

# **A Memorandum on Behalf of The Igbo-Speaking Peoples of Nigeria.**

**Submitted to:**

**The National Constitutional Conference Commission (NCCC)**

**Date: Tuesday, 8th February, 1994.**

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## **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; and Northwestern regions and Abuja Federal Capital Territory. These regions will constitute the federating units and will be administered by governors-general.

The Nigerian army, the Nigerian police and the Nigerian security agencies will 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 a 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 combined.
- 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 of Nigeria manifesting in the controversies over the 1959 general elections; 1962/63 census; the 1964 general elections; and violent agitation for the creation of states within the regions. More importantly, these manifestations underlined the fact that ethno-cultural pluralism is

ineffective in a country with 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.

2. The three regions of the Nigerian federation were large and viable. Each regions 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 of its 33 years of post-independence existence), has turned the Nigerian federal system into a quasi-unitary system.

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-centralized 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 future generations of Nigerians; for the sake and benefit of all Nigerians and of black men 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 true federalism.

One of the most important advantages of federalism is the equilibrium between the center and the regions. In a country like Nigeria, with multi-ethnic nationalities, the constitutional balance required by federalism should limit the tendency toward over-centralization.

### **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 conference; its powers; its timetable; delegates/membership; and agenda should be worked out well in advance.

(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. It has been argued that it is only through a Sovereign National 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 appropriate forum for addressing and deciding the vexed issues of "Minorities," Marginalization and Power-sharing, Generation and Distribution of Resources, Application of Federal (National) Character, etc.

We recommend therefore:

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 the Government itself) to the duration and outcome of the Constitutional Conference.

In this regard it is noted that the 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).

We therefore recommend that:

i. The Conference be convened not later than 1st 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 that comprise Nigeria to work out an acceptable *modus vivendi*.

Accordingly, we do not support representation at the conference other than on the basis of ethnic nationalities/groups. Since the Conference is expected to have full constituent powers, it is imperative that all members/delegates be elected. It is only when they have been so chosen by the people (through elections) can they 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 subdivision 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 scored the highest votes in each sub-district shall be declared Elected as the delegate to 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 the instability of Nigeria as a polity is due mainly to the injustices and inequities inherent in the existing "federal" power and resource-sharing agreement.

Other significant sources of conflict, alienation and criticism of the Nigeria 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 principles 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 cannot 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.

### **1. 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 produced more than half of the members of the House of Representatives. By contrast, in the Senate which has little or no powers, all the regions had equal representation.

When twelve states were created in May 1967, there was some attempt to maintain the 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 in the federation structure of Nigeria at independence, we now recommend that Nigeria be restructured along the lines of true federalism as outlined hereunder:

a. Federating Units and Power Sharing Among Federating Units

We propose that the Federal Republic of Nigeria be reorganized 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 of Nigeria 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 peoples 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 Yoruba-speaking peoples of Kwara and Kogi states).
- v. Northeastern Region to be made up of Adamawa, Bauchi, Borno, and Yobe states.
- vi. Northwestern Region to be made up of Jigawa, Kaduna (excluding the 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 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

i. 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 levels 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.

ii. 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 the 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.

#### 2. The Armed Forces, The Police and Other Security Agencies

While we endorse the continued existence of one Nigerian Army, one Nigerian Police, etc., we recommend that these should be decentralized and restructured.

i. The size and strength of the Armed Forces of the Federal Republic of Nigeria should be comprehensively reviewed in the light of objective threat analysis to bring it in line with the nation's objectives and resources.

ii. The Nigerian army should be restructured along regimental line into six divisions, or area commands corresponding to the six regions.

Under the proposed arrangement, the Divisional (Area) Commander and the men will be drawn from the Region in which they operate but the officer corps will be representative of the entire country.

iii. As the Nigerian Navy and Air Force cannot operate on a regimental basis, it must be ensured that the composition of their officers and men as well as their command structure reflect a balance between the six regions.

iv. The present area command structure of the Nigerian police appear somewhat untidy. For instance, Anambra and Enugu states report to the AIG in Makurdi, while Abia and Imo states report to the AIG in Calabar. Like the Army, we recommend that the police be restructured into six area commands, one for each Region.

### 3. 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 Raisman 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 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 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.

#### 4. 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 reduction in the powers of the presidency through power-sharing arrangements arising from returning Nigerian to true federalism as out lined 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 (24) years.

#### 5. 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) Court 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 fair play 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
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2. Anambra State

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3. Enugu State

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4. Imo State

- i) Chief S.O. Mbakwe, Ph.D.
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5. Delta State

- i) Dr. G.O. Orewa

6. Rivers State

- i) Senator F.J. Ellah