rebelled against Oyo Empire. In 1817, he secured the support of the Fulani Muslim Jihadists to establish himself as the ruler of Ilorin. The wars that followed the rebellion led to the destruction of old Oyo and the total collapse of the Oyo Empire. From the ruins of the collapse emerged the new war camps of Ibadan, Ijaiye, and Abeokuta.
**Ibadan And Ilorin Wars**

Afonja was eventually killed by the Fulani Muslim Jihadists who thereafter, treacherously in 1831, took over Ilorin. Ibadan soon became the master of Yorubaland in wars and began battles against Ilorin. Ibadan defeated Ilorin in all battles and demonstrated sagacity in the consolidation of its hold on the conquered territories. It planted tyranny among the vanquished. This led to the formation of the 'Parapo' among the Igbomina, Ekiti and Ijesa kingdoms who went into alliance with Ilorin against Ibadan in 1878. Ibadan still won. The parapo renewed the challenge in 1879 and the war persisted till 1893 when British colonialists had to separate them at Offa – having colonized the rest of Yorubaland from Lagos. If it was a war of 'Yoruba unification', neither Ibadan nor Ilorin succeeded in establishing the 'Pan Yoruba State'. The British ceded Ilorin with the parts of Oyo, Igbomina, Ekiti and Ibolo districts of Yorubaland in its environ to Hausa/Fulani Emirate of the Sokoto caliphate in 1906.

**The British Incursion**

Two British Acts of Parliament- in 1807 and 1833 - abolished slavery and the slave trade. Yet the illicit trading in slaves continued to service local trades till about 1850 or much later.

The British explorers, beginning with Mungo Park's two explorations via Gambia and Segou (1795-1799) and from Timbuktu to Bussa (1805-1806), Oudney, Denham and Hugh Clapperton via Tripoli (1820-1822) Hugh Clapperton and Richard Lander via Lagos (1825-1827), Richard and John Lander at Bussa (1830) and Macgregor Laird to Lokoja via the Niger Delta creeks in 1832, were trying to discover Lake-Chad and the navigability of any River to the interior from the Ocean. In the meantime, British merchants were active at the ports of Badagry, Lagos, Benin River, Warri, Bonny, Brass, Old and New Calabar. At the same time Christian missionaries were having evangelical in-roads into Badagry, Abeokuta, Lagos, Ibadan and Warri in the west, and Bonny, Nembe, Okirika, Eleme, Kalabari and Calabar in the East Coast.
In 1827, a naval presence was established at Fernando Po and in 1849 a British diplomatic link was made by the appointment of John Beecroft as the Consul for the Bights of Benin and Biafra to regulate, they said, legal trades on the coast, to ensure total abolition of slave trade, and to afford protection to religious missionaries working among the natives. Thus far the British military, religious missionary, commercial, consulate, exploration and administrative presence were already established to begin the exploitation of the people on the coast and in the hinterland.

By 1854 the drug for malaria had been discovered and European merchants began to set up trading companies along River Niger. Water ferrying as a form of transportation started along the Niger with the involvement of the British and the French beginning in 1860 and 1870 respectively in the buying of local palm produce, ivory, pepper etc. or the exchange of same for manufactured goods of various kinds and appearances.

Water-way markets sprang up in Aboh and Onitsha on the River Niger and native merchants criss-crossed the bush paths and the caravan routes to link up the river side markets at Yauri, Jebba, Lokoja, Idah, Onitsha, Benin, Atijere, Okiti-pupa, Epe, Ejinrin and Badagry. Business was also brisk on the Ogun River between Abeokuta and Lagos and on the Benin, Qua Iboe, Cross and Imo Rivers.

Lagos was ceded to the British in 1861. In 1879, the British merchant firms amalgamated to become United African Company (U.A.C). The name of the company was changed in 1886 under a Royal Charter which enabled it to maintain peace and orderly government of the entire Niger Basin together with the whole of what is now known as the Northern States.

The British And The Fulani

The scramble for Africa by various European powers began in 1880 and this made the Royal Niger Company both a trading and a governing concern for the British. In other words, both Lagos (1861) and the whole of the Northern States of the present Nigeria had been presumed colonized by 1886. While the Governor of Lagos, under the guise that he was clearing the trade route being blocked by the Yoruba wars, was adopting all means
including bribery, cajolery, intimidation and military aggression to induce or coerce the Yoruba kings to sign treaties placing Yoruba territories in the west under British protection between 1886 and 1893, Lugard bombarded the North with military might from between 1897 to 1906.

By 1885, the political authority of Ekpe (law makers) and the king of Calabar was taken over by the British declaration of a Niger Coast protectorate. The take-over rendered impotent the authority of the kings of Bonny, Eleme, Kalahari and Opobo.

The colonization of the areas north and south of Rivers Niger and Benue by the British was almost complete by 1900.

The British colonialists were frustrated because they could not gain access to the Igbo heartland by that date. In 1902, the military attack on the 'Aro' oracle opened to the British the way to the governing of the Igbo people. This was followed by the expedition to Afikpo, Umunneoha and numerous village settlements, ending with eleven expeditions mounted in 1915 and many more troop patrols against violent resistance of the Ibo up to 1917.

The railway lines which began in 1895 from Lagos reached Ibadan in 1900, Osogbo 1905, Offa 1907, Ilorin 1908; and from Port Harcourt to Enugu coalfield in 1913 to 1915. These two later cities began as a result of the discovery of coal at Enugu in 1908 and the need for a railway outlet to the ocean through a more suitable route than Calabar. Thus the founding of Port Harcourt in 1913 and Enugu in 1915.

It can thus be seen how the European powers, particularly the British in this case, had used the combined efforts of their explorers, traders, Christian missionaries, diplomatic consulate, administrators and their military might to out-manoeuvre the Hausa-Fulani Caliphate in its guile to use religious reformation to subjugate and colonise the native empires and kingdoms in this part of West Africa in the 19th Century.

Lord Lugard became the High Commissioner of the protectorate of the North in 1900 while Sir W. McGregor was Governor for the South. Lugard left for the governorship of Hong-Kong from 1907 to 1912. He returned to
combine the governorship of both the South and the North. He proclaimed the amalgamation and full colonization of the combined territories by the British in 1914. In the meantime, in 1898, in an article published by the 'Times' of London, Mrs. Flora Shaw, who later got married to Lord Lugard, had suggested a name for the new British colony so proclaimed. It was called 'NIGERIA'.

Native Tutelage

The Clifford Constitution of 1923 which permitted elective representation from Lagos (3 seats) and Calabar (1 seat) in the Legislative Council gave birth to such political parties as the Nigerian National Democratic Party (NNDP) in 1923 and the Nigerian Youth Movement (NYM) in 1934. The NYM replaced the People's Union which had existed in Lagos since the previous century.

In August, 1944, at the initiative of the Lagos King's College branch of the Nigeria Union of Students, an organisation embracing a conglomeration of various bodies known as the National Council of Nigeria and Cameroons (NCNC) was formed for the purpose of providing a forum for expressing criticisms against the Colonial Administration.

In December, 1944, Sir Arthur Richards - the Governor - published a new constitutional proposal which widened native representation by nominations and stipulated opportunity for deliberations on, rather than participation in, colonial administration. The Southern Nationalists, who were opposed to mere legislative discussion by native representatives nominated by colonial officers, called for elective representation and native participation in the whole process of government.

The constitution was wholly welcomed by the Natural Rulers who were then regarded by the nationalists as puppets of the British Administration. Inspite of serious objections by the Nationalists the people's reaction was ignored and the proposal was promulgated into the Richards Constitution of 1946.
In 1949, the new Governor, Sir John Macpherson, began consultations for the review of the Richards Constitution. It was the beginning of practical training for the natives in constitution making, and in political compromise between the politically conscious and socially developed South and the less politically conscious and socially developed North.

There was no political party to champion the mobilisation of the people and the co-ordination of opinions emanating from the various discussions which took place at various forums including Provincial meetings and conferences in 1950. The NYM and the NNDP were already dead while the NCNC had been weakened by internal wrangling largely caused by the allegation of embezzlement of funds made against some of its members in the wake of the party's unsuccessful delegation to the United Kingdom to oppose the Richards Constitution.

The Zikist Movement which came into being after 1944 had been declared illegal in April 1950 by Government for engaging in violent activities.

In April 1951, the Action Group (AG) put together by the quiet and painstaking efforts of Chief Obafemi Awolowo, was inaugurated at Owo as a political party. The party had a structure and a well-articulated programme of action. Thereafter the NCNC transformed into a political party under Dr. Nnamdi Azikiwe. It may be necessary to point out that one Raji Abdallah had founded the Northern Elements Progressive Union (NEPU) in 1947. Its existence was however epileptic because of the hostility of the colonial officers and their agents – the conservative Emirs. However, at the instigation of the British Administrators in the North, the cultural organisation – the JAMIYAR MUTANEN AREWA – formed by the first Northern medical doctor, Dr. R. A. B. Dikko – was turned into a political party, the Northern Peoples Congress (NPC) in 1951. Those who opposed the conversion of JAMIYAR MUTANEN AREWA into a political party were led by the organisation’s General Secretary Mallam Aminu Kano. They resuscitated the ailing NEPU.

Nigerian Independence

By the date of independence in 1960, Nigeria had three largely autonomous regions – namely, Northern Region, Western Region, and Eastern Region.
The Northern Peoples Congress (NPC) was the party in power in Northern Region, with the Action Group (AG), in the opposition; the Eastern Region had the National Council of Nigerian Citizens (NCNC) as the party in power with the Action Group (AG) in the opposition. The Action Group (AG) controlled Western Region with the NCNC in the opposition. At the Federal level, an NPC and NCNC coalition had Alhaji Sir Abubakar Tafawa Balewa (NPC) as the Prime Minister and Dr. Nnamdi Azikwe (NCNC) as Governor General while Chief Obafemi Awolowo of the Action Group (AG) was the Leader of Opposition.

The State Of Emergency

In May, 1962 there was an open crisis in the AG which the then Federal Government exploited to declare a state of emergency in Western Region. The Western Region House of Assembly and indeed the Government of the Region were suspended to pave way for the imposition of a caretaker Government headed by an appointee of the NPC – NCNC Federal Government- Dr. M.A. Majekodunmi.

Before the expiration of Dr. Majekodunmi's administration Chief S.L. Akintola, the Premier of Western Region, whose conflict with his party leader, Chief Awolowo, had led to the declaration of a state of emergency, quietly put together a new political party- United Peoples' Party (UPP). At the expiration of the emergency Chief Akintola's UPP agreed to a coalition with the NCNC opposition led by Chief Remi Fani-Kayode.

After the inauguration of Egbe Omo Olofin by Justice Adetokunbo Ademola on 29th February, 1964 with a view of sub-merging Egbe Omo Oduduwa (founded in 1946 and the precursor of Awolowo's Action Group) Akintola's UPP merged with Fani-Kayode's faction of the NCNC to form another political party known as NNDP (an off-shoot of the Egbe Omo Olofin). Chief Akintola remained premier of Western Region while Chief Fani-Kayode was appointed Deputy Premier.

The population figures collated from the National Census of 1963 were announced in the early part of 1964. The figures were unacceptable to the NCNC which rejected them outright. This development caused a crack in the NPC-NCNC Federal Government.
On 3rd June, 1964, and in preparation for the impending Federal Elections the Action Group and the NCNC formed an alliance known as the United Progressive Grand Alliance (UPGA). The NNDP reacted to that by forming an Alliance with the NPC, known as Nigerian National Alliance (NNA). Following the political crisis arising from the December 1964 Federal elections, there was tension all over the country.

On 11th October, 1965, there was election into the Western Region House of Assembly. The election was widely claimed to have been wantonly rigged. The Government which resulted from the disputed election appointed virtually all the members on the Government side as Ministers. The protest against the rigged election which lasted ninety-three (93) days was marked with widespread civil unrest, demonstrations and rioting popularly known as "WETI-E" (i.e. "BURN HIM"). The extent and duration of the violence led to a coup d'etat on 15th January, 1966 – the first in Nigeria.

**Military Rule**

There was a counter-coup d'etat on July 29, 1966 because, as it was alleged, the then military Head of State, General J.T.U Aguyi-Ironsi, had set in motion the process of changing the country's federal structure to a unitary one. The confusion that followed led to the purported secession of the former Eastern Region from Nigeria and a bloody civil war which ended in 1970. The military remained in government till 1st October, 1979. There was a brief civilian democracy for the four years between 1979 and December, 1983. The democracy experiment collapsed because of the massive rigging of the 1983 elections. A Military Government was back in the saddle at the end of 1983.

By July 1985, Major General Ibrahim Babangida ousted Major-General Muhammadu Buhari to become the first self-styled Military President of Nigeria. Generals Abacha and Abubakar took turns as military heads of Government in that order with the latter handing over power to an elected President after another horrible spell of military dictatorship.

In the meantime, the Western Powers through their agencies – World Bank and International Monetary Fund (IMF) exploited the naivety and credulity of the military to teleguide and manipulate Nigeria's economy to suit their own interests.
Military Contractors

All along, military rule had bred a sizeable number of nouveau riche from among the soldiers and their contractors from the spoils of the civil war and the wastes of the oil money. These nouveau riche collaborated with the soldiers to sustain the continuance of the military in power for twenty-nine out of the forty years of Nigeria's political independence. Most Nigerians who were born in 1960, and later, spent a greater proportion of their lives under military rule. It is therefore not unusual for such Nigerians to have taken after the class of wealthy retired soldiers and their contractor agents. The habit of seeking wealth without sweat which this situation has bred is the propelling force for the prevalence of armed robbery, cultism, fraud etc. in the country today. As a result, private business initiative is being strangulated; inflation and unemployment are beyond control. As a way of coping with the resultant malaise, everybody now looks up either to government for patronage or to the prayer-revival services.

The Regime Of Bribery

The military government in order to ensure its longevity, resorted to bribing religious and other leaders with money or government appointments. States and Local Governments were created by fiat without any discernible or objective criteria. Communities were grouped into such contraptions without consideration of their cultural, historical or political compatibility. The more the State and Local Governments created by the Federal Military government, the more the people's demands for more of such creations; and the poorer each resultant State or Local Government becomes, the more the inter-community feuds and industrial disharmonies they contend with. The proliferation of States and Local Governments has impoverished the States and paradoxically enhanced the Federal Government.

Concentration of Powers

While the Federal government has bleached the States of all sources of internally generated revenue, it throws, like crumbs, only 22% and 24% of the revenue in the Federation Account to 36 States and over 700 Local Governments respectively for sharing among themselves. To worsen matters
the formula used in sharing the amount due to the States favours sheer land size as opposed to the needs of man who ought to be the focus of development. Between the soldiers and their contractor agents and several public officers as collaborators, the bulk of the resources of this country have been frittered away through self-aggrandisement. Hence the constant communal feuds over demands for more States and more local governments by the numerous other citizens who are looking for opportunities to become councillors, governors and commissioners or to be a part of the bureaucracy's self-serving officers and self-awarding contractors. The traditional leaders too are not relenting in their bid to share power with civil democratic authority or possibly to out manoeuvre it. After-all the traditional fathers feel more comfortable with military rule.

**Historical Epitome**

From the foregoing historical sketch, we have seen:

1) how the family developed into village, town and kingdom polities of diverse numerous ethnic nationalities;
2) how these polities were being colonised by the Fulanis and how the British took over from them;
3) how the Nigerian polity was put together by the British irrespective of ethnic differences;
4) how our contact with scientific education and modern technology before independence was most rudimentary;
5) how our economy has remained poor, and how our security of life, of food, of property, of employment and of movement has since been most unreliable and weak;
6) how post-independence democracy turned to military dictatorship;
7) how the military split the political class into the "old" and the "new" breeds as a divide-and-rule tactics to perpetuate dictatorship and to entrench waste and corruption;
8) how the international powers had used the military to "SAP" the Naira and subject the Nigerian economy to the manipulation of the International Monetary Fund (IMF) through World Bank loans;
(9) how the traditional rulers constituted problems for their subjects by serving as the agents of the international slave merchants, as indirect ruler under British colonial exploitation, and as the collaborators of the military in their wasteful and corrupt management of resources;

(10) the current demonstration of indiscipline among the leadership of the Federal Government's ruling party dominated by retired military generals and their collaborators;

(11) the continued attempt to buy over or to coerce into submission the leadership of the Alliance for Democracy (AD) with a view to submerging democratic process and turning Nigeria into a one-party state;

(12) how the history of Nigeria provides the basis for Democratic-Federalism, as opposed to a unitary arrangement; and

(13) how our fledgling democracy is in such delicate state as to threaten the survival of Nigeria as one country.

Delicate Democracy

In a delicate democracy, nothing is certain. The stability of the polity cannot be taken for granted. Consequently, there is jostle for power by all means and at all cost. It is a situation which could degenerate to a state of anarchy where man shall be a threat to other men depending on the strength and the sophistication of the arsenal of power available to each person. A state of anarchy can be likened to the kingdom of animals in the jungle where the lion can freely eat the antelope with impunity. In such a state, any talk of freedom of speech, or of movement or of life becomes hollow. Laws become impossible to enforce. By the same token, disorder will reign and the society will lack security of life, security of property, security of food and security of energy for transportation.

Poor Brain Breeds Poverty

The head is the mental engine of the body; a poor brain is thus the beginning of man's poverty. In other words, any efforts to reduce a person's poverty must start with his education.
Restructuring: Nigeria's Approach to True Federalism

The more educated a man is, the cleaner should be his drinkable water, the more nutritious should be his foods, the more hygienic should be his home, the more conducive to the weather would be his clothings and the more the technology of the transportation he should desire. The more the serenity of the environment he should love to live in so that the air he breathes would be pollution free.

Political Imperatives

It is evident therefore that the immediate future will be doomed to a siege of confusion in Nigeria unless:

(i) The operation of true and genuine Federalism becomes imperative as a basis for the continuing existence of the corporate entity known as Nigeria;

(ii) The practice of democracy is expressed through the ballot and based on clean, free and fair elections in which there would be no inflation of voters in the electoral register and no indiscriminate thumb-printing of ballot papers and other electoral frauds;

(iii) The well-being of the people becomes the sole purpose and raison d'être of Government and the glory of any government becomes the well-being of the people;

(iv) Supremacy of the Rule of Law is absolutely accepted.

(v) A Party Manifesto becomes an inviolable covenant between the party and the people.

(vi) Whether in the immediate or the ultimate, Power is allowed to belong to the people;

(vii) Man becomes the unit, the prime mover, and the sole purpose of development.

(viii) The universality of Man whether black, brown, yellow or white is accepted.

(ix) Self-discipline, self-denial and loyalty to common causes are practised.

(x) Revenue Allocation is principally based on the principle of derivation.

(xi) Everyman, who is a natural shareholder by birth of his group and nation, is therefore entitled to certain inalienable rights...
which will make it possible for him to have a sound mind in a sound body- "Men sana in corpore sano."

Conclusion

The major responsibility of any government is to seek the welfare of its people and, for this to be achieved, a nation requires political stability predicated on democratic ethics. Democracy, as a form of political arrangement, presupposes, for its sustenance and survival, an understanding of the rules of the game amongst the polity and the equitable sharing of the revenue accruing from its resources. The more proliferated and varied the ethnic nationalities constituting a country are, the more difficult it is to reach a consensus on the main issues that need to be resolved to make meaningful co-existence real.
SECTION 2

EXTRACTS ON FEDERALISM

FROM

"THOUGHTS ON NIGERIAN CONSTITUTION"

WRITTEN BY
OBAFEMI AWOLOWO

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THOUGHTS ON NIGERIAN CONSTITUTION

Federalism- A Necessity

It must be generally agreed that the making of a constitution is not an end in itself. It is a means to the welfare and happiness of the people, the fountain of which, in a material sense, is economic prosperity. Of all the factors which conduce to the economic prosperity and, again in a material sense, to the greatness of a nation and its people, the most important is political stability. Without it, natural resources, manpower, and capital, whatever their quantity and quality, plus technical knowledge, will avail very little.

It is common knowledge that the quantity and quality of natural resources, and perhaps the quantity of manpower as well, are the bounties of nature. But not so the quality of manpower, the quantity and quality of capital, the state of technical know-how and political stability. These are entirely and unexceptionably the results of the creative genius of man.

In our view, three factors combine to produce political stability: the type of constitution, the form of government, and the calibre and character of political leaders in and outside government. For the moment, we are concerned only with the first factor; but we shall deal with the other two later on.

As regards the type of constitution, political scientists and analysts have reached two firm conclusions: namely, that a unitary constitution will not work in circumstances which warrant a federal constitution; and conversely; that a federal constitution will fail where the circumstances only favour a unitary constitution. Suitability is, therefore, of the essence of a constitution. This is so for all countries of the world. It is so for Nigeria where the search for a suitable constitution has gone on for more than 20 years, and still goes on today with renewed vigour and reanimated fervour. We predict that the search will go on after this generation of Nigerians has passed away, unless we are realistic and objective enough to give ourselves now a constitution which is suited to the circumstances of our country, and which will, therefore, endure.
Our own stand in this matter is well known. We belong to the federalist school. Nevertheless, we have elected to adopt a completely objective and scientific approach to our present search and are prepared to abandon our stand if we see sound reason for doing so. Accordingly, we have made a much more careful study of the constitutional evolution of all the nations of the world with a view to discovering whether any, and if so what, principles or laws govern such evolution. We have found that some countries have satisfactorily solved their constitutional problems, whilst others have, so far, not. In consequence of our analysis of the two sets of countries, we are able to deduce principles or laws, which we venture to regard as sound and of universal application. We certainly cannot and should not be expected to give full details of our investigation in this discourse. But we can and certainly will state, as briefly as possible, the facts from which the principles or laws are deduced.

There are altogether six continents in the world; Africa, North America, South America, Asia, Australasia, and Europe. We will take the continents one by one, but not in the order in which we have mentioned them. In treating the countries in each continent, we will ignore all the Colonial and Trust Territories, not because we have left them out of our study, but because they do not affect our conclusions one way or the other. For all theoretical and practical purposes, a Colonial or Trust Territory cannot, in our view, be said to have a rational constitution. Besides, of the 3,135 million people in the world, only about 0.76 per cent. -live in dependencies.

Let us now begin this global mental excursion with the continent of North America. The three leading countries there have a federal constitution. They are the United States of America, Mexico, and Canada. The United States was the first country in the world to have a federal constitution, and Canada and Mexico, its immediate neighbours to the north and south respectively, followed in its footsteps.

