

2012: STATE OF THE FEDERATION

A LECTURE DELIVERED

BY

CHIEF (SEN.) EDWIN KIAGBODO CLARK, OFR, CON

DATE: 1ST AUGUST 2012

VENUE: SHEHU MUSA YAR'ADUA CENTER, ABUJA

ORGANISED BY

THE NIGERIAN INSTITUTE OF ADVANCED LEGAL STUDIES

TABLE OF CONTENT

1. PREAMBLE
2. CENTRALISATION/DECENTRALISATION
3. FEDERALISM AND DEMOCRACY IN NIGERIA
4. FISCAL FEDERALISM: A BASIC INGREDIENT OF TRUE FEDERALISM
5. CORRUPTION IN NIGERIA: A CLOSER LOOK AT THE BAR AND THE BENCH
6. INDIGENE/ SETTLER CONFLICT
7. HOMOGENISATION
8. SECURITY CHALLENGES IN NIGERIA: OVER COMING THE SPECTRE OF
TERROR
9. CONCLUSION

PREAMBLE

I was pleasantly surprised to receive an invitation from the Nigerian Institute of Advanced Legal Studies to give this Lecture. I am indeed humbled that this invitation has come from this most highly respected apex Institution of legal learning and research. However, as an old member of the Legal Profession, for about 47 years post-call and a member of the Honourable Society of Inner Temple, London and having being in the political terrain for over 50 years, I am emboldened to accept the challenge, and the expectation conferred on me by the Director General of the Institute Prof. Epiphany Azinge, SAN, and his colleagues.

At this juncture, it may be necessary to mention my modest contributions to the political evolution of Nigeria, in its journey through Colonialism, various Constitutional development, Parliamentary and the present so-called Federal system of government.

I watched with keen interest the British Colonial Administration in Nigeria where almost all the administrative organs in the country were manned by expatriates, including the administration, the Police, medical and the educational development.

The expatriates even included West Indians, Sierra Leonians, Ghananians, etc. Lagos, Ibadan, Kaduna and Enugu were the Centres of Administration. I do not want to dwell into issues which I read or did not observe such as the Amalgamation of the North and the South by Lord Lugard and the naming of Nigeria by his fiancée Flora Shaw. However by 1946 I was already about 19 years old and I saw some of the British Governors General and also Dr. NnamdiAzikiwe touring through various parts of Nigeria including Forcados my Divisional Headquarters at the time. I met Sir Bernard Henry Bourdilon when he toured our area in a marine vessel called Valliant specifically built for the Governors which was very elegant and princely and equivalent of the British royal yacht. I also saw Sir Aurhur Richards, the British Governor General who introduced Regionalism in Nigeria. Another Governor General whom I saw was Sir John Stuart Macpherson. And the last was Sir James Robertson. I also had the priviledge of meeting The Rt. Hon. NnamdiAzikiwe the first indigenous Governor General who also travelled through Forcados and River Niger to Onitsha and Lokoja. But when our political leaders formed themselves into political parties, things did not change dramatically because the influence of the British was evidently there.

Dr. NnamdiAzikiwe even though of Ibo extraction, gained his political strength from Lagos, where he was the secretary of a political party known as NCNC which Herbert Macaulaywas the chairman of the party. The Sarduana of Sokoto who later became Sir Ahmadu Bello and AlhajiTafawaBalewa were the leaders of the Northern Peoples Congress, NPC, while Chief ObafemiAwolowo formed the Action Group, AG, the Western Nigeria Political Organisation which derived its power from EgbeOmoOduduwa. These political leaders dominated the political scene in Nigeria between 1958 and 1960, agreeing to work together to a Federation of equality where every citizen was equal, with a fiscal arrangement which is part and parcel of a true Federal system of Government. They agreed that each region should develop at its own pace.

It is this and other issues that I now wish to discuss on in more details because today, our nation is at a cross road and the question is to be or not to be. The call for a Sovereign National Conference or a National Conference has become the daily demand of Nigerians who believe that if Nigeria is to be, the various ethnic nationalities of Nigeria must meet to discuss the basis of our existence as a country where the call in our National Anthem is

Arise O compatriots, Nigeria's Call Obey
To serve our fathersland
With love and strength and faith
The labours of our heros past
Shall never be in vain
To serve with heart and might
One nation bound in freedom
Peace and unity

Today certain Nigerians prise themselves, either because of their religion or political dominance as superior citizens who must remain in power for Nigeria to remain as an entity. Others believe that such a situation is intolerable, oppressive and insulting because our past heroes believed in equality in all aspects of our lives. It is this revolting and proactive behavior and utterances now enthroned in Nigerian body politics which has made some Nigerians to call for a sovereign national conference. But the implication of sovereign national conference makes it more suspicious. The sovereign national conference is a French system which was used in France and other French Colonies in

Africa. Recently, it was used in the Republic of Benin in February, 1990 when it decided that the Government in Benin at the time should resign. It for this reason that many sitting Governments have refused to endorse it because it arrogates to itself the sovereignty of the country.

