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## **NIGERIA AT CROSS-ROADS: OPTIONS FOR RECONSTRUCTION.**

May we recall that in our introductory *BULLETIN No.1* titled **AN ALTERNATIVE TO CHAOS**, published in Vanguard 21/9/13 and Guardian 24/9/2013, **MNN** undertook to share with all stakeholders through a series of Bulletins, a fresh diagnosis, prescription and a treatment plan for Nigeria. In that Bulletin No. 1, we traced the Nigerian quagmire to a legion of conspiratorial deformities deliberately inflicted at her inception by Fredrick Dealtry Lugard and his principals in London, culminating in the 1914 Amalgamation which essentially annexed and enslaved Southern Nigeria to Northern Nigeria. We also identified the omnipotent vehicle by which these foundational shackles were transported over the decades to the present constitutional order.

That omnipotent vehicle, which also constitutes the most accurate compass for navigating the dark labyrinths of today's Nigeria, happens to be the **October 1960 Mission Statement** and **Battle Script** enunciated by the then Premier of Northern Nigeria while celebrating this humongous British bequest to him and his descendants, to wit:

***“The new nation called Nigeria should be the estate of our great-grandfather, Uthman Dan Fodio. We must ruthlessly prevent a change of power. We use the minorities of the North as willing tools and the South as a conquered territory and never allow them to rule over us and never allow them to have control over their future”, - Sir Ahmadu Bello, Parrot Newspaper October 12, 1960.***

MNN posits that the current apartheid-like constitutional regime of Nigeria represents the full implementation of this *Mission Statement/Battle Script* now vigorously rocking the foundations of the failing Nigerian State, resulting in violent demands for a grand renegotiation of the union and credible threats of unilateral exit by the choking ethnic nationalities. That Bulletin No. 1 raised four fundamental questions relating to the corporate existence of Nigeria and proprietary rights over constitution making.

MNN, therefore, salutes the rare statesmanship and extraordinary courage of President Goodluck Jonathan for rising above his own initial fears and the pressures of partisan politics, to the occasion on October 1, 2013 to initiate the long-overdue **Conference of Ethnic Nationalities** even in the face of massive blackmail and violent intimidation by the blind custodians of a dying feudal constitutional order embodied in the fraud-based 1999 Constitution.

MNN notes with a measure of relief that the Country has now gone past decades of denial and dumb debates as to the necessity or desirability of a Grand Conference of the entrapped ethnic nationalities to renegotiate the Nigerian union. The Government, the National

Assembly, political parties, various ethnic socio-cultural platforms including Afenifere, Ohaneze, Arewa Consultative Forum (ACF), etc all now accept that the fallen house of Nigeria is in need of **Reconstruction**.

However, MNN notes with concern that, whilst others aforementioned welcomed the prospects of a dialogue/conference unconditionally, the ACF in its characteristic obduracy, sets a proviso that the dialogue/conference will not be a Sovereign National Conference (SNC) (Vanguard Oct. 3, 2013), thus reinforcing its earlier arrogant rejection of any conference, whatsoever, to renegotiate Nigeria whilst holding the current 1999 Constitution sacrosanct and non-negotiable. According to the ACF, ***“the terms of our National Union and those by which the Nigerian federation are run have been well defined by our Constitution.*** (Sun Newspaper of 13<sup>th</sup> Feb, 2012). MNN asks ACF, **WHO DEFINED IT?** And we say here:

1. we have not at all defined anything;
2. **we do not accept the one unilaterally defined by one Abdulsalami Abubakar via Decree 24 of 1999;**
3. **it is that definition that this proposed Conference/Dialogue is all about.**

Happily, the Afenifere presented a more clear-headed approach when, in welcoming the proposed Conference, it declared that; ***“Our Agenda is very clear. We believe through this Conference, we should save Nigeria from crash landing and give Nigeria a soft landing. We can forge an agenda for us to live in harmony and our response to the issue (ie. to be Sovereign or Not) is that all delegates to the Conference must first answer the question: Do we still want to live together as a people? If the answer is yes, then on what terms?”***.

MNN proclaims that this was the question Fredrick Lugard and his principals laboriously evaded in imposing the first Constitution of Nigeria in 1914 by the fiat of Amalgamation. This was the question Abdulsami Abubakar and his confederates in the PRC fraudulently evaded in 1999, when he lied that ***“We the people.....”*** made the 1999 Constitution, knowing that he imposed same via Decree No. 24 of 1999. This is the very question which the proposed Dialogue/Conference must answer now. This is the notorious “National Question”, for those who genuinely wondered what it really meant and others like ACF who pretend not to know.