What is now known as the United States of America was colonized by England, in the seventeenth century, through some of her nationals who had emigrated there. The emigrations took place in groups, at different times, and for different reasons which, in the main, were religious and economic. On their arrival in the new territory, each group of immigrants
chose a different area for its permanent settlement and, by force of arms or without resistance, appropriated to the indefeasible ownership of its members sufficient parcels of land for use and cultivation. Each group of immigrants was a law unto itself. The groups were ever conscious of the fact that it was for worthy and overpowering causes that they had left the country of their birth, and undertaken the hazards of some thousands of miles of sea voyage to found the new settlement. They were certainly not going to brook any interference with their freedom of conscience, thought, worship, or occupation, for which they had sacrificed so much. Consequently, they regarded themselves as constituting a more or less sovereign state-separate from and independent of their neighbours, but owing allegiance to their mother country to which they looked for protection against other colonial powers, and which in her turn exercised a measure of administrative control over them. As time went on, however, and for reasons which are not relevant to our discussion, the administrative control exercised by Britain on the American colonists proved irksome, and it was terminated in 1776 by the famous American Declaration of Independence.

On independence, the separate settlements strongly desired to retain their autonomy and to be independent of their neighbours as before. This is perfectly understandable. After a century or more of political, geographical, and economic separateness, each group, though they belonged to the same ethnic and linguistic stock as the others, had developed a distinct national identity which they passionately and patriotically wanted to preserve.

At the same time, in the course of the same long period, the various groups of settlers had developed profitable commercial intercourse among themselves, as well as a substantial measure of political co-operation which had enabled them to act in such perfect concert against the mother country before and during the War of Independence. Then there was the fear of attack from foreign powers. If they remained as separate sovereign units, they were sure to lose their newly won independence. United, they would be strong enough to defend their joint sovereignty. It was clear, therefore, to all the groups of settlers that they must find a basis of unity among themselves for purposes of defence, free and unrestricted commercial intercourse, and international relations.
There were thirteen states which, in 1776, were confronted with the problem of reconciling the passionate desire for independent regional governments with the equally passionate desire for an all-embracing and uniting central government. At first, they settled for confederalism. But many American men of affairs soon discovered that this arrangement was 'too weak at the centre and too strong at the circumference'. A public debate ensued. It was inspired by George Washington, and conducted by Alexander Hamilton, James Madison, and John Jay on the side of federalism; and in 1787 a new constitution was evolved which, with some amendments, has remained till this day as the sacred fountain of American legalism, and the archetype of federalism in other parts of the world.

It is true that the United States has within its borders two other races; the Negro and the Indian. But it is also true that, save for the colours of their skins, these two races have, in all respects, been completely assimilated into American way of life and culture.

The story of Canada is somewhat different. In 1605 and 1608 respectively, the French founded Port Royal (now Annapolis Royal) in Nova Scotia and Quebec. Both of these settlements became British possessions during the first 60 years of the eighteenth century; the one by the cession of Nova Scotia of which it formed a part and the other by conquest. After the American Declaration of Independence, a very large number of American loyalists crossed the frontiers into Canada and settled in Ontario, New Brunswick, and Nova Scotia, all of which were under British control and administration.

After the arrival of these English-speaking settlers, a series of constitutional experiments began which lasted from 1791 to 1867. At first, Canada, like Nigeria, was administered as two separate units—Upper Canada and Lower Canada, each with its own Governor and Legislative Assembly. The French settlers in Quebec bitterly resented the presence of the British immigrants who were grouped in Lower Canada with them. Then, following Lord Durham's Report of 1839, the two units were amalgamated under a unitary Government in 1840. Because of the relentless agitation for autonomy on the part of the French-speaking Canadians, this experiment was abandoned in 1867, when the federal constitution, under which the country has been peacefully governed since, was introduced.
There were only four provinces in existence in 1867, namely: Ontario, Quebec, New Brunswick, and Nova Scotia. The two factors in favour of federalism were linguistic and geographical. Both English and French are official languages in Canada.

The aborigines of Mexico were Indians who spoke about half a dozen different languages. These Indians were said to be highly civilized. They had lived in the territory now known as Mexico for several centuries before Christ up to the early part of the sixteenth century when they were conquered, and their territory colonized, by the Spanish who, in their administration of their new subjects, introduced a novelty into colonialism. Unlike the English and French in America and Canada, they pursued a policy of total assimilation and integration of both Spanish and Indian cultures. The Spaniards inter-married freely with the Indians. With the result that today more than 60 per cent. of the 37\textsuperscript{1}/4 million Mexicans are Mestizos— that is descendants of mixed marriages between Spanish settlers and the Indian aborigines. Of this same population, about 1\textsuperscript{1}/4 million speak Spanish and Indian languages; about 1\textsuperscript{1}/4 million speak only Indian languages; whilst the remaining 35 millions speak only Spanish.

Mexico was a Spanish colony from early sixteenth century to 1821. Thereafter it passed through a succession of U.S. and French rule before it became an independent republic in 1867. In 1857, however, it adopted a federal constitution which was re-enacted with amendments in 1917, and remains in force till this day.

Under the Spanish administration, followed by the United States and French, Mexico was governed under a unitary system. But the whole territory was divided into provinces, each of which enjoyed a high degree of autonomy in respect of functions devolved upon it by the Central Government. When the time came, therefore, for the Mexicans to fashion their own constitution they opted for a federal constitution. The boundaries of the original twenty-eight states followed those of the old provincial units. The decisive factor here was divergence of nationality which had developed over a period of about three centuries, reinforced by geographical and economic dissimilarities. The linguistic factor was in 1857, and still is, inoperative; because the Indian-speaking minorities, unlike the French-speaking
Canadians of Quebec, are not territorially concentrated. They inhabit different parts of the country, and because of the old policy of assimilation which still persists are fast losing such of their linguistic and ethnic traits as remain.

The other countries in North America have unitary constitutions. They have always been administered under a unitary system, and the factors which induced federalism in the United States, Canada, and Mexico, are absent.

Some of the countries are Costa Rica, Cuba, Dominican Republic, Haiti, Jamaica, and Trinidad and Tobago. The population of these twelve countries is 28 million as compared with 234 million people in the U.S.A., Canada and Mexico.

Before we go to another continent, we would like to emphasize two points. First, the United States, Mexico, and Canada have each had only one constitution for the period of 179 years, 109 years, and 97 years, respectively. Secondly, the United States' constitution has lived through one civil war, whilst that of Mexico has survived a good number of revolutions, civil wars and dictatorships.

We will now take the continent of Australasia. Only two countries will engage our attention here. They are Australia and New Zealand. Unlike North America, the settlements in Australia were mainly the results of direct action by the British Government, and, like the New Zealand settlements, partly the results of commercial adventures on the part of British nationals. The first British settlers in Australia were political prisoners who were transported there in 1788. They were followed by other convicts, as well as by commercial adventurers and so-called empire builders like Gibbon Wakefield and his men.

For precisely the same reasons and circumstances as we have noted in the case of the United States and Mexico, when Australia attained to Dominion status in 1900. She decided in favour of a federal constitution.

We do not at all overlook the existence of the Australian aborigines. But they pose no political or constitutional problem. In the early stages and for
many years thereafter, the British settlers adopted a policy of extermination towards them. In the result, they were almost totally extinquished. And in spite of the belated efforts of the Australian Government to rehabilitate them, they remain as primitive as ever, and continue to diminish in number. What is more, the surviving few inhabit the remotest and almost inaccessible parts of the country. Australia has a population of 11 millions.

The Maoris who are the aborigines of New Zealand, resisted the incursions of foreigners into their territory until 1840 when, by the Treaty of Waitangi, they came under the protection of the British Crown. Thereafter, the Maori chiefs were persuaded to cede portions of their land to the British Crown for which they were paid. These parcels of lands were later sold in plots to British settlers. In 1855, within a space of less than 15 years, New Zealand became internally self-governing and became fully independent in 1907.

Though a bilingual State, New Zealand has a unitary constitution which, like that of Great Britain, is unwritten. The Maoris who represent the second linguistic group were harshly decimated in their wars against the first set of British settlers who went to New Zealand under the auspices of Gibbon Wakefied. With the result that by the end of the nineteenth century, there were only 42,000 Maoris left. However, as a result of deliberate and careful nurture by the New Zealand Government, the Maori population has now risen to 140,000, in a total population of 2.6 millions. They live in four separate districts which are extremely depressed economically, and are given special protection by the State.

They have four members in the New Zealand Parliament, representing their four districts; and it is the custom to appoint one of them as Minister of Native Affairs. At this infant stage of their rehabilitation and regeneration, it would be premature to declare that the Maori minority problem has been satisfactorily and permanently solved by the existing arrangements.

In the case of New Zealand, therefore, all the factors which could have compulsively inclined the people to federalism were absent in 1855 when they were called upon to choose a constitution. The area is very small and compact; the economic activities of the people are almost identical; the English speaking settlers had not yet lived long enough in their new homes
to develop divergent national allegiances; and the Maoris had been too enfeebled in mental and spiritual strength, and too depleted in number, to assert their national rights.

The only other two independent nations in the continent of Australasia which we would like to refer to in passing are Western Samoa with a population of 114,000, and Tonga with a population of 67,000. Both of them are unilingual and unitary.

It is a long way from Australasia to Europe; but that is where we will go next. There are thirty-six countries in the continent of Europe. Only one of them—that is Gibraltar a British naval base with a population of 24,502—is a dependency. Of the remaining thirty-five, twenty-six are unilingual, and with the exception of the two Germanys, have a unitary type of constitution. There are, of course, minority linguistic elements close to the borders of adjoining states. This is a common and ineradicable phenomenon, and presents a constitutional problem. The remainder speak more than one language. Of these six, that is Austria, Spain, Switzerland, the United Kingdom of Great Britain and Northern Ireland, the Union of Soviet Socialist Russia, and Yugoslavia – are multilingual; whilst three, namely: Belgium, Cyprus and Czechoslovakia, are bilingual.

Of these nine multilingual and bilingual countries, five have a federal type of constitution. They are Austria, Czechoslovakia, Switzerland, the U.S.S.R., and Yugoslavia. As is well known, with the exception of Switzerland, each of these countries had for centuries been governed under a unitary system which, whilst it lasted, evoked considerable bitterness and hostility from the minority linguistic groups.

After the advent of a socialist regime, Russia and her sister countries in Europe and Asia adopted a federal constitution in which the constituent states are organized on the basis of language. After the end of the Second World War, Czechoslovakia and Yugoslavia followed the example of the U.S.S.R., they too went federal and gave each linguistic group a separate autonomous state.
On the break-up of the Austro-Hungarian Empire in 1918, Austria adopted a federal constitution. The country was divided into eight states, the operative factors being divergence of nationality and language. As regards the latter, the Slovene and the Croat-speaking minorities were given their own separate states: Carinthia for the Croat-speaking minority. In spite of the most trying vicissitudes of Hitler's Anschluss, the Second World War, and foreign military occupation, when Austria regained its sovereignty in 1955, it readopted the former federal system. South Tyrol, a predominantly Italian-speaking territory, which has been a bone of contention between Austria and Italy since 1918, is now the ninth state of Austria.

The federal constitution of Switzerland dates back to 1847. The factors which decided the makers of the constitution in favour of federalism were divergence of nationality, geographical separateness, and linguistic differences. All the four languages of Switzerland, including Romansch which is spoken by about 50,000 people in a population of 5.7 millions, are recognized as official languages. In this connexion it must be pointed out that in Austria, the U.S.S.R., and Yugoslavia, every language is recognized as the official language in the State in which it is predominant, whilst Czech and Slovak are both recognized as official languages in Czechoslovakia.

As we have noted, Belgium and Cyprus are bilingual states. But they have a unitary type of constitution. Both of them are eloquent examples of the cardinal error inherent in man's efforts to make a success of a unitary constitution in a country where there are two or more territorially separate linguistic groups.

So far, Belgium does not find it all too easy to carry on under its unitary constitution. We say this because the Dutch-speaking Flemings continue to demand a separate autonomous region for themselves within the framework of a Belgian Federation. As recently as 15 February 1962, a law was enacted by the Belgian Parliament, which provided for a fixed linguistic boundary between the Flemish-speaking and the French-speaking areas of the country. Flemish is recognized as the official language in the one, and French as the official language in the other area. Yet, Belgium as a sovereign nation came into existence in 1831 – that is 135 years ago!
It is our considered view that Belgium has been able to maintain a stable government under a unitary constitution for three reasons. Firstly, the Belgian population consists roughly of 55 per cent. Dutch-speaking Flemings and 45 per cent. French-speaking Walloons. In other words, the two linguistic groups are more or less evenly matched in numerical strength. Secondly, the prevailing form of government is parliamentary democracy. And thirdly, Belgian political parties are nation-wide in membership and operation, and cut across linguistic frontiers.

The story of Cyprus before and since its independence in 1960 is too well known to need any retelling. It is enough to say that no country would wish to be visited with the kind of carnage and terror with which Cyprus has been afflicted for years. It is also enough to say that the unitary constitution which is now in operation there, in spite of its powerful and complicated buttresses, remains absolutely unacceptable to the Turkish minority. The latter have agreed to work the constitution with reservations, and also because provisions guaranteeing their religion, education, culture, and linguistic identity, are therein entrenched. Before we leave this country, we would do well to remember that the Greek-speaking and the Turkish-speaking Cypriots have lived together in Cyprus for upwards of 1,000 years; yet they find it extremely difficult to work together in unity under a unitary constitution.

The United Kingdom of Great Britain and Northern Ireland is in a class by itself. It has three linguistic and national groups within her borders, but manages to run a stable government under a unitary constitution. The three linguistic and national groups are the English-speaking people of Scotland, and the Welsh-speaking people of Wales. But the latter two are now almost completely assimilated into English culture. Their languages have all but disappeared. Of the 5.2 million Scottish, only 76,600 speak Gaelic and English whilst only 1,079 speak no other language than Gaelic. There are 2.7 million Welsh people. Only 656,000 of them speak Welsh and English, whilst 27,000 speak no other language than Welsh. And statistical data show that the number of Gaelic and Welsh speakers is diminishing with years.

After all this has been said, three things, amongst others, are responsible for the success of unitary constitution in the United Kingdom. Firstly, the
English people are first-rate imperialists. They are past masters in the art of subjugating and managing other people of any 'clime and tongue'. They started by uniting the Crowns of England and Scotland. Then they proposed a union of the two kingdoms so as to put an end to hostilities between them, to facilitate mutual commercial intercourse and to present a united front against outside enemies. When it came to discussing the terms of the Union, the English proved more astute than the Scots. The latter are reputed to be very good at making money. But the English are past masters at exploiting and subjugating other people. And so, after conceding certain innocuous rights and privileges to Scotland, the Union was concluded. The opinion has been authoritatively expressed that if the Union had been contracted, say, a century after 1707, the Scots would have successfully insisted on a federal constitution for the United Kingdom. The incorporation of Wales with England was the result of forcible annexation and colonization, pure and simple. Secondly, the English people, inside the British Isles, are the greatest exemplars of tolerance, liberalism, and parliamentary democracy. Thirdly, their acculturation of the Scottish and Welsh peoples was so thorough and effective that the latter two became English in everything but mime plus a few surviving customs, sentiments, and annual festivities.

Nevertheless, the demands for home rule or federal constitution by the Scottish and Welsh Nationalists continue unabated. And to assuage this agitation, the English people, with the active collaboration of many leading Scottish and Welsh public men, are always ready with attractive but not always satisfying concessions to the 'Kingdom of Scotland' and the 'Principality of Wales'. The latest is the Welsh Advisory Council!

Our stay in Spain will be very brief. As we have seen, it is a multilingual state. The languages spoken are four. The vast majority—more than two-thirds—speak Spanish; whilst Basque, Catalan, and Galician are spoken by three minority groups. Yet, Spain has always had a unitary constitution. The truth is that the people of Spain have never been given the freedom to fashion their own constitution. In all their long and heroic history, they have had the misfortune of passing through absolute monarchy to the most totalitarian dictatorship, with a short spell of unstable republicanism between 1931 and 1936 followed by a very bloody civil war which was waged from 1936 to 1939. The dictatorship which was imposed in 1939—and a fascist and absolute dictatorship at that—is still very much alive today.
As we have hinted before, the German Federal Republic and the German Democratic Republic have a federal type of constitution. These two countries were one until 1945. The German Empire of 1871 was an association of twenty-five states which were independent of one another until Bismarck forged them into a united whole under the King of Prussia who became the German Emperor. The German Imperial Monarchy was an absolute one. At the conclusion of the First World War, the Monarchy was abolished. The German people then adopted a federal constitution, under what was known as the Weimar Republic, with each of the former Kingdoms and principalities becoming a constituent state. After the division of the country into two in 1945, and on the attainment of independence by Western Germany and Eastern Germany, they both adopted a federal pattern of government as before. The decisive factor in the case of Germany was divergence of nationality.

Before we pass on to Asia, we would like to point out that in Europe, 327 million people live under the federal system, whilst 311 millions are under the unitary system.

There are altogether forty-four countries in the Continent of Asia! with a population of 1,764 millions. Of these, twenty countries with a population of 51/4 millions are dependencies. Of the remainder, sixteen are unilingual and, with the exception of Indonesia and the Federation of South Arabia, have a unitary type of constitution; whilst eight are multilingual.

After several centuries of absolutism and Unitarianism, People's Republic of China adopted a federal constitution in which the constituent states are organized strictly on a linguistic basis. More than 94 per cent. of the 657 million people of China speak Chinese. All the same each of the linguistic minority groups like Tibet, Inner Mongolia, Manchu, and Tribal has its own autonomous region.

Burna, which was for many years administered by the British under a unitary system, chose federalism on its attainment of independence in 1948. The vast majority of the people of Burma speak Bumese. Even so, each of the linguistic minority groups has its own autonomous state. There was, however, a military coup d'etat on 2 March 1962, and the army, which is now in control of the country, has since abolished parliament and suspended the constitution.
Malaya by itself consists of a number of independent kingdoms; and under the British it had a federal constitution which, with modifications after the attainment of Independence, remains. The larger territory now known as Malaysia also has a federal constitution, in which the constituent states are organized on the basis both of language and of divergence of nationality.

India and Pakistan also have a federal type of constitution; though for very many years they were administered by the British under a unitary system. The declared policy of the Indian National Congress is progressively to divide the country into more states (called provinces) on the basis of language. There are, however, many linguistic elements which are of the opinion that the Congress which is in power is not moving fast enough in fulfilling its promise. One Indian leader fasted unto death in order to compel the Government to give the linguistic group to which he belonged a separate state. Two weeks after his death, the Government had to create the required state, in order to arrest the mounting wave of bloody rioting which had ensued. Demands for more states on a linguistic basis continue to be made. Recently, another Indian leader threatened to fast unto death unless the linguistic group to which he belonged had its separate state. He desisted from carrying out his threat in order that the Indian Government might concentrate its full attention on the war which had just then broken out between India and Pakistan.

There are only two states in the Federation of Pakistan. These have been created simply because they are separated by 1,000 miles of Indian Territory. Though the majority of the people in East and West Pakistan respectively speak Bengali and Urdu, yet there are many linguistic minority groups in the country. For the present, however, religious affinity appears to override differences of language amongst Pakistanis. Religious difference, as we have previously noted, is one of the factors which is conducive to federalism; just as linguistic difference is. But whether common religious belief can be made to neutralize linguistic difference as a federalist factor, remains to be seen. However, the only decisive factor in the case of Pakistani federation is geographical, not linguistic.
Indonesia, though unilingual, has a federal constitution. The decisive factor here is geographical. The country is made up of more than 3,000 islands located in a vast expanse of sea. The Indonesian archipelago has an area of 887,000 square miles, and a population of 103 millions.

The Federation of South Arabia is a semi-independent State under British auspices. It is a collection of small sheikdoms, sultanates, and emirates fourteen of them in all, with a population of 712,000, dispersed over an area of 60,000 square miles. Two factors are in operation here: divergence of nationality and geographical separateness.

Three multilingual states—Afghanistan, Brunei and Ceylon—have a unitary type of constitution. Afghanistan is an absolute monarchy: its constitution depends on the arbitrary will of the King. The constitution now in use there was made in 1965. It gives the King the power to choose anyone, not a member of parliament, as Prime Minister, and he in turn must choose his ministers from outside the members of parliament. The country is, however, divided into twenty-nine provinces each under a governor appointed by the King. The population of Afghanistan is 11 millions.

Brunei is a semi-independent depotism under British protection. The Chief Minister of this Sultanate is appointed by and responsible in the exercise of his executive authority to, the Sultan who also presides over the Executive Council and the Privy Council. The population of Brunei is 84,000.

As for Ceylon—She is always in the news among other things for her intermittent inter-racial strife. The linguistic minority groups have, since Ceylon's attainment of independence in 1948, been demanding the partition of the country into autonomous states, and the adoption of a federal constitution. They have been making these demands not only by word of mouth, but also by spilling plenty of their own blood and the blood of their Singhalese fellow citizens. Latest reports indicate that political parties in Ceylon are now vying with one another to champion the cause of the linguistic minorities, with a view to securing their votes which are quite substantial.

We now come East to Kurdistan. They have lived in this territory since before 2000 B.C. and speak a language which is distinct from those spoken by their neighbours. There are today about 5 million of them divided among
five different countries, namely: the U.S.S.R., Turkey, Syria, Iraq, and Iran. In the Middle Ages, there were about thirty Kurdish principalities which were independent of one another. Over the centuries, each of these principalities developed individual national identity divergent from that of the others. Consequently, apart from their language, and a few cultural traits, they had nothing in common. In short, there was no pan-Kurdish national consciousness. In the result, it was not too difficult for their neighbours to swallow them up.

However, in accordance with the general policy prevailing there, the 60,000 Kurds living in the U.S.S.R. are organized into an autonomous region within the Republic of Azerbeijan. This example has encouraged the 1 million Kurds in Iraq to demand an autonomous region for themselves inside Iraq. And they have backed their demand with such large-scale violence as to make the Iraqi government feel compelled at one time, to wipe out whole Kurdish village, as an act of reprisal. The Iraqi Government has in recent years made some concessions to the Kurds, and has promised more. But the stand of the Iraqi Kurds is unequivocal and unbending: nothing short of regional autonomy would satisfy them.

Again, following the example of their Iraqi counterparts, the Kurds in Turkey (2 million of them), and in Persia (1 million strong), have been making demands for regional autonomy in their respective country. There are signs that the demands will be unrelenting and might assume violent proportions in the future. There are 250,000 Kurds in Syria. So far, there has been no news about them, with particular reference to the Syrian constitution.