I wish to submit that the idea of writing a new Constitution for Nigeria is unworkable and can hardly be realized. The 1960 and 1963 Constitutions contained elements of True Federalism and democratic principles but were tampered with by the military when the 1979 and 1999 Constitutions were drawn up. Otherwise, other provisions of the Constitutions of the 1960 and 1963 Constitutions remain the same in the 1979 and 1999 Constitutions. Therefore, what I think should be done is to amend the 1999 Constitution bringing back those aspects which portrayed elements of true federalism but which were removed by the Military. For instance, for sometime now since 1979 the appointment of Ministers of the Federal Government did not take the interest of the people into consideration. The President normally appoints Ministers from his friends, relations or from recommendations from Governors and traditional rulers. In most cases, such Ministers do not owe allegiance to the people or even the President who appointed them but to those who recommended them to be appointed. This was not the case in the First Republic because of the provisions of Section 81 (6 and 7) of the 1960 Independence Constitution and the 1963 Constitution. In addition, to the proposals which will be made by Nigerians in a National Conference. These should be submitted to the National Assembly for inclusion and ratification in the 1999 constitution. What this means is that we want a national conference where we can peacefully discuss the basis of our existence and why we should remain as one united country where corruption, oppression, injustice, marginalization, religious bigotry should be a thing of the past. We have never had it before and it will be unfair and a pure arrogance of power for the National Assembly to arrogate to itself the exclusive right to discuss the burning issues of Nigeria which are almost tearing the country apart. However, I am grateful to note that our compatriots from the North who had earlier had a misconception of such a National Conference and those of the South West who were the hard liners for a Sovereign National Conference have now agreed to participate in a National Conference.

May I now dwell in more details the various subjects of this Lecture.

CENTRALISATION/DECENTRALISATION

Centralisation is operational within institutional frame work that strengthens the Central authority at the expense of lower levels of government. In a nutshell, Centralisation means the organization of all government activities from a central point where decision and policy making powers rest on a Central authority. A centralized approach to governance emerged in Africa from the vestiges of Colonialism. Rather than for the post-colonial leaders to practice, preserve and extend liberal democracy, they became a band of invading predators that emasculated the lives of the people. Centralisation empowers a government to make and implement authoritative and binding decisions. It reduces the powers of the legislature, the judiciary and the law enforcement agencies. It incapacitates and reduces performance, kills opposition and muffles free speech and association. It poses problems of accuracy of data thus affecting the measuring of public sector performance and growth. It also poses a mystery over the generation of revenue, its allocation and the management of public funds. A very good example of this is what is happening today in this country where no one knows how much crude oil is produced and sold by the Nigerian National Petroleum Corporation, NNPC and pays whatever amount that pleases it into the Federation Account. Rulers use the centralized State structures to impose and perpetuate themselves in office while carrying out sundry offences like corruption, economic stagnation and administrative weakness. That is why today, there is hardly any facet of the society where it is not reiterated that the centralization of the formal organs of government have become futile as well as destructive. Here in our country Centralization is not an inheritance from the colonialists, but from the military. Though Nigeria's political leaders favoured a decentralized political structure, the difference and clashes of interest that arose amongst the political actors after independence over issues of integration, the balancing of power, ethnic plurality, e.t.c, brought about the desire to embrace centralized rule. This was in fact the "sin" of General AguiyiIronsi who became the nation's Head of State as a result of the first military coup that took place on the 15th of January, 1966 in the country.

This is the reason why many people speak about decentralization as if it is the same thing as good governance. This is far from the truth. Decentralisation in any political system means the machinery of dividing and allocating authority and responsibility from

a central source to other units and sub-units. This is the reassigning of functions from one single medium at the centre to different administrative outpost at the State and Local Government levels. However, having said that I want to quickly add that decentralisation does not guarantee good governance. In fact it creates smaller scale central dominance under local elites and the privileged few as it is happening in Nigeria today where most Governors and Local Government Chairmen have become very dictatorial and very corrupt in their various States and Local Government Areas where tenets of democracy is hardly practiced. For instance, most of the Governors have pocketed their State Houses of Assembly and even to the extent of the Houses refusing to be financially autonomous and otherwise. Therefore, the worry is not whether what is practiced is centralisation or decentralisation but the ills of authoritarianism, fraudulent electoral processes, unrepresentativeness, ethnicity, corruption and a battered economy.

At this juncture, I will want to quote Harold Laski a British Marxist and Political theorist who said:

“... for only where power is distributed widely is there any effective restraint upon those who wield it.”