Still on the question of Sovereign or Non-Sovereign, MNN views with concern and raises a red flag on item (6) of the Terms of Reference for the Advisory Committee, namely; ***“To advise Government on Legal Procedures and Options for integrating decisions and outcomes of the National Dialogue/Conference into the Constitution and Laws of the Nation”***. To the extent that this item (6) suggests that the outcome of the Conference is merely for “integration into

the Constitution” and the Laws of the Federation, the very essence of the Conference is destroyed or totally compromised for the simple reason that the Peoples of Nigeria have not discussed, enacted or approved any constitution, including the 1999 Constitution and we sincerely hope that was an oversight.

Our concern is aggravated by comments issuing from the National Assembly where the Senate President, whilst welcoming the Dialogue/Conference pronounced, as no-go-areas, any discussions on the corporate existence of Nigeria, just as the Minority leader in the Lower House haughtily dismissed the Conference as the exercise of the right to freedom of expression by the people within the ambits of the 1999 Constitution.

These objects of our concern aggregate to a disposition diametrically opposed to efforts at meaningfully addressing the aforesaid “National Question”.

Agreeing with the Afenifere on this count, MNN with a grave sense of responsibility warns that Nigeria is now in a freefall and will crash land, sooner than later, if the antics of the opponents of SNC derail the golden opportunity offered by the current initiative, 46years after Aburi in 1967.

While MNN has nothing against the impending devolution of the failing Nigeria into independent units on account of adamant posturing of some elements, our concern is more for the catastrophic consequences of a violent breakup than the mere fact of such a breakup.

### **GRAVE CONSTITUTIONAL GRIEVANCES ARISING FROM THE 1999 CONSTITUTION AND FUELING THE DEMAND FOR A SOVEREIGN NATIONAL CONFERENCE**

1. **FALSEHOOD AS THE BASIS OF NIGERIA:** The egregious falsehood proclaimed in the Preamble to the 1999 Constitution that, *“We the People of Nigeria, having firmly and solemnly resolved to live in unity as one indivisible and indissoluble Nation, do hereby make, enact and give ourselves the following Constitution”*, constitutes the sole signature giving life to the document and since no such thing as meeting to firmly and solemnly resolve ever took place, it renders the entire document a FORGERY. The ethnic nationalities are outraged that their entire sovereignty, rights, lands and resources are hijacked and confiscated by virtue of that falsehood and therefore, want Nigeria discussed. This so-called 1999 Constitution is not different from the 1914 imposition.
2. **SKEWED INEQUITABLE STRUCTURAL ORGANOGRAM OF NIGERIA.** (FIRST SCHEDULE PART I) 36 States, 774 LGA’s, which were created exclusively by a succession of Northern military officers – Yakubu Gowon, Murtala Mohammed, Ibrahim Babangida, Sani Abacha, foist a minority population as a political majority thereby totally distorting the representation at the National Assembly and the revenue-sharing

realities. The Southern ethnic nationalities are aggrieved that, one out of four federating Regions pre-1966, has ballooned into 19 States and a Federal Capital Territory, whilst the other three Regions together with the Lagos Federal Capital are compressed into 17 States, making them a permanent political minority despite the undisputable superiority of their actual numbers and despite being the source of more than 98% of the revenue of Nigeria, not to mention their human capital contribution.

3. **MEDIOCRITY AS OUR NATIONAL STANDARD:**

At a time when the rest of the world seek out their best and brightest to lead them in a cut-throat global contest for survival, space and advancement, the 1999 Nigerian Constitution institutionalises a preference for mediocrity in the name of quota system and Federal Character. The last Minister of Education upped the ante of the macabre dance when she reeled out ridiculous discriminative cut-off marks for students from different states of the country wherein 3 marks will qualify one pupil while another pupil with 120 marks will not qualify. Achebe in his last book equated mediocrity with war in its ravaging effects and Nigeria is the best evidence of this.

4. **CENTRAL CONTROL OF RESOURCES, POWERS AND OTHER DEVELOPMENTAL ASSETS:**

The 68-item Federal Exclusive List – ensures that electricity, infrastructure, Police, mineral resources, including oil and gas, are owned and controlled by Abuja. All the armed agitation (*but for sharia*) have their roots from this suffocating control.