Before we leave Asia, it may be of interest to record that in this continent, 1,323 million people are governed under the federal system, whilst 435 million are ruled under the unitary system.

South America is our next place of call. From there, we shall return home to Africa.

All Le countries in South America are unilingual, except three. They are Bolivia, Paraguay, and Peru. In spite of its multilingualaliness, each of these three countries has a unitary constitution.
They also have a number of other things in common. They were colonized by the Spanish in the early parts of the sixteenth century; each of them has an aboriginal population of Indians who are in the majority and speak different languages; they remained under Spanish rule for about 300 years before they achieved independence; the relationship between the Spanish settlers and the Indian aborigines from the sixteenth century to the present day is one of lords and subjects; the Indian communities in each of the three countries are economically depressed, and show little signs of political consciousness and articulation.

Guyana, like Ceylon and Cyprus, is so notorious for its interracial bitterness and strife, that it does not need any introduction. It became independent in May 1966. It is a multiracial rather than a multilingual State. The three racial or ethnic groups there are Indian, Negro and British. They all speak English, and are so territorially intermixed that partition of the country into states on an ethnic basis is an impracticable proposition. The latest British device, designed to maintain some sort of balance amongst the three warring races, and to guarantee the rights of Negro and British minorities, is the introduction of the system of proportional representation.

Of the remaining seven independent countries in South America, three, though unilingual, have a federal constitution. They are Argentina, Brazil, and Venezuela. Those who have given very meticulous and detailed study to the political affairs of these countries have reported that whilst in each case the constitution is federal, the business of government is transacted of the federal and regional governments, the federal provisions of the constitution are observed more in the breach than in strict compliance. The reason is that though the circumstances which normally compel federalism are absent in these countries, yet they have, in blind imitation of the United States, adopted a federal constitution. Presumably, they had thought that the wealth, power, and influence of the United States had derived from federalism per se.

Nevertheless, it will not be out of place to record that in South America 96 million people live under what should be termed nominal federalism, whilst 57 million are governed under the unitary system.
We are now back home to Africa. Of its fifty-four countries, thirteen are still under colonial rule. Of the remaining forty-one, two are federal and one is quasi-federal. They are Cameroon, Tanzania, and South Africa. They are all multilingual; but the basis of federalism in each case is not linguistic. In the case of Cameroon and Tanzania, the only factor taken into consideration is divergence of nationality between the two territories which entered into a federal union in each of the two countries. In South Africa, the African linguistic groups were discounted by the white farmers of its constitution. But the English-Boer-speaking communities are so territorially intermixed that the only factor taken into consideration was geographical.

Algeria, Egypt, Morocco, St Helena, and Tunisia are unilingual and have a unitary type of constitution.

The remaining thirty-three independent countries in Africa are multilingual. None of them has a federal constitution; some are still in search of a new constitution. With the exception of Ethiopia, Libya, and Liberia, none of these thirty-three countries is more than 9 years old as an independent nation. Algeria, Cameroon, and Tanzania belong to this class. Morocco and Tunisia were 10 years old in March 1966. On independence in 1951, Libya adopted a federal constitution. This was abrogated in 1963.

Ethiopia, Libya, and Liberia, by African standards, are progressive despotism and autocracy. Egypt is a dictatorship of the left.

In keeping with our custom, we must place it on record that in Africa, 31 million people live under some sort of federal system, whilst 242 million are governed under the unitary system.

From our study of the constitutional evolution of all the countries of the world, two things stand out quite clearly and prominently.

First, in any country where there are divergences of language and of nationality — particularly of language, a unitary constitution is always a source of bitterness and hostility on the part of linguistic or national minority groups. On the other hand, as soon as a federal constitution is introduced in which each linguistic or national group is recognized and accorded regional autonomy, any bitterness and hostility against the constitutional arrangements as such, disappear. If the linguistic or national group concerned are
backward, or too weak *vis-a-vis* the majority group or groups, their bitterness or hostility may be dormant or suppressed. But as soon as they become enlightened and politically conscious, and/or courageous leadership emerges amongst them, the bitterness and hostility come into the open, and remain sustained with all possible venom and rancour, until home rule is achieved.

Secondly, a federal constitution is usually a more or less dead letter in any country which lacks any of the factors conducive to federalism.

From the facts and the analysis thereof which we have given and made in this Section, the following four principles or laws can be deduced:

**ONE:** If a country is unilingual and uni-national, the constitution must be unitary.

**TWO:** If a country is unilingual or bilingual or multilingual, and also consists of communities which, over a period of years, have developed divergent nationalities, the constitution must be federal, and the constituent states must be organized on the dual basis of language and nationality.

**THREE:** If a country is bilingual or multilingual, the constitution must be federal, and the constituent states must be organized on a linguistic basis.

**FOUR:** Any experiment with a unitary constitution in a bilingual or multilingual or multinational country must fail, in the long run.

We are now in a position to asseverate, categorically and with all the emphasis at our command, that, since Nigeria is a multilingual and multinational country *par excellence*, the only constitution that is suitable for its peculiar circumstances is a federal constitution.

**Residual Issues.**

As we have promised at the close of section 1 of this chapter, we have disposed of Unitarianism by firmly establishing federalism as the only constitution suitable for Nigeria. But there are a number of points which the Unitarians are in the habit of pressing, in and out of season, in favour of
their stand. Nine of them are important; and we think that these and the arguments in support of them should now be stated, and specifically rebutted.

Firstly, it is argued that in the peculiar circumstances of Nigeria only a unitary constitution can safeguard and preserve the unity of the country. By dividing the country into autonomous regions or states under a federal constitution, regionalism and tribalism are encouraged; dual citizenship and double civic allegiance are created; and several powerful leaderships, attracting divided loyalties, also emerge. All these tend to give added strength to the centrifugal forces which are already latent in our linguistic and ethnic diversity. One supreme central government will put an end to all these divisive forces; regionalism and tribalism will be eradicated, and there will be one citizenship, one allegiance, one loyalty, one national leadership, one constitution, one destiny, and one country.

Secondly, it is argued that multiplicity of governments under a federal constitution gives rise to avoidable multiplicity of problems and conflicting interests. All these lead to dissipation of energy and prevent the central government from concentrating on national issues. A unitary constitution will obviate these. It will render the work of government comparatively easier and smoother, and will set the central government free to devote its full attention to matters of national interest.

Thirdly, too many cooks, runs the old saying, spoil the broth. It is, therefore, the contention of the Unitarians that the multitude of governments which are inevitable under a federal constitution lead to inefficiency; to unnecessary duplication of efforts of public institutions and officers; and to criminal waste. A unitary constitution will concentrate power in the directing hands of one strong central government which will be in a position to foster efficiency and economy in the management of our public affairs.

Fourthly, it is maintained that a federal constitution encourages uneven development among the constituent states, and thereby generates envy and unwholesome rivalry among the people. A unitary constitution will ensure even national development, wipe out such envy as emanates from uneven development, and stimulate harmonious relations among Nigerian citizens.
Fifthly, it is contended that a central government, under a federal constitution, is always slow in, or incapable of, action in some matters of overall national interests. This is so, either because it has to consult regional governments before taking any action at all, or because either the power vested in it to take any effective action is too strictly limited, or such power is denied it and vested exclusively in a regional government.

With the result that, in the event of a serious crisis occurring within the jurisdiction of a regional government (such as the post-election disturbances in the Western Region), and of the unwillingness or incapacity of the government to deal with it satisfactorily, the federal government can only act, if at all, by employing the odious and foreign-investment-scaring procedure of declaring a state of emergency in the region concerned. Under a unitary constitution, all these drags and impediments will be non-existent, and speed of action and expedition, in the overall national interests, will at all times and in all circumstances be assured. The will of the people will always be supreme.

Sixthly, it is argued that the breaking of an abnormally large region into smaller states will not necessarily avoid the danger of the people of the region dominating the entire federation. Because, regardless of the number of states into which it may be broken, an alliance could still be struck among the new states in the old region, and the strains imposed upon the country by the inter-state struggle for ascendancy would remain. And, with specific reference to Nigeria, the contest between the 'Northern States' and the 'Southern States' would continue. Under a unitary constitution, however, such a state of affairs as these would be totally absent. Alliances would be impossible or uncalled for, and, at any rate, there would be neither 'North' nor 'South'.

Seventhly, it is emphasized that under a federal constitution, uniformity of laws is, generally speaking, non-existent. This lack of uniformity in legislation leads to commercial and economic stagnation. Under a unitary constitution, this brake on economic progress and prosperity would never occur, as all the laws of the central legislature would be operative and prevail in every part of the country.
Eighthly, it is maintained that when a federation is created, one of the contentions that invariably ensue is whether it is a 'true federation' or not. This type of contention usually stems from the division of powers or functions—the federal government on the one hand, and the states on the other, intermittently protesting the fairness or unfairness of such distribution of functions. Under a unitary constitution, all powers will be vested in the central government, and the question of fair or unfair distribution thereof will therefore, never arise.

Ninethly, one of the advocates of Unitarianism has quoted the following opinion of Ivor Jennings with approval:

'Nobody would have a federal constitution, if he could possibly avoid it'.

We do not at all hesitate to aver that we have very cogent answers to these arguments. But before we make our reply, we would like to make some pertinent introductory remarks.

We have shown conclusively that the only constitution which is suitable for Nigeria is a federal one. We have not arrived at this conclusion emotionally or irrationally. On the contrary, we have employed some well-known methods of science. We have gone thoroughly and exhaustively into the constitutional evolution of the developed as well as of the developing nations of the world. Our inquiry has yielded results, which must be of exceeding benefit to all nations in search of constitution.

The leaders of the thirteen states in what is now known as the United States of America were confronted with the knotty and harassing problem of reconciling regionalism—narrow regionalism if you like—with centralism. After 10 years of protracted discussions and public debates, which are of classic and unsurpassable standard, they decided on federalism. It was their second experiment. They had previously tried confederalism; but this did not meet their needs. At the same time, their objective and searching analysis of all the prevailing factors and circumstances had led them to the considered and settled view that the adoption of a unitary constitution would lead to
RESTRUCTURING: Nigeria’s Approach to True Federalism

disaster. So, they chose federalism. And as we all now know, their experiment with federalism has succeeded so well that today, after 179 years, the United States of America has FIFTY instead of THIRTEEN constituent states.

In Russia, Yugoslavia, Czechoslovakia, and Canada, unitary constitution had, after several years of trial, met with signal failure. And again, we now know that these countries’ experiments with federalism have succeeded eminently.

We have noticed that in those countries which, under the principles enunciated, ought to have adopted a federal constitution instead of a unitary one, agitation for a federal constitution goes on with increasing vehemence, sometimes accompanied by violence.

Furthermore, we have observed that unitary constitution has achieved creditable and enviable success only in those countries which are not only unilingual, but are also free from the factors and circumstances which are peculiar to countries with federal constitution.

By analogy, therefore, we make the valid and unassailable inference that, since Nigerians are human beings like Americans, Russians, Canadians, Chinese, Swiss, and Indians, and since the factors and circumstances which prevail in the U.S.A., U.S.S.R., Canada, India, China, etc., co-exist in Nigeria, it would be criminal folly on our part to go for a unitary constitution because we would deliberately be closing our eyes to the results which the experiments of these great peoples dictate, and launching out blindly on a new experiment of our own.

There is, of course, no harm in trying a new experiment, if the results of the previous ones prove to be unsatisfactory, inefficacious, and untenable in the course of verification and objective tests. In the present instances, however, the results have, after continuous verification and tests over the years, proved to be incomparably satisfactory and efficacious for the peculiar problems and circumstances with which they were expected to cope.

But if we must insist on embarking on our own experiment, we would do well to bear certain additional weighty points in mind.
In the first place, such an experiment will be in utter disregard of our past experiences in Nigeria. The history of Nigeria's political evolution as we have outlined it in Chapter 1, shows quite clearly that a unitary constitution or system was not a success even under an authoritarian form of government. As we have seen, during our tutelage of between 60 and 100 years under Britain, a unitary constitution was tried for only a brief period of $5\frac{1}{2}$ years, and quickly abandoned.

In the second place, such an experiment would be in open contempt and defiance of the wishes of our people, as we know them. For as we have shown earlier on, on the occasions when the wishes of our people had been consulted, they had freely and unanimously opted for a federal constitution and a federal set-up.

In the third place, such an experiment is likely to be very costly indeed. Costly, because it is the good government, welfare, and happiness of 55 million souls that are being risked in what is demonstrably a reckless venture.

In the fourth place, by embarking on such an experiment, we would be attempting an impossible proposition, which might appear rosy and promising in the short term, but is doomed to catastrophe in the long run. In this connexion, we should be reminded that of all the cultural equipments of a people, language is the most formidable, the most irrepressible, and the most resistant to diffusion, not to talk of fusion. It lies at the base of all human divisions and divergences. And historical evidences of an irrefutable nature have shown firstly, that YOU CAN UNITE BUT CAN NEVER SUCCEED IN UNIFYING PEOPLE WHOM LANGUAGE HAS SET DISTINCTLY APART FROM ONE ANOTHER; and secondly, that the more educated a linguistic group becomes, the stronger it waxes in its bid for political self-determination and autonomy, unless it happens to be the dominant group.

We will now deal with arguments of the Unitarians, seriatim. With regard to the first of them, we have this much to say in reply. We have sufficiently established the fact that, as political animals, Nigerians are essentially the same as other species of homo sapiens in the other parts of the globe. It follows, therefore, that if federalism had not disrupted the unity of those
other countries which have operated this type of constitution for decades it
cannot by itself impair or ruin the unity of our own country. To be sure, the
United States, Switzerland, Canada, and the U.S.S.R., for instance, have
their problems of regionalism, tribalism, dual citizenship, powerful
leaderships, etc. Nevertheless, each of them is as united as we ardently;
desire Nigeria to be; and no one in his senses will deny this fact.

Let us be honest with ourselves and confess our failings and limitations.
What we lack very much is a sufficient number of powerful leaders with
the calibre, character, and qualities, requisite for uniting and keeping happily
together the diverse elements in our infant nation, and the courageous
and effective assault on the multitudinous and intractable-looking problems
which beset us. Whatever we do, we must not permit ourselves to run away
from this stark reality. Besides, the much-talked-of and much-dreaded
tribalism must be recognized for what it really is. It is more of a psychological
and an economic problem than a political one. As a political epiphenomenon
we can certainly minimize its evil effects. As a psychoeconomic phenomenon,
it can be effectively tackled on two broad fronts. First, the
State must make education available to young and old, and to the former
from kindergarten to university level. Second, those who essay to lead, and
administer the affairs of, the country must set an example by cultivating
mental magnitude and spiritual depth: in addition they must conscientiously
pursue and exemplify socialist ideals. We cannot obliterate or eradicate
tribalism by mere legalistic device, let alone by a constitutional contrivance
that is absolutely unsuited to our special circumstances.

And lest we forget, Britain and Belgium—both of them unitary states—
have their own tantalizing problems of regionalism and tribalism too. The
only difference is that they and the other advanced countries of the world
are not hysterical about these maladies, and they do not describe them by
the same epithets as we choose to employ in Nigeria and other parts of
Black Africa.

Concerning the second argument, if it is imperative that we should have a
federal constitution rather than a unitary one, then we must be prepared to
foot the bill. Money saved at the expense of the happiness of any section of
our people is blood money!
Furthermore, it is sheer sophistry to argue that federalism leads to dissipation of energy on the part of the central government. The very contrary is the case. Under a federal constitution, each government is enjoined by the provisions of the constitution to mind its own business—that is, to concentrate its attention on and perform those functions, which are expressly or by necessary implication allotted to it. Consequently, the central government is relieved of the burdens of those matters, which are vested in regional or state governments. To that extent, it is much freer to devote all its time, energy, and attention to things, which are of truly national import, than it would have been under a unitary constitution: Indeed, in all civilized countries, where unitary constitution is in vogue, functions, which are traditionally vested in a state government in a federation, are invariably decentralized and devolved on local government councils or other statutory bodies.

Besides, it is not difficult to forecast that the work of government in Nigeria under a unitary constitution is bound to become unduly complex, inextricably tangled, extremely unwieldy and wasteful, and productive of disharmony and discontent amongst the people. Unless you have veritable supermen at the helm of affairs, the administrative machinery would eventually disintegrate and break down under the crushing weight of "bureaucratic centralism".

These remarks apply to the third argument, as well; with this addition. We agree that too many cooks are no good for the same pot of broth. They will not only spoil the broth, they may break the pot into the bargain. But it is a different matter when the many cooks are assigned judiciously to take charge of different pots of broth. Under a federal constitution these men and women will be busy in different parts of the federation, attending to matters of intimate interests to those within their immediate jurisdiction. Surely the Unitarians are not seriously suggesting, by implication, that the public affairs in Britain, France, or Spain—all of them unitary states—are more efficiently managed and administered than in the U.S.A., U.S.S.R., Western Germany, or Canada—all of which are federal states.
The fourth argument is very well ill-considered, to say the least. Rivalry is the soul of development and progress. And you cannot suppress unhealthy rivalry without repressing the instinct of contest which is inborn, and ingrained in everyone of us. In this connexion, we would like to warn that a repressed instinct is sure, sooner or later, to burst the dam, which holds back its natural outlet and normal expression. When it does, it will cause devastating havoc to all those who block its passage. It is safer and wiser to cure unhealthy rivalry than to suppress it. In any case, what obtains in countries with unitary constitution does not support the contention of the Unitarians under this count. There is as much rivalry among the various communities in Britain, New Zealand, and Japan, for instance, as there is among those in the U.S.A., India, U.S.S.R., and Nigeria. Furthermore, if we would insist on even development, we must bear in mind that the speed of a convoy is that of the slowest ship. And unless there is a permanent state of emergency, it is more likely than not that the faster ships will break loose from a peace-time convoy, because it is unwise, frustrating, and unnecessarily restrictive of their inherent or acquired style of locomotion.

As regards the fifth argument—what dispatch’, may we ask, or effectively in action do the central governments of France, Britain, Portugal, and Egypt have which the federal governments of Canada, Australia, Yugoslavia, the U.S.A., and U.S.S.R., do not possess in full if not fuller, measure? None that any right-thinking person can point to. One of the things which bedeviled our public affairs under the First Republic was that those in charge of our Federal Government were bereft of mental and spiritual comprehension, public-spiritedness and honesty. It was because they lacked these qualities that they allowed the post-election situation in the Western Region to deteriorate as informally as it did. If the will was there, there were enough provisions in the constitution for swift action to be taken to assuage the just anger of the affected people, to restore law and order, and to safeguard the overall interests of Nigeria.

Declaring a state of emergency is not a new thing in Nigeria; and it will not itself scare away foreign investors if it is manifestly clear that such an extreme action has been taken in good faith and in the interest of good government and public order. Emergency or no emergency, what will scare away foreign investors are persistent acts of injustice and of abuse of power, on the part of the Federal Government.
The sixth argument completely overlooks human nature. Birds of the same feather, we are told, flock together. If they do this when they live in different nests, how much more when they are all packed in only one mighty nest! The case of the Unitarians is that the presence of birds of a different feather in this one vast nest will prevent birds of the same feather from flocking together! Our own considered view is that human nature being what it is, people of the same language and ethnic affinity will always club together. And they will always do so, either as a recognized legislative body politic, or as a nameless association.

In those days, the members of British parliament from Ireland always clubbed together in the British House of Commons. Even today, there are occasions when the Scottish or Welsh members do likewise. The fact that Sudan is a linitary state has not diminished a South-North confrontation there. On the contrary, it has exacerbated it. Whereas a federal constitution, conferring regional autonomy on the linguistic groups in the South, would have put an end to those recurring violent troubles in Sudan, which arise from the demands of the people of the South for self-determination.

We are unable to see on what grounds the Unitarians base their seventh contention that lack of uniformity of legislation, which is inevitable in a federation, leads to commercial and economic stagnation. This is not even true of Nigeria. Let alone of every prosperous, progressive and dynamic federations like the U.S.A., the U.S.S.R., Canada, Australia, Switzerland and China. That there was economic stagnation in Nigeria under the First Republic is admitted. But that this stagnation is due to differences in legislations is not only most emphatically denied, but we would like to put the Unitarians to the strict proof of that proposition.

The eighth point is one of those cases of deliberate sophistry on the part of the Unitarians. They are well aware of the practice to which we have already referred, whereby the central government in a unitary state delegates or devolves a good deal of its legislative and executive functions to local government councils, ministers, and statutory bodies like the country and town planning authorities. The wrangling and litigations which have been going on, for years, in Britain and France on the propriety, legality or
otherwise of this delegation or devolution of powers, is well known to the Nigerian protagonists of unitary constitution.

Wrangling or contention, in our opinion, is an inherent human trait, which will be exhibited under all and any circumstances. Even if all our problems were solved by God in one go with all mankind having enough to eat and to wear; decent houses to live in; sound education; good health; happy homes; big cars; political freedom; godly and truly public-spirited rulers to administer our affairs etc., we will still argue among ourselves, at least as to why God should bestow His bounty so generously on everyone!

The ninth point does not quite support the stand of the Unitarians as they try to make it appear. Nonetheless, we think it is more fitting to make a short shrift of it by the following opinion of Professor K. C. Wheare as eminent in the world of scholarship and as competent to express authoritative views on constitutional issues as Professor Jennings:

'Indeed it is usually a matter of surprise that union is possible at all among communities which differ in language, race, religion or nationality'.