Therefore, whether we are talking about centralisation or decentralization, what is important is good governance because these systems will not make any difference without good governance.

This brings me to the next subject.

FEDERALISM AND DEMOCRACY IN NIGERIA

Today we are no longer practicing a realistic or true federalism as it is being practiced in other parts of the world. The American system which we talked about is completely different from what we practice today in Nigeria. Looking back, one would say that historians or some Nigerians have been unfair to late General Aguiyironsi who became the first Military Head of State after the unsuccessful 1966 Bloody Coup which was staged by five young Majors led by Major Nzeogwu from Okpanam in Delta State. For the six months that General Ironsi was the Head of State, he tended to run a centralized or unitary form of government and had Mr. Nwokedi a Senior Permanent Secretary as a

Principal Adviser. This was one of the allegations that those who carried out the counter coup, made against him. General Ironsi was accused of introducing a Unitary system of Government through the promulgation of Decree No. 34 which was purported to unify the Civil of the Regions and the Federation. But today there is hardly any difference between what late General Ironsi practiced and the type of muffled federal system of Governance we have.

It may therefore, be necessary to ask what true federalism is.

According to (Ayakeme, 2005) Prof. A.K. Wheare defined federalism thus:

“A constitutional arrangement in which law making powers and functions are divided between Central and State Governments in such a way that each, within its respective sphere of jurisdiction and competence is equal, independent, and coordinate, to the extent of the Federating States voluntarily surrendering some functions exigent on a perceived capacity and desire to a central Government for their collective good”

This is how it should be in a True Federal System. And these ingredients of Federalism were religiously practiced and administered by our founding fathers, Dr. NnamdiAzikiwe, the Sarduana of Sokoto, Sir Ahmadu Bello and Chief ObafemiAwolowo until the Military insurgence in 1966. The 3 Regions even though they were components, were free to develop themselves at their own pace. For instance, Western Nigeria under Chief ObafemiAwolowo was granted a self governing status by the British, while the other two Regions were not ready for it. And Nigeria was more united at that time than now.

In a fiscal federation as practiced by then, the resources generated in each Region was used for the development of that Region. Furthermore, both the Western Nigeria and the Northern Nigeria had more resources at their disposal because 50% of the revenue generated in their region was a made available to them and which was later entrenched in the 1960 & 1963 Constitutions. Today because of the development carried out by Chief ObafemiAwolowo as the Premier of Western Nigeria, with the resources available from the cocoa funds and which he judiciously used for the benefit of his people including the introduction of free primary education in 1956, the South Western Nigeria as it is today called has remained the most sophisticated, most educated and economically more developed of all the six geo-political zones in this country. These are facts which must be accepted and not meant to deride any other zone.

First Coup, Counter Coup and the New States:

The first coup that took place in Nigeria, brought General Aguiyironi as the Head of State of the country by circumstance. He reorganized the country to run a Central Government. However, this Administration was short-lived following a counter coup which resulted in General Aguiyironi's deposition and assassination. Arising from these counter coups, Nigeria was faced with a problem whether to be or not to be and was faced with uneasy tension in the country resulting to killings of innocent citizens of Nigeria which led to the Civil War in Nigeria in 1967. As one of the tactics used by the Federal Government in keeping Nigeria together and preventing the Biafrans from taking along with them the minorities of the old Eastern Region, Nigeria was split into a 12-States structure whereby Cross River with late Col. U. J. Esuene as Governor, and Rivers State with Navy Commander Alfred Diète-Spiff as Governor, were created or carved out to be independent of the old Eastern Region. What remained of the former Eastern Region became the East Central State and was administered by a Civilian Administrator, Chief UkpabiAsika. Similar exercises were carried out in other parts of the country. Mid-West State with Col. David Ejoor as the Governor and which had earlier on been created from the old Western Region was not affected in the creation of the 12 States. Western Nigeria was created into Lagos State and Western State, with Major Mobolaji Johnson as Governor of Lagos State and Lt. Col. Fajuyi as Governor of Western State. Lt. Col. Fajuyi was later killed in Ibadan with the then Head of State General Aguiyironi who was on official visit to the Western State. At the death of Lt. Col. Fajuyi, General Adeyinka Adebayo became the Military Governor of Western State.

The Northern Region was divided into Benue Plateau with Mr. John Gomwalk, a Police Commissioner as Military Governor; Kano State with Police Commissioner Ado Bako as Military Governor; Kwara State with Col. ShittuAlao, as Military Governor; North Central with Col. Abba Kyari as Military Governor; North Eastern with Col. Musa Usman as Military Governor and the North Western with Police Commissioner Farouk as Military Governor. Under the Military, the 1963(Republican) Constitution was suspended and the administration was centralized.