5. **IMPUNITY BRED BY IMMUNITY PROVISIONS.** S. 6(6)(d) & S. 308 of the Constitution.

All these are alien and unacceptable to most of the Nationalities.

6. **NON-ACCOUNTABLE APPROPRIATION PROVISIONS.**

SS. 81/82 & 121 & 122, which practically leave the spare keys of the treasury in the hands of the Executive branch. These provisions embolden the legislative branch to join the grand larceny in which almost 80% of the income of the country goes just to running Nigeria's jumbo-sized bureaucracy. **This is unacceptable.**

7. **THE SHARIA DEBACLE:** This is by far the most unacceptable creation of the current Constitution. In creating Sharia Court of Appeal, the 1999 Constitution of Nigeria, while proclaiming secularity in Section 10, left a window for what became Sharia in 12 States of the far North - now being enforced by Boko Haram. Since no one can persuade the Sharia bloc to embrace democracy nor can anyone force the non-Sharia South/Middle Belt to embrace Sharia, a meeting of ethnic nationalities to resolve this impasse has become inevitable.

There are many more such issues that clearly transcend the mandate of the legislature. But even these 7 grounds are sufficient to dictate a meeting like the type which apartheid South Africa initiated in 1990 to ease out the Apartheid Constitution.

## **i. OPTIONS FOR RECONSTRUCTION:**

At this juncture of imminent collapse of unitarism, the only other options open to Nigeria are either to seize this lifeline to rework itself back to a federation/confederation or to peacefully devolve into a number of independent cohesive successor states.

## **ii. TRANSITION MECHANISM TO BE MODELLED AFTER APARTHEID SOUTH AFRICA:**

MNN wishes to point out that, in many respects, the situation confronting Nigeria today, for which a conference/dialogue is being launched, resembles what Apartheid Era South Africa had to deal with in the period leading up to 1990. The steps taken by the Government of Fredrick De Klerk to initiate and deliver a transition to a multi-racial constitutional order readily commends itself to Nigeria's situation, subject to such modifications and adaptations as may be dictated by the Nigerian peculiarities. Here are the parallels:

1. The Apartheid Constitution of South Africa was imposed by White stranger minority elements in 1910 upon the natives - appropriating all their Lands, Rights and Resources and making them slaves in their homeland. The Nigerian nightmare started in 1914 where White minority stranger element imposed a Nigerian nationhood that enslaved a majority.
2. When after decades of resistance on the streets against the Apartheid Constitution, the sitting Government of Fredrick De Klerk, in 1990, acknowledged the rejection of the Apartheid Constitution by the majority in South Africans and therefore, proclaimed a transition in which all existing governmental structures remained in a transitional capacity for the period it took to work out a new constitutional order in 1994 via a Sovereign National Conference called **CODESA**. The Apartheid Constitution was wholly set aside and the Draft from the Conference was adopted by a **Referendum**. There was a Parliament in South Africa in all that period but it did not claim to hold the sovereignty of the people.

Nigeria can borrow a leaf from the transition experience of South Africa in the Apartheid Era. The 1999 Constitution and all others preceding it since 1914 were imposed by a minority and now the majority insists on an end to internal colonialism.

### **SIGNED:**

#### **1. LOWER NIGER CONGRESS:**

Alfred Ilenre, Chijioke Asogwa, Joejim Alaboso, Imoh Okoko, OTKD Amachree, Kalada Jene, Welman Warri, Idongesit Ambrose, Golden Tamuno, Mmuen Kpagani.

**2. FEDERATION OF O'DUA PEOPLE:**

Kunle Olaiya, Wole Aina, Shade Olukoya, Leye Akinmodiro, Shenge Rhaman.

**3. MIDDLE BELT CONGRESS:**

Andrew Butswat, Abuka Onalo Omababa, Abass Mafeng Chioji, Abdullahi Banire.

**4. OPOROZA HOUSE:**

T.K. Ogoriba, Dan Ekpebide, Hilda Dokubo, Ambah Binaebi, Marshal Kunoun, Engozu Kime, Oyeinfie Jonjon, Wilson Ajuwa, Opaks Harry, Bosin Ebikeme.

**Fred Agbeyegbe**  
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