OBAFEMI AWOLOWO
1966
SECTION 3

Memorandum

BY THE

OBAS, CHIEFS, LEADERS OF THOUGHTS AND ENTIRE PEOPLE OF LAGOS, OGUN, ONDO, OSUN AND OYO STATES

OF THE

FEDERAL REPUBLIC OF NIGERIA

Submitted to the
National Constitutional Conference Commission (NCC)

11 May, 1994
# TABLE OF CONTENTS

<table>
<thead>
<tr>
<th>I</th>
<th>INTRODUCTION</th>
<th>55</th>
</tr>
</thead>
<tbody>
<tr>
<td>II</td>
<td>FUNDAMENTAL PRINCIPLES</td>
<td>57</td>
</tr>
<tr>
<td>III</td>
<td>REALISING THE MANDATE OF JUNE 12, 1993</td>
<td>59</td>
</tr>
<tr>
<td>IV</td>
<td>RESTRUCTURING THE NIGERIAN POLITY</td>
<td>60</td>
</tr>
<tr>
<td>V</td>
<td>TIERS AND FORMS OF GOVERNMENT</td>
<td>63</td>
</tr>
<tr>
<td>VI</td>
<td>POLITICAL AND ELECTORAL SYSTEMS</td>
<td>65</td>
</tr>
<tr>
<td>VII</td>
<td>JUDICIAL SYSTEM</td>
<td>68</td>
</tr>
<tr>
<td>VIII</td>
<td>DEFENCE AND SECURITY</td>
<td>68</td>
</tr>
<tr>
<td>IX</td>
<td>THE CIVIL SERVICE</td>
<td>70</td>
</tr>
<tr>
<td>X</td>
<td>FISCAL SYSTEM AND REVENUE ALLOCATION</td>
<td>71</td>
</tr>
<tr>
<td>XI</td>
<td>MODUS OPERANDI OF THE NATIONAL CONFERENCE</td>
<td>72</td>
</tr>
<tr>
<td>XII</td>
<td>SUMMARY AND CONCLUSIONS</td>
<td>73</td>
</tr>
</tbody>
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INTRODUCTION

In response to the call by General Sanni Abacha, Head of State and Commander-in-Chief of the Armed Forces of Nigeria, to all the people of Nigeria, including Traditional Rulers, to contribute ideas for the proposed National Constitutional Conference that would fashion out an endurable and sustainable political system which will suitably accommodate the diverse cultures of Nigeria and adequately address the fears and aspirations of the various nationalities in the country, the Councils of Obas of Lagos, Ogun, Ondo, Osun and Oyo States decided – in the interest of Nigeria and as a major contribution to the success of the Conference – to present a Memorandum of the Five Yoruba States to the Conference. Accordingly, the joint Councils of Obas of the five States circulated a draft memorandum to all Leaders of Thought and various groups for their consideration.

This memorandum was remitted to all the five states for detailed and critical consideration by the Obas, Chiefs and Leaders of Thought in each of the States. This was followed on 6 April 1994 by a meeting of representatives of all five States at Abeokuta. Each State was represented by its Traditional Rulers and twenty representatives of Leaders of Thought. In addition, all the different Groups that had earlier submitted memoranda to NCCC were represented. These included the Committee of Afenifere, the Democratic Forum, Egbe Ilosiwaju Yoruba and the Ireakari Club of Ondo State.

At the end of the Conference in Abeokuta, a Committee was set up to harmonise the various Yoruba positions to the proposed Constitutional Conference. Each State was represented on this Committee by three of its eminent Leaders of Thought. In addition, the various Groups mentioned above were also represented. The draft memorandum prepared by the Committee was considered by the Resumed Conference of Obas, Chiefs and Leaders of Thought of the five Yoruba States in Akure on 11 May 1994. This Memorandum which is herewith submitted has been adopted by acclamation by the Conference. It represents the sole and authoritative views of all the Obas, Chiefs, Leaders of Thought and the entire People of Lagos, Ogun., Ondo, Osun and Oyo States of the Federal Republic of Nigeria.
We have gone through and elaborate democratic process in preparing this Memorandum because, in our view, it is in our interest as well as in the overall interest of Nigeria, and thus imperative, that the Yoruba people and their leaders speak with one voice. No nationality has suffered more from persistent injustice, discrimination and marginalisation than the Yoruba since 1960. In spite of our natural endowments, high intellect, resourcefulness and enormous potential our progress has been severely retarded. The openness, tolerance and urbaneness which are the hallmark of the Yoruba social and cultural firmament have been exploited, abused and misunderstood by other nationalities. We believe that the unity of the Yoruba is a prerequisite for the progress and unity of Nigeria. The submission of this single Memorandum for and on behalf of the entire Yoruba people is, therefore, a concrete manifestation of this unity.

As a people, our interest is to have maximum opportunity for individual and community development without let or hindrance. We need an enabling socio-political environment that provides the Best opportunity to individuals for self-actualization and fulfillment so as to unleash their creative energies for the development and transformation of the local and regional communities and the national polity as a whole. We no longer wish to be part of an arrangement that discriminates against our children in their bid to gain admission into higher institutions of learning, that treats them as second-class citizens in the provision of employment, that penalizes rather than recognizes their merit and disenfranchises a whole nation politically. We would, however, be happy to live in a polity where there is justice and fair-play, a polity which continually seeks to create an enabling environment that promotes initiative and enterprise and guarantees the dignity of every human being irrespective of gender, religion and ethnic origin. It is only in societies and countries where such positive forces have become pervasive and sustained that political stability prevails and socio-economic progress takes place.

Therefore, in restructuring the Nigerian polity we must give up the zero-sum game. We must put in place a structure and a system where all players have the opportunity to gain; indeed, a political arrangement that provides equality of opportunity for all citizens and, thereby, provides maximum opportunity for personal, community, regional and national development.
Restructuring: Nigeria's Approach to True Federalism

The restructuring process must also include the restitution of genuine federalism, it being realized that a federal structure can work only under a civilian system of government. Military dictatorships are by nature anti-federalist. The Armed Forces, by their very nature, have a unified and hierarchical command which is transposed into the governance of the country whenever there is a military administration. With the military having usurped power for 24 out of Nigeria's 34 post-independence years, it is no wonder that the spirit of federalism has dissipated. The restitution of true federalism and its sustainability therefore depends on an end to military intervention in Nigerian politics and governance.

Fundamental Principles

From the preceding paragraphs, it will have become abundantly clear that we the Yoruba are desirous of living in a country whose citizens share certain common values. No political entity can endure if there are no shared national values. Indeed, over the past four to five decades there have emerged a number of universal values which currently influence and even govern the behaviour of peoples throughout the world. If the international community could devote so much energy in the search for global values, it behoves a young nation like Nigeria to identify certain fundamental values that will guide the conduct of public and private affairs and build a national consensus around them. Let us mention some of the most important and relevant ones for Nigeria; the sovereignty of the will of the people; respect for human rights, embracing equal political, social and economic opportunities (i.e. political and economic empowerment) for all citizens; equity, justice, fair-play as the ethical basis of politics and national unity; and, transparency and accountability as the basis for governance. In addition, the time has come for Nigeria to pursue relentlessly the restitution of its traditions and customs.

These are basic values, which are the prerequisites for the pursuit of happiness by individual citizens and for the achievement of national cohesion and unity. Let us expatiate on each of these values starting from the sovereignty of the people. This is the very foundation on which self-determination, human dignity and democracy are built: "Power to the People" means the supremacy of the collective will of the people. No
political system can endure nor can a country prosper, where the wishes of one person or group of persons, however powerful, prevail over the will of the people. Despotism, authoritarianism and kleptocracy are the very antithesis of the sovereignty of the people.

The people can only exercise their sovereign will in a polity where fundamental human rights are fully observed. Freedom of speech, of association and freedom from arbitrary arrest and detention, the right to property and the supremacy of the rule of law are the ingredients that constitute human rights and make for human dignity. Without doubt, ignorance, neglect or contempt of human rights have been the primary causes of our collective misfortune and the corruption in government. Finally, mention must be made of the freedom of the press. A country whose press is not free is like a country which lives in darkness. There must therefore be constitutional provisions specifically guaranteeing the freedom of the press and opening up opportunities for the press to have access to official information where such information is of public interest and will not compromise national security.

Thirdly comes political empowerment: people must be free to form political associations and organizations. They must be free to exercise their political rights and duties as equal citizens before the law. Political empowerment also requires political accountability—elected public officials must be held accountable by the people.

Economic empowerment must also be seen as an imperative and as a corollary of political empowerment. Public policy must be people-entered. The people must be involved in policy formulation, implementation, and -ring. This requires that public policies are based on consensus, brought about through public debate, open dialogue and consultation. Finally, economic empowerment requires access to all factors of production.

Finally, Equity, Justice and Fair-play must be the ethical and moral basis for politics and governance if there is to be peace, stability, progress and prosperity. The sense of moral and ethical values has been severely eroded over the years by many among those who have held power. Equity, justice and fairplay have disappeared from our public life. They have all been
RESTRUCTURING: Nigeria's Approach to True Federalism

replaced by unabashed self-centredness and corruption. Efforts to impose a minimum code of conduct intended to promote probity and accountability in public officials have mostly failed. The Code-of-Conduct Bureau would consequently need to be strengthened to have strong investigative and prosecuting capacities. The investigative arm should receive complaints against public officials from individuals, groups and corporations, and investigate them thoroughly and fairly before referring them to the Office of Special Public Prosecutor which should be created within the Bureau.

These five fundamental principles must guide our political system and governance and must become the cardinal principles for human development in Nigeria. They must therefore be entrenched in the Constitution. Furthermore the Constitution shall contain no provision whatsoever which could be construed by individuals or groups, within or outside the realm of government, as giving them the power to negate or nullify any of these principles.

In order to ensure that we always observe them, we must internalize them in the structure of our political and social systems. This requires the radical reconstruction of both systems and, above all, the principles must become justifiable.

REALISING THE MANDATE OF JUNE 12 1993

Only the full respect for the sovereign will of the people of Nigeria can ensure that the country succeeds in healing the wounds which perfidy, injustice, inequity and disempowerment have inflicted upon it. In consonance with the five principles enunciated above, there is a need to muster the moral courage and strength to put things right and start afresh. Therefore it is imperative that we begin aright by revisiting June 12 1993 when the Presidential election was held. The election which was adjudged to be free, fair and democratic resulted in a landslide victory for Chief M.K.O. Abiola. He has, however, not been allowed to assume the office of the President because the election was annulled by General Ibrahim Babangida. Consistent with our five fundamental principles, it is right and proper that Chief M.K.O. Abiola should be sworn in as President. No meaningful beginning can be made in Nigeria without the election of June 12 1993
being revisited, addressed and resolved so that the nation can move forward on a new path of honour and integrity.

We cannot over-emphasize the importance of a new beginning for Nigeria which must be based, inter alia, on the revisiting of the June 12 1993 Presidential election. This should therefore be the first item on the agenda of the proposed National Conference. It is only after this issue has been resolved to the satisfaction of all concerned and to the glory of a just Nigeria where the sovereign will of the people is never aborted that the Conference should proceed. Any attempt to rebuild and strengthen the Nigerian polity must first redeem the country's image by reinstituting justice, fairplay and integrity in so far as June 12 1993 is concerned. Let it be restated clearly that the insistence on the people's mandate of June 12 1993 does not derive from the fact that the winner of that election was Chief M.K.O. Abiola, nor from the fact that he is Yoruba, but because fundamental principles were violated which need to be reaffirmed and practiced with urgency, namely:

(i) grievous wrong was committed against the people of Nigeria by the annulment which has to be rectified, the sovereign will and freely expressed desire of the people must be upheld at all times and as a matter of practical consideration, and

(ii) the principle of using an electoral process to establish a truly democratic polity has been seriously violated by the annulment of the June 12 1993 election. It has also brought into disrepute the major plank on which inter-personal, inter-ethnic and inter-state relationships are regulated through the exercise of the people's right to choose who should govern them. Confidence in the electoral process can therefore be re-established only if and when the results of the June 12 1993 elections are formally declared.

RESTRUCTURING THE NIGERIAN POLITY

At independence in 1960, Nigeria was a federation of three regions. The nation had been engaged in a debate as to the structure and form of government that would best suit the country and its people. While it was
universally agreed that Nigeria, given the pluralistic nature of its society, would be much better off with a federal rather than a unitary system of government, the structure of the country remained an issue of great contention. The division of the country into three large regions, each of which was big enough, both in land area and population, to be an independent nation state was seen as not being conducive to national unity and integration. Moreover, the minority ethnic groups or nationalities have strongly felt that this structure was inimical to their interest, as it did not provide their people maximum opportunity for individual or collective development. As minority groups, they felt severely marginalized in their respective regions in politics, governance and administration. There was also considerable misgiving about the unbalanced nature of the structure of the federation with one region being so much more powerful than the rest that it had the capacity to exceed the combined strength of the other two. Consequently the creation of more regions out of the three was a major political objective which was relentlessly pursued by the minority nationalities and progressive political forces all over the country. When in 1963, the Mid-West Region was carved out of Western Nigeria; it was thought that this was the beginning of a process of creating at least one more region out of each of the three regions. Had this evolutionary process continued, Nigeria might have evolved as a federation of six regions? But the process was aborted by military intervention in 1966, followed by the civil war and a generation of military dictatorship.

Given their one-dimensional approach to complex matters, successive military regimes have acted as if the balkanization of Nigeria into more and more states was the panacea to national unity. Consequently, we have moved from the sublime to the ridiculous. In 1967, the Gowon Government created, by decree, 12 states out of the four regions — or, more precisely, 11 states out of the old three regions with the Mid-West State remaining intact as the twelfth state. The Murtala Mohammed/Olusegun Obasanjo regime created 7 more states in 1976 bringing the number to 19. During the eight year-long Babangida Administration, the number of states increased to 30! By thus splitting Nigeria into minuscule states, the federating units have become atomical and ineffectual. Nigeria has thus become de facto a highly centralized country, albeit with the heavy budgetary burden of maintaining 30 state administrations in addition to the Federal Capital Territory of Abuja. In addition, almost 600 Local Government Areas have been carved out by
the same Administration. There is no doubt that the current financial resources of Nigeria cannot sustain such an expansive and expensive structure as the present one. Our economic base is too fragile and certainly not buoyant enough to carry such a heavy load of political structure with its administrative implications.

In the peculiar case of Nigeria, given its historical development, there is an additional condition that must be satisfied if mutual trust and understanding are to be established and a sense of unity and oneness fostered. There must be a parity between the historical North and South of Nigeria in terms of the number of federating units that emerge from both. A delicate balance between North-South is a condition sine qua non for national unity. When twelve states were created in 1967 six were from the old North and the remaining six from the old South (Western and Eastern Nigeria). Unfortunately, this formula has been abandoned: first in 1976 when 10 of the 19 states created were from the North and only 9 were from the South. The disparity was further exacerbated when in 1991 a 30 state-structure emerged with 16 of the states being in the North and 14 being in the South. It is imperative that balance be restored.

We are convinced that the cause of Nigeria’s federalism will be well and truly advanced if we return to the pre-1966 evolutionary path: a balanced federal structure which recognizes fully the legitimate claims of all ethnic groups for self-determination and where no single entity among the federating units will be strong or powerful enough to hold the others to ransom, but where each of the federating units is large enough, both in terms of size and population as well as of resources, to be viable, self-reliant and dynamic. Other relevant factors include the homogeneity of each federating unit, geographic contiguity among the units of a region and demonstrable willingness to be together. In pursuance of the principle of self-determination and in the interest of the sustainability, any state or community shall have the opportunity to decide, through the democratic process, the region of its choice in the light of these criteria.

In the light of the foregoing criteria, we propose the restructuring of Nigeria into six federating units to be known as Regions. The six regions shall be Western, Eastern, Southern, North-Western, North Eastern and Middle Belt
Regions. The Western Region will group together the following States: Lagos, Ogun, Ondo, Osun and Oyo and all other Yoruba-speaking communities wherever they may be in the Federation. The States that will constitute the other regions will be decided by their people subject to the observation of the principle of self-determination.

Abuja will of course remain the Federal Capital Territory.

**TIERS AND FORMS OF GOVERNMENT**

In the light of our chequered political experience during the past three and a half decades; the time has come for our political system—if it is to conform to our way of life and be relevant to our present and future needs—to take due account of our traditional institutions, values and customs. Since these vary, sometimes considerably, among the various nationalities and ethnic groups, there is scope for imaginative experimentation and variation. In the light of this background, we recommend that all tiers of government should make adequate provision to protect and safeguard our traditional institutions especially the traditional rulers.

With the restructuring into six viable and potentially dynamic and prosperous regions, individually and collectively serving as a countervailing force to the centralizing tendencies of the centre, Nigeria will be constituted a Federation of six Regions. Each would have the power to prepare its own constitution and determine its political structure, its legislative organs and the structure of its executive, provided that nothing in the constitution of the Region conflicts with the fundamental tenets of federalism and with principles of the federal constitution.

For example, it will be the prerogative of each Region to decide whether or not it will have a unicameral or a bicameral legislature, it will also be the Regions? prerogative to decide whether to maintain or restructure existing states and local government systems. Some may opt for the old provincial administrative system and combine this with an elected local government system, while others may choose to retain an elective state system with a professionalised system of local administration. Whatever option is chosen, it will be desirable to have a three-tier system of elective government throughout the Federation.
The functions of the federal government must be clearly spelt out. Residual powers must lie with the Regions. The Federal Government shall have no power to interfere in or take over any function of the Regional Government. Similarly, it shall have no power to interfere with the operations of any Regional Government. Each Region shall determine the number, functions and powers of its constituent institutions.

The powers and functions of the Federation shall be principally the following: the defence of the country from external aggression, the conduct of international relations, the conduct of interstate relations as well as laws governing currency, banking and financial institutions, disaster relief and the setting and monitoring of national and international standards. All other powers listed in schedule 2 Part 1 of the 1989 Constitution shall be residual and lie with the Region as well as the responsibility for maintaining and regulating the educational system.

The National Assembly shall be bi-cameral: House of the People and the Upper House. Members shall be elected or designated for a period of four years with the possibility of re-election. Membership of the House of the People shall be by universal suffrage with constituencies delineated on the basis of population, contiguity, homogeneity and territorial expanse. Each Region shall send an equal number of representatives to the Upper House, one-quarter of whom must be Traditional Rulers from within that Region. Each Region will be free to determine the basis and method of election/selection of its representatives to that House.

There shall be a Ceremonial President who shall be elected by a Joint Session of the National Assembly. The Presidency shall be held in rotation among the Regions for a period of two years each. The order of rotation for the Presidency shall be determined by the Constitutional Conference. The President shall be the Head of State and Commander-in-Chief of the Armed Forces. If the Presidency becomes vacant before the expiration of the term of an incumbent, a successor shall be elected from the same region for the unexpired term.

The Head of Government shall be the Prime Minister who shall be appointed by the President. The person to be so appointed, shall be the
leader of the party or of a coalition of parties which has the support of the majority of the members of the House of the People. Whenever he loses such support he shall design or be dismissed. The Prime Minister shall be free to form his Government which must receive the immediate endorsement of the House of the People through a vote of confidence. The Prime Minister shall resign or be dismissed whenever the majority of the House of the People withdraws its support.

There shall be provision for power-sharing in the Constitution, Power configuration shall be accorded a zoning status on rotational basis. For this purpose, five key portfolios (such as Internal Affairs and Petroleum) in addition to the office of the Prime Minister, shall be identified in the Constitution and be assigned to five Deputy Prime Ministers drawn from the five Regions, other than the Region from which the Prime Minister hails. For the avoidance of doubt, the Prime Minister, the Deputy Prime Ministers and all members of government shall be elected members of the House of the People.

POLITICAL AND ELECTORAL SYSTEMS

It is in the formation of political parties that the operationalization of the five fundamental principles discussed in Section II is of crucial importance. The freedom of association is a fundamental human right. Therefore, Nigerians must be free to form political associations or parties. Government-sponsored political parties are an anathema to democracy. Government can draw up guiding principles and criteria to be met by persons or groups of persons intending to form parties, but no more. Government must also not get involved in how individual parties are managed nor must it impose any limit on the number that can be established.

Parties shall not be funded prior to the first general election by public funds. It is only once the parties have proven their viability at the polls that they shall be remunerated for their expenses proportionate to the number of votes which they have attracted. There must be a minimum number of votes e.g. 5 percent of the electorate, in order to be eligible for such reimbursement.
There is an urgent need for Nigeria to reform its electoral system. The current practice has been derived from the British system which is based on "first-to-the-goal-post;' and "winner-takes-all" principles. Such a system disenfranchises a large section of the voters and the community and thereby tends to be divisive as it intensifies conflicts. Moreover, the electoral processes in Nigeria have been fraught with problems which have often undermined their legitimacy and legality in the eyes of important groups within society. Nigeria therefore owes to itself as well as to the African continent the duty to evolve an imaginative electoral system that will effectively work against the abuses of the last rigging, corruption, exclusion, etc. Such an electoral system should be based on the principle of bring political power and control as close to the people as possible in a large and diversified entity as Nigeria. There should be room for independent social and political leaders who have emerged at the local level to influence national policies. At the same time the electoral system should in as fair a manner as possible reflect the mosaic of cultures and identities of the peoples and social groups of Nigeria.

There are other electoral systems which might be more suited to take full cognisance of the need for unity in diversity, by allowing for the representation of smaller groups and parties in parliament as well as of individual independent candidates to become representatives of their respective constituencies at the national level. Accordingly, we propose a change in the electoral system, and recommend as follows:

(i) One half of the seats in the House of the People shall be filled through voting for straight party tickets, and the remaining half through voting for individual candidates, some of whom could be independent in single-member constituencies. Two separate ballot papers shall thus be provided for each voter.

(ii) Each party, before the election shall draw up a list of its candidates in order of preference, with the number of candidates on the list corresponding to the number of seats to be filled by party ticket.
(iii) The successful candidate in the single-member constituency shall be the one who has polled the highest number of votes.

(iv) With regard to the 50 per cent of the seats in the House of the People which are to be filled through party tickets, the distribution of the seats shall be proportionate to the number of votes cast for each political party nationally. In other words, the number of candidates elected from each party shall be in exact proportion to its share in the national vote.

(v) In order to avoid the splintering into very small factions in Parliament, a minimum percentage of votes, for example 5 percent of the eligible voters, must be obtained by any party in order to be represented in National Parliament.

**Organization of Elections:** An independent Electoral Commission, composed of two members from each Region, should be responsible for conducting all elections. The Chairman and members of the Commission, who shall hold office for a period of four years, shall be appointed by the National Assembly upon the recommendation of the Prime Minister. The National Assembly shall have the power to remove the Chairman or any member of the Commission on the adoption of a resolution to that effect. It is to be understood however that, during the transition process to new constitution, the Electoral Commission shall be instituted by the Constitutional Conference for the purpose of organizing the first election under the new constitution. An Independent Electoral Tribunal, established by the National Assembly, to handle all electoral petitions and problems, shall be the ultimate legal body, its decision subject only to review by the Supreme Court. No institution, person or organization—other than the National Assembly—shall have the right to interfere in the operations of both the National Electoral Commission and the Electoral Tribunal.
JUDICIAL SYSTEM

The proposed new political order demands a new judicial system – a new judicial system where merit and experience are the only criteria for the Bench; a new judicial system that is strong, independent and of impeccable integrity; and, a new judicial system where justice is never delayed and where everyone is equal before the law. More than ever before Nigeria needs a judiciary which enjoys the full confidence of the people because it is incorruptible, ensures the supremacy of the rule of law and defends human rights.

From the point of view of the administration of justice, the following proposals logically arise from the above-described restructuring of the Nigerian political system and form of government:

(a) Each Region will establish its own judicial system up to the Appellate Court and including the Revenue Court. There shall no longer be Federal High Courts.

(b) The Supreme Court of Nigeria will continue to exist, but its composition will be different. In addition to the Chief Justice of the Federation it will consist of two members from each of the Regions, provided that there shall be only one member from the Region from which the incumbent Chief Justice comes. The National Assembly shall appoint the Chief Justice on the recommendation of the Prime Minister.

(c) In addition to any other functions that it may be required to perform the Supreme Court of Nigeria shall be the final court of appeal and shall adjudicate on constitutional matters and conflicts between and among Regions.

DEFENCE AND SECURITY

The current state and condition of the Nigerian political economy are the cumulative result of 24 years of military dictatorship. The perennial political and socio-economic crises and the institutional decay which has been the
unfortunate plight of Nigeria, particularly during the past eight years, has also had its toll on the battle-readiness and professionalism of the armed forces. The sum total of the impact of military regimes is that Nigeria has had to endure since 1966 the decline and marginalisation of the nation and its near systemic collapse. The military which were once held in high respect, akin to awe, have come to be perceived as an army of occupation, a predatory, disruptive and negative factor in the democratic and development process and in nation-building. Rather than being a solution to our problem it has become one of our major national problems.

It is tragic that in spite of twenty-four years of military rule, law and order are on the verge of collapse. Armed robbery has reached epidemic proportions in the country. It is done blatantly. Public confidence in the ability of a military government to maintain law and order and to save the citizenry from acts of brutalisation has evaporated. Any constitutional arrangement that 'fails to recognize that the security of the citizenry is the foundation on which the security of the nation must rest cannot endure. For what is the purpose of a political system if it cannot guarantee the security and well-being of the citizenry?

Therefore, defence and security must be high on the agenda of the National Conference. In this regard we would like to put forward the following proposals. There is need to streamline and decentralize the monolithic organization of the Nigerian Army. Its structure and administration should be decentralized in a way to give a considerable degree of strategic and operational control to regional commands organised along the proposed six Region. Under each Regional Command will be Area Commands covering States/Provinces. Both each Regional and Area Commands will come under the joint authority of the Federal and Regional Governments except when" Nigeria is at war with another country in which case all Commands will be centralized under the control of the Commander-in-Chief.

It is in our interest to reduce considerably the size of our armed forces so as to release resources to development and for the revitalization of our rapidly deteriorating economy. Yet, we must secure the country against wanton external aggression. We therefore need to create a well trained National Reserve Army built around the National Youths Service Corps whose period
of service should be extended from 12 months to 18 or 24 months to enable them to acquire the necessary military training required for the effective defence of the country.

With regard to internal security and the maintenance of law and order, each Region should have its own Police Force, while the Federal Government maintains the Federal Guards whose services can be made available, on request, to any region that is threatened by natural disasters or by a massive breakdown in law and order as a result of political uprisings, riots and unrest and a Federal Bureau of Investigation for investigating crimes that are interregional and national in nature and scope.

Bearing in mind the specialized nature of their accoutrements, platforms and operations, the Navy and the Air Force should be under the overall and general management and control of the Federal Government, subject to an equitable regional distribution of officers and men, formations and strategic commands.

THE CIVIL SERVICE

No institution has suffered more battering under successive military regimes than the Civil Service. The cumulative effect of all this is that the Civil Service has been robbed of its traditional role as providers of highly professional and impartial advice to the Government. The morale of Civil Servants has been severely eroded.

It is ironic that it is the military regime of Babangida that has completely politicized the higher civil service and has given fillip to graft and corruption by making political appointees executive heads and accounting officers of Ministries and Departments. Many of these political appointees are believed to have turned into executive treasury looters. The abolition of the post of permanent secretary has destroyed discipline while the absence of a Head of Service has lowered morale, discipline and productivity.

We proposed a return to the former structure of the Civil Service before the recent reforms. In other words, the posts, duties and responsibilities of permanent secretaries and heads of service should be restored. Appointments and discipline should be the responsibility of the Public Service Commission.
whose composition should be completely independent of the executive; its Chairman and Members shall be appointed and removed by the National Assembly on the recommendation of the Prime Minister. The civil service must return to its status as a career service where appointment and promotion depend upon merit, experience, seniority and integrity.

FISCAL SYSTEM AND REVENUE ALLOCATION

The restructuring of the political system and the form of government in Nigeria and the new system of power-sharing would inevitably necessitate a new revenue allocation arrangement and a new fiscal system which will logically result in the preponderant share of resources being in regional hands. Each Government Federal or Regional—shall normally generate its revenue.

While it will be for the National Conference to determine the formula for revenue allocation which will be consistent with the proposed new structure, we suggest the following guidelines:

(a) The principle of derivation in which each Region will retain an overwhelming share, if not all, of the revenue accruing from the tax imposed on the natural resources within its territory, shall apply.

(b) Revenue from the exploitation of off-shore resources and custom duties shall be put in a distributable pool account to be shared between the Federal and the Regional Governments in accordance with an agreed formula, but with special consideration being given to the Region(s) where the facilities for their collection are located.

(c) Every effort must be made to achieve self-reliance in mobilizing resources by all the Regions and the Federation. In particular, no Region must take proportionally more than what it contributes to the Federation financially.

(d) There shall be no direct Federal allocation to State/Local governments.
With regard to the power of personal and direct taxation, such as personal income tax, capital-gains tax, sales tax and property tax, governments shall have the right to levy them provided that, in order to ensure efficiency, a uniform tax base should be applied and the tax rate split between the Federal and Regional Governments. The rate of tax can differ from region to region so that regional revenue can be enhanced to respond to the special needs of a particular region and in accordance with the ability and willingness of the citizens to pay higher taxes.

An independent Fiscal Revenue Commission consisting of equal representation of Federal and Regional Governments shall be provided for in the Constitution. It shall review the fiscal system and revenue allocation arrangements biennially.

MODUS OPERANDI OF THE NATIONAL CONFERENCE

There has been a lot of public debate about the intention of the present Military Government in organizing this National Conference on the future Constitution of Nigeria. It has been suggested that it is a diversionary tactic for buying time and credibility, particularly as the new junta has tied its tenure to the duration and outcome of the Conference. Arguments have also raged as to whether or not the Conference is a sovereign national conference where national issues are discussed and settled. It has since become abundantly clear that it is a constitutional conference that the Government intends to convene. Naturally, such a conference cannot but discuss virtually all the major national issues that face Nigeria. That is why we have set forth in this Memorandum some of these issues. While we do not pretend that we have dealt with all of them in this document, we do firmly believe that a constitution cannot emerge from the Conference until the delegates have addressed these issues and those presented by other groups in the country.

It is imperative that the conference should be sovereign. In other words, it should determine its agenda and programme, elect its Chairperson and other members of its bureau, and control its secretariat. With regard to the agenda, the first item should be June 12, 1993. The decisions of the conference
shall be final and binding and should not be vetted or vetoed by any other authority. As a sovereign national conference, all its elected members must be deemed to have parliamentary immunity and consequently enjoy the freedom of expression and the free from arbitrary arrest.

Furthermore, all issues on which there is controversy shall be decided by simple majority of votes among the elected members of the Constitutional Conference. If the new constitution is to be the fundamental law of Nigeria it should have legitimacy through its popular acceptance and endorsement by the people. This means that only the elected members of the conference can confer legitimacy on all decision.

It will also be clear from the submission in this Memorandum that the National Conference will be solely concerned with national issues and the constitutional framework reflecting the agreed conclusions and decisions. The next stage will be for each of the six Religions to hold their Regional Conferences to identify and resolve their regional questions and prepare their regional constitutions. This is in line with providing maximum autonomy to the various federating units within the framework of a federal polity.

**SUMMARY AND CONCLUSIONS**

We the Obas, Chiefs and Leaders of Thought of Lagos, Ogun, Ondo, Osun and Oyo States of the Federal Republic of Nigeria are submitting this Memorandum on behalf of all the people of our States and other Yoruba-speaking communities, in the firm belief that all our other compatriots from the other nationalities and ethnic groups are as desirous as ourselves in living in a country where there is peace, stability and harmony; a country where it is the will of the people that prevails, where there is respect for human rights and where there is equity, justice and fairplay. Nigeria needs a new beginning along these fundamental principles, if it is to realize its full potential. And we are determined to cooperate with one and all to address frankly and honestly our national questions and to come out with a Constitution that promises all Nigerians equality of opportunity in the pursuit of their happiness.

Signed on behalf of our people at Aafin, Oyo, this 11th day of May, 1994.
SECTION 4

DRAFT OF THE YORUBA CONSTITUTION

BY

THEYORUBA CONSTITUTIONAL GROUP
# TABLE OF CONTENTS

1. **INTRODUCTION**  
   76
2. **FEDERAL MATTERS**  
   77
3. **ENDORSEMENT OF CONSTITUTIONS**  
   77
4. **DRAFT OF THE YORUBA CONSTITUTION**  
   78
INTRODUCTION

When different nationalities and ethnic groups live in the same country, it is imperative that they each let the others know what their special interests are, in order to make living with each other worthwhile. If all of them are to live in peace together, they must each know that is of paramount concern to each and every group. Given the fact that the Yoruba nation also extends beyond Nigeria, she has the obligation to preserve its cultural heritage and way of life within Nigeria and elsewhere where she has a sizeable community.

In a situation where the Yoruba share a common country with some nationalities with feudal tendencies, and others who value conformity by coercion, this can be stifling for the Yoruba. It is therefore in the interest of Yoruba to have as much autonomy in their region as a truly federal arrangement would allow. This means that more power will be in the regions, and less power at the centre. With a true federal set-up it will be possible to plan and execute social and other services like education, health, agriculture in a way that meets the aspiration of the Yoruba: people.

The deficiencies of the 1999 Constitution led to the call for a review, hence the setting up of the Presidential Review Committee which has submitted its report. As we all know, there is a serious question mark on the Federal status of Nigeria. The necessity for a redefinition and recreation of Nigeria's true Federal status led to the concept of the Yoruba Constituent Assembly.

The Yoruba Constituent Assembly as envisaged is a broad based and intensely democratic gathering. It will comprise representatives of all organizations in Yoruba land (including emigre group). The opportunity of participation will be available to Yoruba sons and daughters who have distinguished themselves in various areas of endeavour and who have shown consistent commitment to the cause of our people. Needless to say, if other ethno-nationalities take our cue, a basis for a new Nigeria would have begun.
In considering the development of negotiating positions with other ethnic nationalities, certain areas that need to be thoroughly examined have been identified. Specifically, our staying together in a truly Federal Nigeria and in which the constituent nationalities will possess a reasonable degree of autonomy will require clear understanding of the impact of the following on the Nigerian Union:

**FEDERAL MATTERS**

**Foreign Relations:** The development of socio-economic relationship between the various nationalities within Nigeria and their emigre communities in the diaspora (e.g. the Yoruba in Brazil, Cuba, U.S. and the West Indies) without the overriding legislative power of the Nigeria Union.

**Economic Policy:** The ability of the regions to pursue micro and macroeconomic policies.

**Defence Matters:** Regional command of the Armed Forces, taking cognizance of the fact that Defence is somehow linked to the foreign policy of a country.

The concept of a quota system for officer corps of the Armed Forces of the Union

**Federal Institutions:** The calculus of a quota system.

**ENDORSEMENT OF CONSTITUTIONS**

Endorsement of Regional Constitutions through referenda within the various regions only.

Endorsement of the negotiated Federal Constitution through a nation-wide referendum.
In order to secure the dual ends of good governance for, as well as peaceable living among ourselves and between us and other nationalities in Nigeria, we, the Yoruba people do commission and give consent to the following as the Constitution of the Yoruba Nation:
THE YORUBA NATION

ARTICLE I SECTIONS:

1. YORUBALAND, existing as an AUTONOMOUS nation in a UNION OF NIGERIAN CONSTITUENT NATIONALITIES, shall be known and styled as "ODUDUWA REGION".

2. The central government of the Union shall have no power to interfere nor intervene in the affairs of the ODUDUWA REGION, save as shall be agreed to by three quarters of the members of the Region ’s Parliament.

3. The land description of the Yoruba Nation corresponds to the present states of Ekiti, Lagos, Ogun, Ondo, Osun, Oyo and all Yoruba lands in Kwara, Kogi, Edo and Delta States.

4. There shall be a Division of the Federal Armed Forces in the Region, 80% of which personnel shall be indigenes of the Region. The Divisional commander shall be an indigene of Oduduwa Region.

THE GOVERNMENT
ARTICLE II
SECTIONS:

1. Oduduwa Region shall be a Federation consisting of a Regional government, provinces (Ipinle) and Localities (Ibile). The Region as well as each Province and Local Council shall have a capital city which shall be the seat of Government.

2. ODUDUWA Region shall adopt a parliamentary system of government.

3. All legislative powers shall be vested in PARLIAMENT of the Region, without prejudice to the rights of provinces and local
Councils to enact laws and ordinances, relating to their provinces and local councils.

4. Any elected Member of Parliament, Provincial and Local Assembly who wishes to join another party must first resign his/her parliamentary seat and re-contest election if he/she so wishes on the platform of his/her new party.

THE REGIONAL GOVERNMENT

ARTICLE III

SECTIONS:

1. The parliament shall be composed of members elected every 4 years by the people of the region.

2. Such persons shall be elected on the platform of the political party they represent or as independent candidates. There shall be restriction on the number of political parties.

3. The Proceedings of Parliament shall be directed by the Speaker who shall be elected from among the members.

4. Elections into Parliament shall be held on June 12 of the election year, while the swearing in of elected representatives shall be the 8th day of August and annual opening session of Parliament shall be 23'd day of September (to commemorate the peace treaty that ended Kiriji war on September 23, 1886) of the same year.

5. The members of Parliament shall be remunerated for their services, as shall be determined by law.

6. Parliament shall enact all laws for raising revenue. No money shall be drawn from the treasury except through an Appropriation Act.

7. Parliament shall have the power to make laws governing taxes, duties, excise, payment of debt, etc.
laws governing the sourcing of funds on behalf of the region and to regulate commerce with the co-prosperity spheres within the Union of Nigeria.

8. Taxes are to be collected at regional, provincial and local levels for promotion of the general welfare of the people.

9. Parliament shall have the power to make provisions for the general welfare, security and prosperity of the Region. It shall set the standards for economic, educational, social and cultural advancement of Yoruba people.

10. Parliament shall have the power to establish Regional Police Service with responsibility to investigate Regional crimes. This Police Service shall have no superintending control over the Provincial and Council Police service.

11. There shall be a Regional Prosecutor's office responsible for the prosecution of cases as investigated by the Regional police. The Regional Prosecutor shall be elected by popular vote and shall not be a registered member of any political party.

12. Recognizing that the Oduduwa Nation is a multi-religious society, the citizens shall have the right to freedom of worship.

13. Parliament shall make no retroactive law, Nor shall it abridge the freedom of speech or the right of peaceful assembly. It shall not abridge the right of citizens to petition government for redress. The privilege of the writ of Habeas Corpus shall not be suspended. Parliament shall not make any law abridging the fundamental rights, freedoms and liberty of the citizens. All Yomba persons resident in any of the provinces of the Region shall be entitled to the same privileges and immunities.

14. The powers not delegated to the Parliament or the Provincial Local Assemblies by this Constitution are reserved in the people, which may be invoked by a simple majority of voters through a referendum in the region, province or locality as the case may be.
EXECUTIVE OF THE REGIONAL GOVERNMENT

ARTICLE IV

SECTIONS:

1. A Head of State/President shall be elected for a period of 5 years of not more than 2 terms. The President shall not belong to any political party, and must not be less than 60 years. The President must be a person whose parents belong to a community indigenous to Yorubaland. *The President shall declare open the Parliamentary Session, represent the Region on ceremonial matters, announce the dissolution of Parliament, etc.*

2. Executive power at the Regional level shall reside in the Prime Minister-in-Council (PM) elected for a period of 4 years. The leader of the majority party in parliament shall be PM and shall be vested with the power to appoint Cabinet Ministers.

   The PM must be a person whose parents belong to a community indigenous to Yorubaland.

3. The Parliament shall stand dissolved at the expiration of its 4-year term. In the event of a motion of no confidence passed on the government by not less than two-third of members of Parliament, the PM and the government shall resign forthwith. Thereafter, the President shall call on the leader of the party which appears able to form a government that will enjoy majority support in Parliament to fulfill the term of the current Parliament or new election held within 30 days of dissolution of Parliament.

JUDICIARY

ARTICLE V

SECTIONS:

1. The judicial power of the Region shall be vested in the Supreme Court, Court of Appeal, High Court and other lower courts as the Parliament may establish.
2. There shall be a Court of Appeal in each of the provinces.

3. There shall be, in each province, a High Court from which appeals shall lie to the Court of Appeal and Supreme Court.

4. There shall be a **CONSTITUTIONAL COURT** of not more than 7 persons. Members of this court shall not be less than 65 years old. The court shall determine cases of serious Constitutional issues among Local, Provincial and Regional Governments, and between individuals and government. Members shall be nominated by the Body of Benchers in each province; subject to ratification by Parliament. Membership of this court is for life, subject to soundness of body and mind.

**LAND AND MINERAL RESOURCES**

**ARTICLE VI**

**SECTION:**

1. Yoruba Customary forms of land ownership shall be respected. Exploitation of mineral resources shall be the prerogative of the host community without prejudice to the right of the Local, Provincial and Regional Governments to levy appropriate taxes for the welfare of the people of Yoruba land and without prejudice to the right of the Federal Government to levy taxes.

**THE PROVINCIAL GOVERNMENT**

**ARTICLE VII**

**SECTIONS:**

1. There shall be established a **PROVINCIAL ASSEMBLY** in each of the provinces of the Region.

2. Provisions of **ARTICLES ONE** and **TWO** in this Constitution as applied to the Parliament of the Region, shall apply to the **PROVINCIAL ASSEMBLY** except that the tenure of the Assembly shall be 3 years.
3. The Executive Power of the Province shall reside in the PROVINCIAL GOVERNOR-IN-COUNCIL, who must be an elected member of the Assembly and vested with the power to appoint members of the Provincial Government. The size of the provincial cabinet shall be determined by consideration of the financial resources of the province.

4. The Assembly shall make provision for the establishment of Provincial Police Service, which shall be empowered to maintain law and order in the Province and investigate crimes within its jurisdiction. The Provincial Police shall be responsible to the Provincial Governor.

5. There shall be a Provincial Prosecutor's Office responsible for the prosecution of cases as investigated by the Provincial Police. The Provincial Prosecuting Officer shall be elected by popular vote, and shall not be a registered member of any political party.

THE LOCAL GOVERNMENT

ARTICLE VIII

SECTIONS:

1. There shall be established a LOCAL ASSEMBLY in each of the Local Councils of the Region.

2. Provision of ARTICLES ONE and TWO in this Constitution as applied to the Parliament of the Region, shall apply to the LOCAL ASSEMBLY except that the tenure of the Assembly shall be 3 years.

3. The Executive Power of the Local Council shall reside in the LOCAL ASSEMBLY CHAIRMAN-IN-COUNCIL, who must be an elected member of the Assembly and vested with the power to appoint members of the local government. The size of the Local Government cabinet shall be determined by consideration of the financial resources of the local council.
4. The Assembly shall make provision for the establishment of a Local Council Police Service, which shall be empowered to maintain law and order in the Local Council, investigate crimes within its jurisdiction. The Council Police Service shall be responsible to the Local Assembly. There shall be Council Prosecutor's Office responsible for the prosecution of cases as investigated by the Local Police Service. The council prosecutor shall be elected by popular vote in the Local Council and shall not be a registered member of any political party.

THE YORUBA PERSON

ARTICLE IX

SECTION:

1. All persons whose parents or grandparents belong or belonged to a community indigenous to Yorubaland. All persons either of whose parents or grandparents belong or belonged to a community indigenous to Yorubaland. All persons in the Diaspora, of African descent who claim Yoruba ancestry, either through cultural affiliation or genealogical connection.
SECTION 5

A MEMORANDUM ON BEHALF OF
THE IGBO SPEAKINGPEOPLES OF NIGERIA

Submitted to:
The National Constitutional
Conference Commission (NCC)

Tuesday, 8th February, 1994
# Table of Contents

I. Summary 88

II. Background 89

III. Preliminary Issues 90
   (a) Type of Conference-Sovereign or Constitutional
   (b) Time-Table for the Conference
   (c) Delegates/Membership to the Conference

IV. Substantive Issues 93
   Restructuring of the Nigerian Federal Polity
   1. Federating Units and Power Sharing
   2. Armed Forces, Police and Security Agencies
   3. Revenue-Generation and Sharing
   4. The Presidency-Structure; Powers; and Rotation
   5. The Judiciary

V. Conclusion 98
**SUMMARY**

1. Our founding fathers bequeathed to us a federation of three regions. About 24 years of military rule has transformed this federation into a quasi-unitary state. There is at present a crisis of confidence in Nigeria which the present military Government hopes to resolve through a Constitutional Conference. For the crisis to be adequately addressed, the Conference must have **Full Constituent Powers** as promised by the Head of State in his maiden broadcast. The Conference must set its own agenda, and delegates representing the ethnic nationalities in Nigeria must be elected via their senatorial districts. The Conference should be convened not later than April 1, 1994 and conclude its work within four months.

2. To return Nigeria to True Federalism, the country should be restructured into **Six Regions based on ethnic/linguistic groups viz: Eastern; Western; Southern; Central; Northeastern Regions – and Abuja Federal Capital Territory** These regions will constitute the federating units and will be administered by **Governors-General**. The Nigerian Army, the Nigeria Police and the Nigerian Security Agencies will also be restructured to reflect the six-region arrangement. Greater emphasis will be placed on **derivation in revenue allocation**; and revenue distributable to the regions will be based on **equality of the six regions**.

3. The office of the President will rotate among the six regions; a President holding office for only one term of four years. There shall be six Vice-Presidents, one from each of the six regions. The six Vice-Presidents shall be assigned specific responsibilities by the Constitution.

4. The judiciary will be strengthened and its independence guaranteed. Apportionment of jurisdiction between the Regional (State) High Courts and the Federal High Court will reflect the areas of legislative competence of the Regions and the Federal Government. The Regional (State) Courts of Appeal will be restored.

With the above framework, Nigeria can evolve as a nation where Equality, Equity, Justice, and Fairplay for all are the order of the day.
BACKGROUND

1. Nigeria is a pluralistic society. Prior to Independence, the various ethnic nationalities/groups that comprise Nigeria, of their own choice, following various Constitutional Conferences, confirmed a Federal Structure for the governance of Nigeria. In doing this, all were guided by the Fact that a Federation is the best system of government for a multi-ethnic country such as Nigeria. At independence therefore, Nigeria became by common agreement, a Federation of Three Regions.

The two major weaknesses of Nigeria's Federal Structure at Independence have been extensively treated by the Political Bureau in 1986. These are:

i) that the Northern Region was larger than the Eastern and Western Regions, put together.

ii) that minority ethnic groups in these regions had valid fears of domination by the major groups (ref Willink's Commission).

The two issues outlined above, continually undermined the stability of the Federal Republic Manifesting in the Controversies over the 1959 General Elections; 1962/63 Census; the 1964 General Elections; and the violent agitations for creation of states within the Regions. More importantly, these manifestations underlined the Fact that ethno-cultural pluralism is ineffective in a country which permits the domination of other ethnic nationalities by one or a combination of them.

For Nigeria to be One Nation, this problem must be resolved. In other words, Nigeria has a future as One Country, and One Nation, only to the extent that the constituent components also have a future.

The Three Regions of the Nigerian federation were large and viable. Each Region had its own "Regional" Constitution. But they suffered from the weaknesses indicated above.

Since 1966, however, the process of concentration of political power through the unified command of successive "Federal" Military Regimes (which have ruled Nigeria for about 24 years of its 33 years of post-independence existence), has turned the Nigerian Federal System into a Quasi-Unitary system of governance.

It has to be admitted that the Federation upon which Nigeria was born and founded, no longer exists. It has to be frankly acknowledged that what now
exists is an over-centralised National Government. It has to be recognized that by the splitting of Nigeria into thirty (30) states, the federating units have become atomized and ineffectual, and each of them, without exception, is now almost completely dependent on the Central Government for its Revenue and its life.

For the sake of the future of Nigeria as one country and one nation; for the sake of development; for the sake of generations of Nigerians; for the sake and benefit of All Nigerians; and indeed of blackmen and women all over the world; we must accept the Fact that the status quo is untenable. We must steer back the ship of state along that course on the basis of which our country was founded. We must Reaffirm Federalism as the best system of government for Nigeria and Restructure the Nigerian polity along the lines of a True Federation.

One of the most important advantages of Federalism is the equilibrium between the Centre and the Regions. In a country like Nigeria with multi-ethnic nationalities, the constitutional balance required by Federalism should limit the tendency towards over-centralisation.

**PRELIMINARY ISSUES**

In our view the success or failure of the proposed Constitutional Conference will depend on how well the National Constitutional Conference addresses itself to some Key Preliminary Issues.

The Commission should realize that the annulment of the Presidential Elections held on June 12th, and its aftermath, have again brought into sharp focus the National Question, Just as the 1966 crises did. The Commission may recall the 1966 Ad-Hoc Constitutional Conference, and all that followed; and ensure that history does not repeat itself.

It is our well-considered view that for the proposed National Constitutional Conference to achieve the desired results, such Preliminary Issues as Type of the Conference; its Powers; its Timetable; Delegates/Membership; and the Agenda; should be worked out well in advance by the Commission.
a) Type of Conference: Sovereign vs Constitutional Conference

We observe that several ethnic nationalities, interest groups, and prominent individuals have called for a sovereign National Conference, and not a Constitutional Conference that the serious question of the nature and form of the political association between the different ethnic nationalities/sub-nationalities comprised in Nigeria can not only be addressed but decided.

Such a Conference should also provide the most appropriate forum for addressing and deciding the vexed issues of "Minorities", Marginalization and Power-sharing, Generation and Distribution of Resources, Applications of Federal (National) Character, etc.

We recommend therefore:

i) That in absence of a Sovereign National Conference of ethnic nationalities/groups that comprise Nigeria, the proposed Constitutional Conference must have Full and Unfettered powers to make a new Constitution for the Nigerian nation, according to the wishes of All its peoples. This is the widespread expectation and yearning of the majority of Nigerians.

We note also that the Head of State, and Commander-in-Chief of the Armed Forces of the Federal Republic of Nigeria, General Abacha, in his maiden address to the nation on assuming office, promised the nation a Constitutional Conference with Full Constituent Powers. Consequently, a Constitutional Conference with less than Full Constituent Powers will constitute a breach of faith.

b) Time Table for the Conference

The present Military Government has bought time and some credibility through the promise of a Constitutional-Conference. The serious question of tenure/life of the present Government has been tied (by Government itself) to the duration and outcome of the Constitutional Conference.

In this regard it is noted that Government promised (by the Hon. Attorney-General) that the Conference would be convened in January 1994. This was shifted to the first quarter of 1994 (by the Head of State).
RESTRUCTURING: Nigeria's Approach to True Federalism

We therefore Recommend that:
   i) the Conference be convened Not Later Than pt April, 1994.
      This is important if this Military Government is not to run into
      the credibility problem of its predecessor.
   ii) We also Recommend that the work of the Conference should be
       concluded within a period of Four (4) months.

(c) Delegates/Membership to the Conference

Nigeria as a polity comprises many ethnic nationalities and groups. There
are the "Major' and 'Minor' ethnic groups. All, as far as practicable, should
be represented at the Conference, since the raison d'etre for the conference
is for the ethnic nationalities/groups comprise that Nigeria to work out an
acceptable modus vivendi.

Accordingly, we do not support any representation at the conference other
than on the basis of ethnic nationalities/groups. Since the Conference is
expected to have Full Constituent Powers, it if) imperative that all Members/
Delegates be elected. It is only when they have been so chosen by the
people (through Elections) that they can exercise the power to draw up and
adopt a Constitution on their behalf.

We therefore Recommend that:
   i) All Members/Delegates to the Conference be elected
   ii) The present Senatorial Districts be adopted for election of
delegates to the Conference.
   iii) Each Senatorial District send Three (3) delegates/members to
       the Conference.
   iv) Each Senatorial District be divided into three sub-districts for
       the purpose of electing delegates.
   v) In a senatorial district with two or more ethnic groups, the sub-
      division of the Senatorial district into sub-districts should be
      carried out in such a way that, as far as possible, each ethnic
      group can provide a delegate and no ethnic group is in a position
      to provide more than one delegate where other ethnic groups in
      that senatorial district do not produce a delegate.
vi) Election of delegates to the Conference shall be by an Electoral College, for each sub-district. The College shall comprise Ten (10) representatives of each electoral ward in that sub-district. The candidate who scores the highest votes each sub-district shall be declared Elected as the delegate the Conference.

Thus we recommend a total number of Two hundred and Seventy-three (273) Members/Delegates made up of Three delegates for each of the ninety-one Senatorial Districts in the Country. If the nineteen appointed members of the NCCC are made delegates of the Conference, they will be non-voting members.

SUBSTANTIVE ISSUES

We aver that the instability of Nigeria as a polity is due mainly to the Injustices and Inequalities inherent in the existing "Federal" Power and Resource-Sharing arrangement.

Other significant sources of conflict, alienation and criticism of the Nigerian political system are:

i) Its treatment of Minority Ethnic Groups; and

ii) Inadequate protection of Citizenship Rights.

These sources of friction which continually threaten the continued existence of Nigeria must now be addressed in an honest effort to find lasting solutions.

We are of the opinion that the Nigerian polity should be restructured along the principle of true federalism so as to give every Nigerian a sense of belonging, guarantee minority rights, and permit each geopolitical area to develop at its pace.

We also note the fact that contrary to the Constitution of the Federal Republic of Nigeria at Independence, the Military has been in power for 24 out of 33 years of our post-Independence existence.

After detailed analysis of this fact, we have reached the conclusion that without the total restructuring of the Nigerian Armed Forces, the Military will continue to threaten the peace and security of our nation, and Nigeria can not operate a true Federal system.
Therefore, it is our Strong View that the future of our country hinges on a comprehensive resolve to permanently alter the Nigerian Federation, and its military establishment.

**Restructuring the Nigerian Polity**

We have earlier mentioned the defect of the Nigerian Federal structure at Independence arising from the disproportionate size of Northern Nigeria, which alone produce more than half of the members of the House of Representatives. By contrast, in the Senate which had little or no powers all the regions had equal representation.

When twelve states were created in May, 1967 there was some attempt to maintain North-South and East-West parity in that there were six States from the old North and three states each from the old East and West.

Surprisingly, this delicate balance has been distorted over time. In 1976, there were nineteen states, ten in the North, five in the West and four in the East; in 1989 two more states were created giving the North eleven states, the East five states and the West five states. East-West parity was restored but North-South disparity was allowed to persist. With the increase to thirty states in 1991 the North-South disparity was further accentuated.

To correct the two major defects of the federation structure of Nigeria at Independence, we now recommend that Nigeria be restructured along the lines of a true federation as outlined hereunder:

a. **Federating Units and Power Sharing among Federating Units**

We propose that the Federal Republic of Nigeria be organized into Six(6) Regions and the Federal Capital Territory of Abuja. The six regions which shall be the federating units under the Constitution of the Federal Republic shall be:

The Eastern Region, the Western Region, The Southern Region, The Central Region, The North-Eastern Region and The North-Western Region.
The areas constituting each region will, (subject to referenda in areas where there is uncertainty), be as follows:

I. Eastern Region to be made up of Abia, Anambra, Enugu and Imo States together with the Igbo-speaking people of Delta and Rivers States.

II. Western Region to be made up of Lagos, Ogun, Ondo, Osun and Oyo States and the Yoruba-speaking peoples of Kwara and Kogi States.

III. Southern Region to be made up of Akwa-Ibom, Cross River, Edo, Delta and Rivers (excluding the Igbo-speaking peoples of Delta and Rivers States).

IV. Central Region to be made up of Kwara, Benue, Kogi, Niger, Plateau and Taraba States and the old Jema'a, Kachia and Saminaka Local Governments of Kaduna State (excluding the Yomba-speaking peoples of Kwara and Kogi States).

V. Northeastern Region to be made up of Adamawa, Bauchi, Borno and Yobe States; and

V1. Northwestern Region to be made up of Jigawa, Kaduna (excluding old Jema'a, Kachia and Saminaka LGAs), Kano, Katsina, Kebbi and Sokoto States.

The advantages of the Regional structure as proposed are many. For example: The Regions consist of approximately the same number of States; the populations of Regions do not differ widely (1952 Census); three of the regions (Eastern, Western and Northwestern) are inhabited mostly by "major" ethnic groups, while three of the regions (Southern, Central and Northeastern) are inhabited by 'minor' ethnic groups. There is therefore parity between so-called "majority" and 'minority' ethnic groups; there is also parity between regions in the old "North" and regions in the old "South" etc.

b. **Power Sharing**

(ii) At the national level, power will be shared between the National (Federal) Government and the Regions, which will now become the federating units, in such a manner as to drastically reduce the powers now concentrated at the center. For instance, federal government functions shall be reduced to the level not exceeding
those exercised at Independence and shall be enumerated to include only such matters as external security, foreign affairs, monetary policies, citizenship, immigration and naturalization, interstate and external trade and commerce, etc.

(iii) At the Regional level, each Region will have its own Constitution (as the Regions had at Independence) which will be tailored to reflect the ethnic and other variables within the state. Power will be shared between the Regions and the States and Local Governments within the Regions in accordance with the peculiar configuration of each Region.

c. **Citizenship Rights**

The rights of every Nigerian citizen must be guaranteed by the national (Federal) government. The right to life, property, and pursuit of legitimate concerns of the Nigerian citizen anywhere in Nigeria shall be inviolate.

We therefore recommend that:

(i) Citizenship and Residence rights shall be enumerated and guaranteed.

(ii) The rights of minorities shall also be guaranteed.

**Revenue — Generation and Sharing**

There are two facets to the Revenue problem:

i) What should go into the Federation Account; and

ii) How the money in the Federation Account will be shared between the Central, Regional, State and Local Governments.

At independence under the Riesman Formula, 50% of revenue was paid to the Regions of origin on the basis of derivation, while 20% was paid to the Federal Government as a contribution by the Region for maintenance of the integrity of the nation, and the balance of 30% was shared among Regional Governments including the Region of origin thus bringing up its total share to 60%. Over the years the percentage kept by the Region on the basis of derivation has been progressively reduced to the level of 3-5%. As a first step to redressing the present distortion, we recommend an increase in the weighting given to the Derivation Factor to 50%.
In respect of the second facet of the revenue question; we recommend that the amount to be retained by the Central (Federal) government be drastically trimmed down based on a thorough study of the financial requirements for accomplishing its reduced functions; that the balance thereafter be shared equally between the six regions.

We further recommend that the formula for sharing revenue between the Regions, states and local governments be worked out separately for each region depending on its structural configuration and the relative contribution to the revenue by its various constituent states and local governments.

We also recommend that where the need arises for the Regions to contribute to a particular agreed national project, the contribution be made equally by all the six regions.

The Presidency

The enormous powers concentrated in the office of the President of the Federal Republic of Nigeria and its apparent monopoly by a section of the country has been the major bone of contention in the current crisis.

We Recommend:

i) A drastic deduction in the powers of the Presidency through power-sharing arrangements arising from returning Nigeria to true federalism as outlined earlier in this memorandum.

ii) A Presidency made up of a President and six Vice-Presidents, one from each Region.

iii) Rotation of the office of president among the six regions of the country in turn; an elected president holding office for only one term of four years, the rotation being thereby completed in Twenty-four years.

The Judiciary

A strong and independent judiciary is indispensable to a stable polity. We had earlier on stated that Citizenship and Residence Rights as well as Minority Rights must be guaranteed. There is also the need to guard the
power-sharing arrangements outlined above. The judiciary must therefore be strengthened and its independence guaranteed. We therefore recommend amendment to the jurisdiction of the Regional (state) and Federal High Courts to bring them in line with matters within the legislative competence of the Regions and the Federal Government respectively.

We also recommend the reintroduction of the Regional (state) Courts of Appeal, parallel to the (Federal) Courts of Appeal, both intermediate between the High Courts and the Supreme court.

**CONCLUSION**

We conclude by affirming our faith in the Integrity of Nigeria, on true federalism which our founding fathers bequeathed to us; in equality, equity, justice and fairplay for all Nigerians irrespective of creed or ethnic origin. We affirm our faith in the future of Nigeria anchored on good governance, justice and equity.

Signatories: List of State Representatives

1. **Abia State**
   i) Maj. Gen (rtd) I.O.S. Nwachukwu  
   ii) Eze Ogo Dr. A. Ezikpe  

2. **Anambra State**
   i) Dr. P.N.C. Okigbo, NNMA  
   ii) Chief (Dr) Alex I. Ekwueme  
   iii) Prof. Ben. Nwabueze (SAN), NNMA  

3. **Enugu State**
   i) Chief C. C. Onoh  
   ii) Prof. G. A. Odenigwe  

4. **Imo State**
   i) Chief S. O. Mbakwe, Ph.D  
   ii) Chief(Dr.) E. C. Iwuanyanwu  

5. **Delta State**
   i) Dr. G. O. Orewa  

6. **Rivers State**
   i) Senator F. J. Ellah
SECTION 6

THE NATIONAL CONSTITUTIONAL CONFERENCE COMMISSION (NCC)

THE MIDDLE BELT POSITION
TABLE OF CONTENTS

1. INTRODUCTION .................................................. 101
2. THE UNDEMOCRATIC NATURE OF THE CONFERENCE ......... 101
3. CONCLUSION ....................................................... 104

100
INTRODUCTION

At its inception the Abacha Administration pledged that its tenure would be short and promised the nation a Constitutional Conference (CC) "with full constituent powers" for the people to freely decide the basis and nature of their coexistence. Soon after, the nation was stunned when some top government functionaries started contradicting each other on the timing, nature and status of the conference.

This scenario created deep doubts and skepticism in the minds of most Nigerians who then demanded not only for a categorical statement from the Government but also an appropriate enabling decree for the conference. The Government was not forthcoming and it promulgated a decree retrospectively. The provisions of this decree have clearly laid bare the Government’s determination to make the conference a "ruse" and thus maintain the status quo: as unjust and as oppressive as it is. Is it surprising then that the decree was delayed for so long? Although the people are now fully awake and conscious of their disadvantaged position created by their domination by the Northern Oligarchy, the Abacha junta is still bent on Sustaining the Oligarchy 's iron-grip on the nation.

THE UNDEMOCRATIC NATURE OF THE CONFERENCE

In view of the aforesaid and for the additional reasons listed hereunder, the Middle Belt concludes that the Conference (as designed) is undemocratic, anti-people and hence unacceptable.

(a) The Elections for the Conference was conducted without a Voters' Register and without an enabling Decree.

(b) Government's avowed intention not to allow Nigerians to freely decide the destiny of their country by entrenching the following obnoxious provisions in the decree:

(i) Empowering the Head of State to appoint delegates unilaterally for constituencies under certain circumstances.
(ii) The appointment of 96 delegates to participate in the conference with full voting rights; and yet the Government still claim to be laying a solid foundation for democracy.

(iii) A quorum of only one third of the members or 123 delegates. With 96 appointed delegates only 27 elected delegates need team up with the appointed ones to form a quorum and to pass any resolution that would be binding on the whole country.

(iv) Empowering the Chairman or Vice Chairman to suspend delegates for up to two weeks under certain circumstances. Thus disenfranchising the constituencies of such delegates.

(v) The stipulation of "no-go areas" by decreeing that only the issues on the agenda prepared by the Constitutional Conference Commission could be discussed by the Conference.

(vi) Decreeing that the deliberations and decisions of the conference would be mere resolutions and conclusions and the new constitution to be determined by the Conference would be only a proposal to the Provisional Ruling Council (PRC). In which case the country might as well be saved the time and cost of the conference so that the PRC can directly decide the political dispensation it wants to foist on the nation.

c. As if the concept of nominated delegates is not undemocratic enough, the Government skewed the exercise in favour of certain vested interest groups that are bent on maintaining the status quo; i.e. the Northern Oligarchy and it's known lackeys" all over the country.

(i) In Kaduna State all the three nominees, Alhaji Umaru Dikko, Alhaji Umaru Dembo and Mr David Sadauki; all three of whom are from one tribe and one local government area.

(ii) In Plateau State Alhaji Abdullahi Adamu, Mr John Jatau Kadiya and Mr John Wash Pam.

(iii) In Kogi State Col. Ahmadu Ali (rtd), Mrs. B. Awoniyi and Alhaji Mamud Attah are staunch conservatives.
(iv) In Adamawa State Alhaji Muhammad Gambo and Dr Mahmud Tukur
(v) In Kano State Alhaji Tanko Yakasai and Col. Isa Kachako (rtd)
(vi) In Katsina state Justice Mamman Nasir, Mallam Mamman Daura and Alhaji Lema Jibril
(vii) In Sokoto State, all the appointed delegates.
(viii) In Kebbi State, all the appointed delegates.
(ix) In Bauchi State, Alhaji Bello Kirfi, Alhaji Abubakar Tuggar and Senator Uba Ahmed.
(x) In Yobe State, Alhaji Bunu Sheriff, Alhaji Kaloma and Commandore Ibrahim Alkali (rtd).
(xi) In Niger State, Col. Dani Bello (rtd) and the two appointed delegates.
(xii) In Kwar State, all the three appointed delegates.
(xiii) In Borno State, Brigadier Abva Kyari (rtd) and Senator Madu Sheriff.
(xiv) In the Federal Capital Territory (Abuja), Alhaji Mohammad Kochazi.
(xv) In Oyo State, Dr Victor Olunloyo and Chief Sunday Adewusi.
(xvi) In Edo State, Chief Tony Anenih, Professor O. A. Osunbor and Chief Tayo Akpata.
(xvii) In Cross River State, Chief I. Murphy and Chief Arikpo Okon.
(xviii) In Anambra State, Dr. Clement Akamkpo et all.

d. In many states, especially in the Middle Belt and Southern Minorities, the demarcation of the conference districts was manipulated to favour certain vested interests.
e. The arrest of retired Air Commodores Dan Suleiman and Jonah Jang and their continued trial and harassment is an intimidation of the Middle Belt; as it questions their rights as citizens and as our leaders to freely express their views on the affairs of their country. More so that they are not the only alleged members of NADECO.
f. Is it not an insult to the nation to have people like Alhaji Umaru Dikko and Dr. Clement Akamkpo in the Conference;
more so that the ruling junta claims to have come to promote reconciliation?

CONCLUSION

It is now crystal clear that the conference as designed (by the powers that be) will not allow the much desired transformation of our country into a Nation of equal opportunities with guarantee of justice, equity and fairplay for all. As injustice and domination has been deep seated for too long the much needed political transformation of Nigeria cannot be delayed any longer. Hence the insistence for a SOVEREIGN NATIONAL CONFERENCE.

Since the generality of the people of Nigeria are fed up with Military rule and since they freely elected a "President" on June 12 last year, the Middle Belt calls on the Abacha junta to follow the path of wisdom and release the results of the Presidential Elections. The winner should be called upon to form an interim National Government to govern the country for the duration of the sovereign national conference and until elections are held.

We call for the immediate and unconditional release of our two leaders and the dropping of all charges accordingly.

We reiterate our support for the principles and objectives of NADECO i.e. those of a democratic and national Government immediately.

We condemn the arrest and detention of Chief M.K.O. Abiola and Senator Ameh Ebute et al and ask for their immediate and unconditional release.

The harassment and closure of some media organizations on spurious allegations is despicable. They should be allowed to reopen immediately.
SECTION 7

MOVEMENT FOR NATIONAL REFORMATION

UPDATED PROPOSALS
1. The Union of Nigeria shall be a Federation of Constituent Nationalities which shall be grouped into Regions.

2. Each Region shall itself be a federation.

3. (a) Where a Region consists of a single Nationality, its federating units shall be the contiguous component Sub-Nationalities of the Nationality.

   (b) Where a Region consists of multiple Nationalities, its federating units shall be the contiguous component Nationalities of the Region.

4. A Nationality or Sub-Nationality shall not form, or be part of, more than one Region.

5. Any disputes concerning area adjustments under sections 3 and 4 above shall be resolved by referendum among the populace concerned.

6. The combined criteria for the creation or recognition of a Region shall be:

   (i) Adequate Economic Resources (i.e. viability of the area concerned with regard to the scope of Regional powers and functions, which shall be the powers and functions of Regions under the 1951 Constitution); and

   (ii) Adequate Human Resources (i.e. combined population of not less than one million people living within the area concerned).
7. Each Region as well as each Nationality within a Region shall have its own internal Constitution.

8. The federating Sub-Nationalities of a mono-nationality Region shall be designated "Provinces" shall have specified territorial powers exceeding those of local government councils but lesser than those of a Region.

9. The federating Nationalities of a multi-nationality Region shall be designated 'Associated Territories" and shall each have (or share with neighbouring Nationalities) autonomy in a range of subjects (Chieftaincy, cultural affairs, primary education, language development).

10. Applying the foregoing principles and criteria, the emerging picture could be as follows:

(a) 12 Mono-Nationality Regions

Ibibio Federation
Ijaw Federation
Igbo Federation
Urhobo Federation
Edo Federation
Yoruba Federation
Nupe Federation
Tiv Federation
Fulah Federation
Gbargyi Federation
Hausa Federation
Kanuri Federation

(b) 6 Multi-Nationality Regions

(i) One Federation comprising Minority Nationalities in Cross River and Akwa Ibom States (i.e. Eket, Annang, Oron, Ibuno, Efik, Ejagbam, Korop, Boki, Bakwara, Yakurr, Yala).

(ii) One Federation comprising the Minority Nationalities in Rivers and Bayelsa States (i.e. Ikwerre, Etchei, Ekpeye, Engeni, Ogba, Eleme, Ndoni, Ogoni, Andoni).
(iii) One Federation comprising the Minority Nationalities in Delta State (i.e., Ika, Ndokwa, Warri, Isoko).

(iv) One Federation comprising the Minority Nationalities in West Middle Belt (i.e., Zuru, Kambari, Bariba, Bussa, Karekare, Ngizim, Angamo, Bola, Funne, etc).

(v) One Federation comprising the Minority Nationalities in Central Middle Belt i.e.:

(a) Ebira Group: Ebira, Uku, Ebira-Ugu, Ebira-Panda, Etuno-Igarra, Ebira Mozun, Bassa-Nge

(b) Igala Group in Upper Benue Group: Alago, Eggon, Gwandara, Mada, Kakanda, Mighili, Bassa-Komu, Ninzom, Arum, etc.

(c) Nok Group: Atyap, Ham, Bajju, Ninzam, Ikullu, Kamanton, Gwandara, Kahugu, Kwasam, Hori, Ninkyop, etc

(vi) One Federation comprising the Minority Nationalities in East Middle Belt, i.e.

(a) Plateau Group: Ngas, Berom, Afezere, Ankwei, Tarok, Geomai, Mavo – Jukun, Amu, Pem, Yovin etc

(b) Taraba Group: Chamba, Jukun, Kuteb, Mambila, Kona, Kunni, Kaanab, ndoro, Abakwa, Mumuye, Yububen, etc

(c) Savanna Group: Burra, Tangale – Waja, Bachama, Manghi, Kilba, Yungur, Mwanna, Bwazza, Mbula, etc.
11. The total number of Regions would thus be 18 (eighteen).

12. Provisions should be made prescribing the requirements and procedure for the creation of any new Region, provided that no new Region shall be created before the expiration of 20 (twenty) years from the establishment of the new structure.
SECTION 7

ALTERNATE CONSTITUTIONAL PROPOSALS DRAWN UP

BY

NADECO-ABROAD.
**TABLE OF CONTENTS**

1. INTRODUCTION 112
2. PARLIAMENTARY SYSTEM 112
3. DIVISION OF POWERS 113
4. ELECTIONS 114
5. STATE OF EMERGENCY 114
6. REVENUE ALLOCATION 115
7. TAXATION 115
8. EDUCATION 115
9. DRUG TRAFICKING /CORRUPTION 116
10. TENDERS PROCEDURE 117
11. ARMED FORCES/POLICE 117
12. WOMEN AND DEMOCRACY 117
13. THE CIVIL SERVICE 118
14. THE JUDICIARY 118
1. **INTRODUCTION**

**ALTERNATE CONSTITUTIONAL PROPOSALS DRAWN UP BY NADECO-ABROAD.**

NADECO has made proposals for constitutional reforms in Nigeria. The proposed changes are designed to promote democracy and participation, strengthen federal institutions, enhance equity and justice, engender even and meaningful development, and foster democratic unity and cooperation among the various nationalities constituting a multi-cultural, multi-ethnic, truly federal state. Some of these recommendations are outlined here.

A. Committee on Democratic Reformation and Constitution Draft Resolutions.

**PARLIAMENTARY SYSTEM**

1. The Committee recommends the adoption of a parliamentary system because it is less money oriented, less corrupt and provides gradual ascension of leadership. It is also less autocratic, more susceptible to party discipline.

2. The Office of the President should be purely ceremonial. The candidate for the office should be nominated by the Opposition, and elected by all regional and national parliaments at a joint sitting.

3. The Consolidated Fund should provide for (a) the office of each parliamentarian-3 aides, and (b) the office of each member of the Opposition front bench.

4. The number of seats in Parliament shall be shared equally among the 8 regions in the country.

OR

Parliament should be made of two chambers, the first chamber will be based on population, and the second chamber on equality of regions.

5. Party System: There should be no restriction on formation and registration of political parties. A multi-party system protects minority interests and ensures consensus building across nationality lines.
6. National Structure: Nigeria should be divided into 8 (eight) regions as follows:

Northwest: Kebbi, Sokoto, Katsina, Northern Kaduna
Northeast: Kano, Jigawa, Borno, Eastern part of Bauchi
Central: Plateau, Benue, Southern part of Kaduna, Niger, Northern part of Kwara
Central East: Taraba, Adamawa, Yobe, Western part of Bauchi
Western: Lagos, Ogun, Osun, Oyo, Ondo, Southern part of Kwara, Southern part of Kogi
South Central: Edo and Delta
East Central: Anambra, Enugu, Abia, Imo
South Eastern: Rivers, Akwa Ibom, Cross River.

Any region can create as many states as it wishes as number of states would have no bearing on revenue allocation and representation in the upper house.

DIVISION OF POWERS

The lowest tier of Government shall be called the Autonomous County. This is optional for a Region which is composed of only one nationality. It is mandatory for a Region which is multinational in composition. Powers shall cover all matters essentially local, including primary and secondary education in the local and English languages, local roads, local museums, etc.

The second tier shall be made up of eight (8) Regions made up of an amalgamation of existing states. Powers shall be over all matters not reserved to either the Autonomous County or the Federal Government.

The third tier shall be Federal Government. Powers shall be over defence and national security, monetary affairs, external affairs, inter-state commerce, international trade, off-shore resources, nuclear energy, research in any fields, census, citizenship, federal judiciary, etc.
ELECTIONS

There would be direct elections to all legislative institutions.

STATE OF EMERGENCY

Only in a situation of external war where a Region refuses to carry out security instructions of the Federal Government can the Federal Government take over the powers of another level of government with the votes of two-thirds of both houses of parliament 'and other houses'

B. COMMITTEE ON THE ECONOMY

DRAFT RESOLUTIONS

1. Rapid rehabilitation of the economy and its return to the path of growth.
2. Emphasis must be in the fields of industry, commerce and transportation
3. Since Nigeria is the anchor nation of the Black world, any economic policy must encourage the participation of the Black world. Our prosperity must also be the prosperity of the entire Black world both in Africa and in the diaspora. Such specific policies as requiring foreign companies participating in the Nigerian economy to have a multi-racial board of management and (b) reserving 30% of contracts in Nigeria that are open to foreign bidding for Blacks in the diaspora will be legislated for.
4. Privatization: The private sector will be the engine of growth. All enterprises still held and run by Government at any level must be privatized. As an anti corruption measure, the valuation of these enterprises will be by the World Bank.
5. Investment: Policies must be investment friendly. Repatriation of profits and other funds must be made automatic for new investment funds. The Naira will be made fully convertible within 5 years of restoration of democracy.
6. Agriculture: Policies must be put in place and be consistently pursued to ensure that the farmer expands production and productivity with Government providing basic infrastructure of
roads, irrigation works and guaranteeing the purchase of all surplus production of a few carefully selected crops which constitute the main staples for Nigerians and their neighbours, as well as being basic industrial raw materials.

7. Transportation: Investment in mass urban transit system based on surface track. Overhaul and realignment of the rail system for rapid interstate travel. Investment in waterways and transportation system involving the dredging of rivers and waterways.

REVENUE ALLOCATION

In the true spirit of Federalism, the basic principle will be that of derivation. For on-shore resources and minerals, the allocation shall be

Federal Government 20%
Regional Government 70%
Autonomous Counties 10%

For off-shore resources (beyond three miles) the distribution shall be

Federal Government 25%
Regional Governments 75% (on the basis of equality)

TAXATION

Each Region shall have full powers over personal income tax, company tax, royalty tax. The Federal Government shall have the power of taxation over Federal employees and federal properties such as interstate railways, interstate highways and companies operating in Abuja and off-shore.

C. COMMITTEE OF EDUCATION

DRAFT RESOLUTIONS

Education at primary/elementary level shall be compulsory and free
Education at elementary and secondary levels shall be reserved for voluntary agencies, the private sector and appropriate authorities.

All levels of government and the private sector will be allowed to own and operate tertiary institutions.
Governments will be allowed to set the guidelines and enforce such guidelines in the educational sector. The Federal Government shall set the minimum standards at all levels of education.

Government must give per capital subsidy to voluntary and private institutions running educational institutions.

Special recognition will be given to the special position of, and the negotiation to protect the careers and job security of, existing staff.

D. COMMITTEE ON DRUG TRAFFICKING/CORRUPTION DRAFT RESOLUTIONS

Office holders from 1983 to date must declare assets publicly and be called upon to justify assets before an assets investigation bureau.

Assets which cannot be justified shall be forfeited to the State.

Assets which are not declared shall be forfeited.

Any Nigerian who cannot justify the source of his assets shall have the value of the assets declared as profit taxable at 75%.

Drug trafficking shall carry the death penalty and forfeiture of all assets, and not just the assets in the course of the investigation of the drug offence.

Any Nigerian living beyond his means must justify the source of his wealth.

In all cases involving corruption and drug trafficking, the onus to prove innocence shall be on the accused.

Assets include assets located outside Nigeria, and the Federal Government shall be empowered to use all means to locate these assets. Where a foreign government refuses to cooperate, their nationals shall be banned from bidding for contracts in Nigeria.
TENDERS PROCEDURE

All tenders must be advertised

All submission and opening of tenders must be done in public.
All awards must be published
Contractors must be paid as and at when due or the state must pay prevailing interest rate on the amount delayed.

Civil servants who are responsible for the delayed payment shall be guilty of a criminal offence of having a corrupt intention to defraud the state.

There shall be no mobilization payment without acceptable bank guarantees.

E. COMMITTEE ON ARMED FORCES/POLICE DRAFT RESOLUTION

Each Region shall have its own Police Force

The Federal Government shall have a Federal Security Service that would handle violation of federal laws. The FSS shall have regional and county branches.

The National Intelligence Agency will remain an exclusive federal agency, since it deals with foreign intelligence.

Nigeria shall have a unified centralized army.

F. COMMITTEE ON WOMEN AND DEMOCRACY DRAFT RESOLUTION

Nigerian women should have a minimum 25% quota of seats in the legislatures (federal and regional) and in government appointments to political office, civil service, judiciary and the police. The armed forces shall be an exception to this requirement.
G. COMMITTEE ON THE CIVIL SERVICE AND THE JUDICIARY DRAFT RESOLUTIONS

THE CIVIL SERVICE

Each of the Regional and Federal Governments shall have its own civil service with uncommon and non-uniform conditions of service. Recruitment into the senior cadre of the Federal Civil Service shall be on the basis of Federal Character, but promotion shall be on the basis of merit.

THE JUDICIARY

Appointments into the magistrate and state high courts shall be by the regional Judicial Service Commission. They shall have jurisdiction over regional and federal laws except in the case of human rights which shall be heard in a special court on human and constitutional rights established at the High, Appellate and Supreme Court levels. Judges to the Human Rights Courts shall be appointed by a National Judicial Commission on which each Region and the Federal Government shall each have a representative.

Each Region shall have a Court of Appeal

The Federal Supreme Court shall have nine judges, each representing a Region, while the Federal Government shall appoint the Federal Chief Justice.
SECTION 8

OBSTACLE TO PEACE IN NIGERIA

SECOND EDITION OF THE POLITICAL SCIENCE LECTURE SERIES

BABCOCK UNIVERSITY,
ILISHAN-REMO, OGUN STATE

10th March, 2003

BY HIS EXCELLENCY
CHIEF BISI AKANDE
GOVERNOR, OSUN STATE
# TABLE OF CONTENTS

1. INTRODUCTION 121  
2. NATIONAL POWER 121  
3. TRADITIONAL NATIVE AUTHORITY 121  
4. POWER OSCILLATION 122  
5. UNITARY FEDERALISM 123  
6. TRUE FEDERALISM 123  
7. GENERAL ASSUMPTIONS 124  
8. GENERAL ACCEPTANCE OF THE PRINCIPLE OF FEDERALISM 124  
9. ALLOCATION OF FUNCTIONS BETWEEN THE TWO TIERS OF GOVERNMENT 125  
10. THE POLICY ADULTERATED BY MILITARY RULE 125  
11. DISTRIBUTION OF FUNCTIONS AND ALLOCATION OF AUTHORITIES 126  
12. ZONAL OR REGIONAL LEGISLATIVE LIST 126  
13. STATE LEGISLATIVE LIST 127  
14. LOCAL GOVERNMENT LIST 127  
15. GRASSROOT DEVELOPMENT IN POOR AND EMERGING DEVELOPING COUNTRIES 127  
16. HUMAN PROSPENSITY 128  
17. NATIONAL POWER DISTRIBUTION AND REVENUE ALLOCATION 129  
18. LIFE, FOOD, PROPERTY AND ECONOMIC SECURITY 131  
19. MAN AS A UNIT DEVELOPMENT 132  
20. OPTIMUM COMMUNITY 133  
21. LOCAL GOVERNMENT AND COMMUNITY DEVELOPMENT 133  
22. PRIORITY OF AGRICULTURE 134  
23. OUR TRADE MARK IN OSUN STATE 135  
24. CONCLUSIONS 137  
25. GRATITUDES 139
THE OBSTACLE TO PEACE IN NIGERIA

Introduction

Peace and security are twin concepts upon which a nation is built and developed; lack of security is a serious obstacle to peace. Lack of security to life is violence. Lack of security of food is hunger. Remember the adage: An hungry man is an angry man. We all know that an angry man can easily become a violent man. Lack of security of employment leads to hunger. Political domination and subjugation breed revolts, community disharmony and national insecurity. What we are saying in essence is that political self-determination and economic security is a veritable foundation upon which the peace of any polity can be built. It is another word for national power.

National Power

Whether in a democracy or in a dictatorship, national power is measured in terms of political and economic self-sufficiency and military superiority. Knowledge promotes economic and military power through scientific and technological impetus. In a dictatorship, knowledge cannot grow because free thinking, free speech and free discussion are stifled to the extent that MAN has no opportunity to exercise those fundamental human rights. In a democracy, however, access to rights such as free movement, free education, free healthcare, decent housing and good food are demanded, debated and discussed; even if they would not be addressed by the people in authority, they would form the basis for eventual promises by those aspiring to power through the electoral process.

Traditional Native Authority

Before the advent of British imperialism in Nigeria, each traditional local government, otherwise known as empire, kingdom, fiefdom or family hamlet, enjoyed complete autonomy. Among such empires were the Hausa kingdoms, the Bornu empire for the Kanuris and the middle-belt Kwararafa empire among the Plateau communities. We also had the Oyo empire
covering the present Oyo State and parts of the present Ogun, Lagos, Kwara and Osun States. Benin empire covered the present Edo and Delta states and substantial parts of the present Ondo, Kogi and Ekiti states. Among the other kingdoms were the Ife kingdom, the Ila kingdom (which from the present Osun State spread into Igbomina area of the present Kwara State) and the Ijesa kingdom of Osun State (covering parts of the present Osun and Ekiti States). All the human activities that resulted in these social institutions represent the culmination of processes of discovery and development of agriculture but not without the wickedness of enslavement of man by man depending on his access to the arsenal of power.

Although, the European invasion for the slave trade (16th to 19th centuries) and the wars arising from the Fulani Jihads (otherwise known in Yorubaland, as Jalumi and Kiriji wars etc (1804 - 1893) appeared to have weakened and altered some of the boundaries, the emerging kingdoms and emirates became the strongest pillars for the administrative structure (Native Authority) of the British rule in Nigeria from 1914. In other words, in the ancient feudal arrangements, administrative power began with our traditional rulers in the various kingdoms, fiefdoms and family hamlets now called local governments. From the experience of the colonization of the North by the Fulani and the counter colonization of the whole Nigeria by the British, all Nigerian historical tribal groupings, regional kingdoms and medieval city states coalesced into nations being referred to as Yoruba, Hausa-Fulani, Igbo, Kanuri, Edo, Urhobo, Ibiobio, Tiv, Idoma etc across the North-West, North-East, North-Central, South-West, South-East and South-South zones of Nigeria variously.

Power Oscillation

With the advent of democracy in Nigeria in 1952, power shifted to the Regions (now split into states) from which the Central Government derived its authority. The three founding fathers of post-colonial Nigeria- Dr. Nnamdi Azikiwe, Chief Obafemi Awolowo and Alhaji Ahmadu Bello – at first, preferred to remain in the Regions - the source of political power and authority! Later came the military who, basing administrative arrangement and governance on military tradition, shifted power and authority to the centre. Overtime, the military created 36 states and 774 local governments, based on no scientific principles, but, on largely nepotism and transient political pressure, thereby making nonsense of federalism.
Thus the military and their collaborators have, through the back-door, restructured Nigeria from a federal to a quasi unitary system of government.

**Unitary Federalism**

Each of the 36 states is now so weak that it struggles with the local governments between being autonomous from and, at the same time, being subordinated to the Federal government in practically all major functions which the old Regions were performing. By decree 21 of 1998, the military transferred virtually all powers of taxation from the States and Local Governments to the Federal Government, thereby, making the other tier of government and the Local Governments financially helpless and virtually totally reliant on funds from sale of crude oil. Hence the strident demands for restructuring, resource control, and sovereign national conference. Take it or leave it, the only thing that can give strength to and sustain the unity of the diverse people of Nigeria is **TRUE FEDERALISM** - the definition and practice of which do not appear to be clear yet to neophyte Nigerian politicians.

Distinct national groups are entitled:

(i) to countries of their own; and

(ii) to the freedom to pursue their own destinies according to their own lights, culture, history and resources.

The experiences of Czechoslovakia and Yugoslavia, where several nations were grouped together in each as a single country, resulted in ultimate disintegration: one peacefully, the other violently. No power can force into a unitary polity several or many nations with different unique languages, history and culture. Only federalism by agreement may be tolerated and sustained.

**True Federalism**

The relevance of nationalism as a central driving force for demands for sovereignty or unfettered autonomy within a sovereign country is being demonstrated daily in all polities of diverse ethnicity as in Great Britain where to the Scots, autonomy is being granted Irish and Welsh side by side with that of England. It confirms the argument that the more educated, civilised and enlightened people are, the more eager they become in their pursuit of their national autonomy and self government.
Before true federalism can be achieved, each of the nationalities that make up Nigeria—particularly from the South-West, South-East and South-South zones of the country—must begin today its separate national conferences with a view to reviewing and re-writing separate constitutions each for the Yoruba, the Igbo, the Edo, the Uroboh, the Ijaw, the Annang and the Ogoja nation and so on, as if, each would be administered as a separate entity. The various nationalities in the Middle-Belt, the North-West and the North-East will learn to follow in double quick-march. In the end, all these constitutions will assume domestic autonomy particularly in transportation (including railways, waterways and airway services) energy and communication and at the same time, specify what authority to surrender to the Federal Government at an all-Nigerian national conference.

**General Assumptions**

I should at this point present the assumptions on which my position on the issue of true federalism is premised in order to underscore its sine quo non for the survival of our country, Nigeria.

**General acceptance of the principle of Federalism**

Under a time Federal arrangement (USA, Canada, Australia, India etc) there are two tiers of government - the central Government and the governments of the federating units (otherwise called States). However, while the federal arrangement in those countries evolved from historical union of diverse ethnicity, geographical separateness and language dissimilarities put together by agreement among peoples of the federating units, the Nigerian federation started as a union forced by the British; the regions which were the components were later progressively split into states created on demand, considered by the military, without consistent clear-cut principles other than nepotism and transient pressure.

In any federation, like in any unitary polity, local government administrations are mere geographical, zonal or district departments created by each state government for ease of allocating functions, supervising, monitoring and controlling the maintenance of the amenities provided by the states using the instrumentalities of primary facilities such as primary schools, health clinics, markets stalls and motor parks etc. In other words, a unitary
arrangement has one central government with possibly several levels of local, divisional, district or parish administrations while a federal system has two tiers of governments—(Central and States only).

**Allocation of Functions between the two tiers of government**

In a true federal arrangement, the Central Government is saddled with functions that would unify the various federating units (States) and such functions would be listed to avoid controversy. All the residual (non-listed functions) are the presence of the federating units. While listed functions are known and identifiable, the residual functions are not as clear-cut being only cognisable by inference and deduction. That is why, in some federations, there are concurrent functions which are always listed:

(i) to enable the Central and the State governments to participate voluntarily depending on the available resources and needs: and

(ii) to enable the Central government to intervene where there are needs but the federating unit lacks the resources and without such caveat that the involvement of one invalid dates the authority of the other as it is currently the case in Nigeria. Such caveat by implication transfers all the listed concurrent functions to the exclusive preserve of the Central government.

**The polity adulterated by military rule**

Arising from the foregoing, the following questions become pertinent:

i. Should each of the existing 36 states (and perhaps with more to be created in the future) be the federating unit in preference to making each of the six zones (namely: North-West, North-East, North-Central, South-West, South-East, and South-South) the federating unit?

ii. Should each resulting tier or level of government Federal, Zonal, State and Local Government) be self-coordinating OR one and any of the levels be made sub-ordinate to the other?

The answers to these two questions can be found in the distribution of functions and allocation of authorities.
Distribution of Functions and Allocation of Authorities

In the present situation of Nigeria where nations with distinct languages, historical, cultural and political affinities have been adulterated during military misrule as characterized by arbitrary state boundaries, the zonal configuration shall, in my opinion, have to be introduced as the federating unit and as useful co-ordinator of state activities. I am therefore suggesting that functions be allocated as follows:

Exclusive Legislative List for the Central Government

(i) Citizenship, Naturalisation, Immigration, Deportation of Non-Nigerians, Extradition, Passport and Visa;
(ii) Foreign Relations and External Affairs generally;
(iii) Common Legal Tender, Currency, Coinage, Central Bank and Exchange Control;
(iv) Defence, Armed Forces, Arms, Ammunition and Nuclear Energy;
(v) Custom Duties and Aviation Control;
(vi) Census, Territorial Boundaries and Election to the offices of President and Vice President;
(vii) Award of national titles and honours;
(viii) Federal Police and Federal Civil Service;
(ix) Pension and Gratuities;
(x) Public Holidays;
(xi) Research in education, health, agriculture and technology etc. school curriculum and General Examinations.

Zonal or Regional Legislative List (to be held in concurrence with the States within the zone).

(i) Transportation including: Airports, Railways, Waterways and Trunk Roads;
(ii) Polytechnical and University Education;
(iii) Borrowing of monies within and outside Nigeria;
(iv) Commercial and Industrial monopolies, Excise Duties and Control of capital Issues;
(v) Consular and Trade representation;
(vi) Mines and Minerals (including petroleum mining)
(vii) Copyright;
(viii) Drugs and poisons;
(ix) Incorporation of Companies, Insurance, Patents, Trade Marks, Business names, Profit and capital Gains;
(x) Energy, post and Telecommunication;
(xi) Produce Inspection for Export;
(xii) Banking; etc.
(xiii) Creation of states;
(xiv) Election to the offices of the Zonal Prime Minister, Zonal Assembly zonal and the State Legislative Councils;
(xv) Regional/State Police, Prisons, Evidence and Fingerprints;

**State Legislative List**

All Residual Powers in addition to all the functions listed under zonal and Regional Legislative List should be given to each of the 36 states. In the event of the Zonal Legislature making a law on any function which had earlier been legislated upon by the State, such function shall be jointly negotiated, formulated, financed, implemented, controlled and co-ordinated according to degree of the benefit derivable by each of the two or more authorities concerned. In other words, it will be a joint venture approach.

**Local Government List**

The powers and functions of the Local Governments in a State will remain as may be prescribed by the House of Assembly of that State.

**Grassroot Development in Poor and Emerging Developing Countries**

In abnormal circumstances, as in Nigeria, where all the powers to make laws on taxation and revenue generation are virtually totally centralised, allocation of revenue should be extended to the local administration levels (not tier of government). If the states are to create the structure and functions of such local administrations, the estimation and valuation of such functions
and of what to allocate require the absolute concurrence and agreement of the state government which created the local administrations and the functions to be financed by them in the first instance. It is abnormal therefore for the Federal Legislature to prescribe a formula for allocation of revenue among Local Government Councils. To foist a uniform formula on the whole country, is an aberration in any federal arrangement.

**Human Propensity**

There seems to be a real shortage of intelligent political leadership in most, if not all, of the existing levels of government in Nigeria today. The smooth running of any administration, and the cordial inter-relationship among the various tiers of governments and levels of administration, depends mainly on the erudition, training, exposure, experience and propensity (evil-doing or developmental e.g. corruption, selfishness, nepotism, obsessive desire to stick indefinitely to public office by all means, creativity, frugality, accountability etc) of our political leadership at every level of administration. In a unitary and parliamentary polity like Britain, political tutelage begins with ward councillorship to the membership of the Central Parliament; while in a federal system, like in U.S.A, political tutelage also starts with Councillorship, then Mayor, Governor, Senate and President. In Nigeria, where access to money determines at what level to start a political career, political tutelage may begin directly at the Presidency. And, that is why, the propensity for evil-doing in politics is likely to be more profound among Nigerian politicians than in the more advanced countries. This propensity for evil accounts largely for the utter lack of honesty and comprehension of the situation on the part of those who direct and administer the affairs of our government in both tiers and at all levels. It is worse at the Local Government level where it is not unusual for illiterates, in a practical sense, to become chairmen of councils whose staff are relatively poorly educated and are both unexposed and inexperienced. This situation partly explains the corruption otherwise referred to as "weekly pools" whose proceeds are earned from direct stealing of public funds and are shared by local politicians and career officers without compunction at that level of government. One wonders therefore if much funds should be entrusted to that level of government.
National Power Distribution and Revenue Allocation

The following tables should assist us in further appreciating the inequitable and lopsided allocation of revenue and distribution of power in Nigeria.

Vertical Statutory Formula in Percentage since 1980

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<td>Being</td>
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<td>recommended</td>
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<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>to the National Assembly.</td>
</tr>
<tr>
<td>Federal Government</td>
<td>55.0%</td>
<td>55.0%</td>
<td>50.0%</td>
<td>48.5%</td>
<td>46.63%</td>
</tr>
<tr>
<td>State Government</td>
<td>34.5%</td>
<td>32.5%</td>
<td>30.0%</td>
<td>24.0%</td>
<td>33.0%</td>
</tr>
<tr>
<td>Local Government</td>
<td>8.0%</td>
<td>10.0%</td>
<td>15.0%</td>
<td>20.0%</td>
<td>20.37%</td>
</tr>
<tr>
<td>Special Funds</td>
<td>2.5</td>
<td>2.5</td>
<td>5.0</td>
<td>7.5</td>
<td>-</td>
</tr>
</tbody>
</table>

Comparative Distribution of Powers and Allocation of Revenue Among States Using Local Government Ploy

<table>
<thead>
<tr>
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</thead>
<tbody>
<tr>
<td>Lagos</td>
<td>5,725,153</td>
<td>20</td>
<td>7.38</td>
<td>7.88</td>
<td>9.15</td>
<td>24.41</td>
</tr>
<tr>
<td>Kano</td>
<td>5,810,494</td>
<td>44</td>
<td>9.59</td>
<td>12.22</td>
<td>14.61</td>
<td>36.42</td>
</tr>
<tr>
<td>Anambra</td>
<td>2,796,510</td>
<td>21</td>
<td>5.37</td>
<td>5.86</td>
<td>5.86</td>
<td>18.09</td>
</tr>
<tr>
<td>Jigawa</td>
<td>2,875,559</td>
<td>27</td>
<td>5.90</td>
<td>7.02</td>
<td>8.39</td>
<td>21.31</td>
</tr>
</tbody>
</table>
In spite of the fact that the 1991 population census, which was generally discredited, was rigged in favour of the North it can be seen from the table above that Local Governments were created by Babangida and Abacha regimes as a ploy to clandestinely allocate more funds to the States in the North than those of the South. For this reason, the present formula for allocating revenue among the 774 local governments directly from Abuja must be discarded and replaced with more equitable formula which would encourage allocation to local governments by the States according to the dictates of their different Houses of Assembly.

### Zonal Distribution of Powers and Allocation of Revenue Using 1991 Population

<table>
<thead>
<tr>
<th>Zones</th>
<th>Population</th>
<th>No of LG</th>
<th>National Assembly</th>
<th>Share from Federation</th>
</tr>
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<tbody>
<tr>
<td></td>
<td></td>
<td></td>
<td>Senate</td>
<td>Reps</td>
</tr>
<tr>
<td>North-West</td>
<td>22.91 m</td>
<td>186</td>
<td>21</td>
<td>92</td>
</tr>
<tr>
<td>North-Central</td>
<td>12.18 m</td>
<td>115</td>
<td>18</td>
<td>49</td>
</tr>
<tr>
<td>North-East</td>
<td>11.90 m</td>
<td>112</td>
<td>18</td>
<td>48</td>
</tr>
<tr>
<td>North Total</td>
<td>46.99 m</td>
<td>413</td>
<td>57</td>
<td>189</td>
</tr>
<tr>
<td>Percentage</td>
<td>52.89</td>
<td>53.36</td>
<td>52.29</td>
<td>53.39</td>
</tr>
<tr>
<td>South-West</td>
<td>17.46 m</td>
<td>137</td>
<td>18</td>
<td>70</td>
</tr>
<tr>
<td>South-East</td>
<td>11.31 m</td>
<td>95</td>
<td>15</td>
<td>43</td>
</tr>
<tr>
<td>South-South</td>
<td>13.09 m</td>
<td>123</td>
<td>18</td>
<td>50</td>
</tr>
<tr>
<td>South Total</td>
<td>41.86 m</td>
<td>355</td>
<td>51</td>
<td>163</td>
</tr>
<tr>
<td>Percentage</td>
<td>47.11</td>
<td>45.87</td>
<td>46.79</td>
<td>46.05</td>
</tr>
<tr>
<td>Capital Territory</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Abuja</td>
<td>-</td>
<td>6</td>
<td>I</td>
<td>2</td>
</tr>
<tr>
<td>TOTAL</td>
<td>88.85 m</td>
<td>774</td>
<td>109</td>
<td>354</td>
</tr>
</tbody>
</table>

As is obvious from the tables, it should not be difficult for us to realise that the interest of peace and harmony, political and economic restructuring is a necessary insurance for the continuity of One Nigeria. In other words, our census must be accurate, our zones/regions must be recognised as the first line federating units, the exclusive functions of the Federal Government must be partly off-loaded and shared among the zones, revenue allocation system must be related to the quantum and complexity...
of functions. The only way out of the current political crisis is the convocation of a national conference where an acceptable basis for proceeding with Nigeria can be forged.

**Life, Food, Property and Economic Security**

In the meantime however, if Nigeria is serious about security of Life, Food, Property and the Economy, Chief Obasanjo must be persuaded and assisted:

(i) to appreciate that over-centralisation of power, functions and authority to the hands of the Federal Government is the major reason for uncontrollable corruption, inefficiency and indiscipline in the body politics of Nigeria;

(ii) to solve the prevalent security problem of crimes of armed robbery and assassination; inter-communal and inter-religious feuds which are being sponsored and financed by the rich and the powerful members of our society in their greedy and selfish efforts at self-enrichment but which continue uncontrollably to destroy lives and property;

(iii) to solve the problem of political disorder arising from a deliberate mis-interpretation and mis-application of the Constitution, an instance of which is bringing the National Assembly into conflict with the Federal Executive arm of Government and which is bringing the Federal Government into conflict with the 36 state Houses of Assembly and governments on the matters of Federal, State and Local Government Joint Revenue Mobilisation, Allocation and Fiscal Management, Electoral Bills and so on;

(iv) to solve the problem of economic mismanagement by which the Federal Government constantly over-spends its budgets; which puts the internal debt of the Federal Government of Nigeria at N1.3 trillion; which worsened the inflation rate from 5% in 1999 to 18% in year 2002; which devalued our currency from N80 per dollar in 1999 to N140 per dollar in year 2002; and which raised bank interest rates from 21% in 1999 to 40% in year 2002; and
to appreciate that the rest of the World is in an era of growth, progress and self-reliance and that, within the past 40 years since Nigerian Independence, the volume of international trade has multiplied almost twenty times with Nigerian participation dwindling almost to zero.

In the economy of Nigeria where manufactured goods for export is less than 8% and foreign exchange is being brazenly stolen and stashed away in other countries, and, where foreign debts stand at more than $29 billion, it is not likely that the value of the Naira will not further fall if the debt repayment of $2 billion per year is insisted upon by both the Paris and London Clubs with the support of both the IMF and the World Bank. The present high bank interest rate is not sustainable in the long run without proving harmful to the financial health of the banks themselves. Already, there is widespread speculation that some banks are in distress. Whatever the circumstances, one thing is sure. The Governor of the Central Bank, Chief Joseph Sanusi, is always being quoted (e.g. by the 'Nigerian Tribune' of Monday, 5th November 2001 and by 'This Day'- Abuja edition of Wednesday, 19th February 2003) as saying that "the Nigerian economy was performing below expectations". As long as our people abandon primary and secondary economic sectors (i.e. agriculture and manufacturing) for the service sector (i.e. banking, marketing, accounting, insurance etc) so long shall there be unemployment and poverty in Nigeria. Poverty, as we all know, breeds hunger which may lead to anger and may result in violence as a major obstacle to peace. As at present, if we observe properly, we would notice that there are more vagabonds in our streets than ladies and gentlemen.

Man as a Unit of Development

For our party, Alliance for Democracy, MAN is the unit of development. This is because we have discovered that the most productive raw materials and their best processing plants are to be found in the human brain and the human mind which must be properly nurtured and developed.

Therefore our cardinal objectives of:

(a) free education for all at all levels;
(b) free health services for all, and
(c) full gainful (self) employment
presuppose that, whatever funds are available to us in our various States must be allocated, first and foremost, to target the development of every individual human citizen through the financing of primary, secondary, tertiary, technical and technological schools, the various medical and clinical institutions, and through regular payment of salaries and allowances to all public officers, including medical workers and teachers. As part of full gainful self employment for all, the people in rural areas, the women, the youths, the technical experts, the artisans, the city traders and the transporters are being mobilised and encouraged to group themselves into co-operative organisations, capable of perpetual succession, with a view to introducing them to macro-credits from the various financial institutions and to train them to use the corporate organisations for self-realisation in business and trade. China began in this way to transit quickly from poverty arising from over-population into prosperity and a World power status. Today, China aspires to feed the world after having adequately fed its own people.

**Optimum Community**

Apart from expending its funds on individual human development, our funds is also being used to integrate the rural areas with the urban centres through road linkages with every one of our secondary schools, each being designated as the headquarters of an optimum community, (OPTICOM) and for and around which water, electricity and rural housing units are being provided. In the end, with easy transportation, decent housing and shelter, water and energy, every community in both rural and urban areas of the state would devise opportunities for processing crude primary agricultural produce into simple manufacturing goods for packaging, and easy transportation, distribution and marketing.

We have good ideas, and the will-power to prosecute them. However, we must develop the spirit of selflessness and altruism to back the ideas. We need money; we need peace; we need, also, the support and co-operation of every citizen to move our country from its economic crudity and backwardness to economic modernity, prosperity and security.

**Local Government and Community Development**

In Osun State, it is our expectation that each primary school shall be the headquarters of the community in which it is located. Our Local Government Councils have therefore been directed to link up each primary school neighbourhood with good
roads, potable water, electricity, housing facility, and grassroots mobilisation and organisation of occupational co-operative societies for ease of macro credit for their trades. Also, local government councils are expected to become partners in the maintenance of state amenities within their council areas.

**Priority for Agriculture**

In the Nile valley, 3000 years before Christ, the man, who first introduced the practice of agriculture and who achieved the impressive miracle of increasing the supply of food, was revered as a superior being and became the first king in the history of the world. When he died, he was apotheosised and he became one of the first gods of Egypt.

Considering the reverence in which the first farmer in the Nile Valley was held, farmers are expected to be, like Jimmy Carter of America, the rulers of the world.

For our agriculture to play its expected role of:

(i) providing adequate food for the population and raw materials for industrial processes;

(ii) generating investible funds for the industrial sector; and

(iii) fostering the growth of secondary industries by providing market for industrial goods;

there is need for increased, well directed and properly focused investment in the sector, aimed at empowering the Nigerian farmer. In doing so, serious attention must be paid to the reduction of the present urban-rural imbalance in social infrastructure and opportunities through well packaged integrated rural development efforts.

It is only the creation of an enabling environment for agricultural production where the necessary infrastructure for transport, power, water supply etc. are available in rural villages that can encourage existing farmers to remain in agriculture and motivate others to go into it as a business. Farmers, whether their holdings are small, medium or large, respond positively to incentives and opportunities. The principal constraint to sustainable increased food production is therefore not the attitude of farmers, but the technology and resources available to them; and the environment, both natural and man-made, in which farmers operate.
Thus, in its efforts to improve the conditions under which farmers operate; the present administration in 'Osun State formulated and approved a new agricultural policy for the State. This new policy emphasizes:

(i) the provision of social infrastructure in the rural areas in general and the farm settlements in particular;
(ii) the promotion of cooperative farming through the provision of agricultural support services like farm mechanization, agricultural credit, and input supply to farmers cooperative groups; as well as,
(iii) the extension of practical training in agriculture to secondary school pupils in the State.

Institutional arrangements for the provision of these support services have also been restructured to make them more responsive to the need of farmers.

Twenty-five years ago, Nigeria and Indonesia had the same annual per capita income of 400(USD) dollars, and their source of revenue was crude oil, which accounted for over 80% of their national revenue. Indonesia soon began to invest in the development and exploitation of its abundant agricultural resources. Today, the country has a per capita annual income of over 1,400(USO) dollars and the component of its agricultural earnings is said to have increased to over 80% while the income from crude oil earning remains constant. In contrast, Nigeria's annual per capita income is now less than 300(USD) dollars and the dominant role of crude oil in the economy has remained the same!

**Our Trademark in Osun State**

The year 2001 Budget of Osun State, has a revenue size of about N16.30 billion and an expenditure size of about N20.70 billion, leading to a budget deficit of over four billion Naira. As at the end of Year 2001, the total revenue realised from all source was about N9.13 billion. It is obvious that the projected revenue for the year was not achieved as envisaged. In other words, our projected revenue for year 2000 and 2001 fell short of expectation by more than N3 billion and N11.57 billion respectively. Also, in year 2002, our budget in Osun State had a revenue and expenditure size of N18.87 billion. It was a balanced budget. At the end of the year 2002,
the total revenue realized from all sources came to about N 12.68billion. In the same manner, it became obvious that the revenue for the year was short by N6.19billion.

The effect of actual revenue falling short of estimates annually results in higher percentage of income being spent on recurrent items merely to glorify the offices and incomes of the public servants which results in a situation where less percentage of the income is being spent on capital items which can benefit the public to which we are servants.

But in Osun State, we have prudently managed our meagre resources such that;

   (i) we ended up with a budget surplus of N510million at the close of the budget year 2002;
   (ii) we have not executed any project on credit. Before we embarked on any job, we would have gotten ready the fund. If not, we would start conserving the money for the project immediately;
   (iii) salaries and allowances of workers have been paid as and when due. We have also fully paid all the Leave allowances of workers to date;
   (iv) we have cleared all pension and gratuity arrears inherited by us.
   (v) officers are all along being trained and re-trained and duly promoted;
   (vi) out of the little fund remaining, we have spent over two billion Naira on meaningful capital projects.

We have been able to achieve so much with so little because we have plugged most of the avenues for leakage and wastage. We have been very meticulous and selfless. We are guided by the belief that those of us in government are servants of the public only serving as trustees of the people who are the real-owners of the Government.

To demonstrate lack of self-discipline by the erstwhile military regimes, the 1998 overhead budget of N436.2 million approved for Osun State, by the military themselves, was over-spent by over N100 million (23.03%). We came in May 1999 to inherit the military's overhead budget of
N621 million, yet, we managed to demonstrate a sense of frugality by saving over N103 million (16.6%). For year 2000 and up to December 2002, we are happy to say that, inspite of the gloomy economic situation (described in paragraph 14.1 above), we saved over N300 million (26.42%) N494 million (36.18%) and N432 million (32.48%) in each of the three years respectively from the over-head budgets approved for Osun state by the House of Assembly.

Also, when we came on board in May, 1999 the Auditor-General's Report for the accounts of the periods from 1992 to 1998 had not been published. Today, the Accounts up to year 2001 have been prepared, audited and published. An up-to-date Audited Accounts of Osun State, even for the year 2002 will soon be printed and published for public use. I was exhilarated when Mr. O.S. Abiola, the Auditor-General of Osun State, in a letter dated 23 November 2001 addressed to me concluded thus: "Your Excellency's stance towards accountability and probity is highly noted by the office of the Auditor-General"

Conclusion

The political and economic foundation of Nigeria, as at present, is resting on a foundation of quick-sand which can give way at the slightest vibration.

While current politics encourages domination (or perhaps marginalisation) among ethnic groups and religious faiths depending on whoever is at the helm of affairs, incessant ethnic clashes and increasing spate of religious violence are being instigated to redress the in-balance.

As for the economy, the lack of pursuit of science-based technology and the emphasis on service-oriented businesses have pushed agricultural and industrial enterprises and productivity to the background. This has resulted in the large number of youths (mostly graduate) who are unemployed; it has also led to poverty and hunger. There are resentment, tension and insecurity to life and property among the citizens. Everybody looks for cheap money to combat inflation and this has given rise to consumption without production. These situations were deliberately designed by leaders who had planned to perpetuate themselves in office. Like in the ancient Arabian polity, poverty was always foisted on the middle class and the youths to enable the fabulously rich leaders to whip the populace into forced
obedience, subservience and servitude; such that the leaders and their offsprings would, therefore, forever continue to revel in opulence and pleasure among the prostrating followers shouting 'RANKA-DEDE' endlessly.

The military and political leaders do not help matters by resorting to stealing and looting of the nation's wealth to enable them finance their perpetuation in office. Corruption and grab became the culture of the press, the security agents, electoral and civil administrators who are to serve as umpires among political parties. Voters too are seriously becoming frustrated and apathetic. A lot of money would be required to mobilize and organize them to participate in their civic duties. In the end, only the rich shall be able to buy power. Politics, like religious evangelism, has thus become a lucrative business for the winners.

In reaction, the poor and hungry youths are grouping together in cults and ethnic militia. In our streets, as we observed earlier, there are more destitutes and vagabonds than ladies and gentlemen. Things are fast tending towards mass and violent revolution. Only God through visionary leaders can save us before it is too late. This kind of leaders can still be found, if not in politics, at least in the Universities, industries and among the up-coming professionals. If the children of the wealthy slave merchants could come together to preach for and see to it that slave trade was abolished in Europe and America in the 19th century, there is every hope that the children of the wealthy political thieves, too, can contribute to the venture of restructuring the politics and the economy of this country in future. However since the future cannot be predetermined, a most urgent and compelling solution is the convocation of a national conference at which all nationalities would have an opportunity of contributing to a discussion on how to fashion an enduring Nigerian federation.
Gratitudes

I should end this speech by expressing deep gratitude, great pleasure and joy for the honour done me by the authority of this University who invited me to this occasion and granted me the indulgence of selecting my topic and of naming the date for this talk. I feel flattered. I feel humbled. My choice of topic is predicated on the on-going attempt by the National Assembly to review the 1999 Constitution and it is my hope that this talk will provoke public debate to obviate any haphazard review which could compound further the problems of democracy among the diverse peoples of Nigeria. It is hoped that this presentation might also serve as recommendations for a new political architecture and consequently an appreciable reduction of possible damage to our democratic dispensation. May God bless this day! May God bless this talk!!.

May God bless all of us for the progress of Nigeria.

I thank you for your attention.