I was in the Mid-West State during the time that Col. David Ejoor was the Military Governor of the State. But after the invasion of the State by the Biafran rebels, Major Ogbemudia, who led the Federal troops to Benin to take over the rebel forces, was

eventually appointed the Military Administrator of the State. As a Commissioner for Education in Major Ogbemudia's Government between 1968 and 1971, I had the privilege of paying frequent visits to various States either with the Governor or alone. And in most of these States visited, I could not help but notice the dedication and seriousness of the Northern State Military Governors even though they were not politicians, they did everything to improve the educational standard of the average Northerner and to strengthen the unity of Nigeria. Some of the Northern Military Governors entered into a relationship with our State and they requested for assistance. To cite a few examples, Governor Ado Bako of Kano State realized how disadvantaged his state was in Education and came all the way to Mid-West State requesting that a certain number of Primary School teachers be sent to them in Kano State. About 250 trained Primary School teachers were sent to Kano and the Governor of the State integrated them as part of Kano and most of them did not return to the Mid-West State. This is a pure example of what Nigeria should be through inter-State collaboration thereby strengthening the bond of a united Nigeria. The Story however was different in the North Western State where about 100 teachers sent to them were not integrated and had to return to the Mid-West State after some time. Other States requested for science teachers which we obliged by sending about 50 science teachers to the North West, North Central and North Eastern States. This was followed with the exchange of students. Unfortunately, the situations changed in July 1975 when the General Yakubu Gowon Administration of which I was a member, was overthrown by Brig. Murtala Mohammed and his military colleagues.

The centralisation of Government remained the same and the new Military Governors of the Northern States did not continue with this good policy.

An Attempt to Return to Federal System of Government

By the Constitution of the Republic of Nigeria

The General Murtala Mohammed's administration from 1975-1976 attempted to introduce the American system of Presidential Government when he became the country's Head of State. Upon his assassination on Feb 13, 1976, General Olusegun Obasanjo whose administration was regarded by many Nigerians as replica of Gen Aguiyi Ironsi's Military Government, because Gen. Ironsi was the beneficiary of the January 15, 1966 abortive coup, and Gen. Olusegun Obasanjo was a beneficiary of Col. B. S Dimka's abortive of February 13, 1976, became the Head of State. Both Gen. Ironsi

and Gen. Obasanjo were largely unprepared for this political and administrative implications. Ademola Ademoyega in his book titled “Why We Struck: The Story of the First Nigerian Coup” described the Government of Gen Ironsi as “non-revolutionary and reactionary” noting that “Ironsi’s primary governing strategy was the ill-conceived notion of placating the Northerners.”

Major General Shehu Musa Yar’Adua was appointed Chief of Staff by General Obasanjo who did not follow the policies of the revolutionary Government of Gen. Murtala Mohammed but rather was tended to placating the Northerners by largely leaving his Administration in the hands of Brig. Gen. Shehu Musa Yar’Adua who behaved as a Prime Minister. It has also been argued in several quarters that it was this type of administration of Gen. Obasanjo that encouraged his military colleagues who were members of his Government, like Gen. Ibrahim Badamosi Babaginda and Gen. Theophilus Danjuma, to invite him to contest the Presidential Election of 1999.

The 1970 and 1999 Constitutions lacked the basic ingredients of a True Federation. A True Federation includes fiscal federalism which was very well spelt out in the 1960 Independence Constitution and the 1963 Constitution of the Federal Republic of Nigeria. In a true federation, power does evolve from the top to the bottom.

As a matter of fact, the 1979 and 1999 Constitutions lack democratic touch. Prof. Tekena N. Tamuno puts it succinctly in his recent book titled “Stakeholders at War in Nigeria: from Lord Lugard to President Goodluck Jonathan”. Volume 1 at page 13 said:

“What should be done to replace the Military Instrument called the 1999 Constitution with a truly pro-people supreme Law of Land?... Could it also be that the products which civil society expected as “dividends of democracy” were indeed, the same as what came out of the wombs of pregnant Military rulers through extended deliveries in 1979 and 1999 respectively?”

Indeed these 1979 and 1999 Constitutions are ‘Military Instruments’ which ‘...came out of the wombs of pregnant Military rulers through extended deliveries...’ For instance, the 1979 Constitution which was prepared by the Gen. Obasanjo’s Military Government and handed over to a democratically elected Nigerians to operate, was no doubt a constitution of Military form of Government where orders and directives are given from

top to bottom. The functions of the States which were dictated by the Head of States to the subordinate Military Governor remained unchanged. The States were not in a position to control their natural resources, they depend on whatever the Federal Government dished out to them at the Supreme Military Council in which all the Military Governors were members. The Federal Government did not allow the states to exercise power over certain subjects which should be exclusive to the States in a True Federation. The Exclusive List and the Concurrent List were indiscriminately transgressed by the Federal Government. Primary Education, Secondary Education and Agriculture, to mention but a few, should be on the Executive List of the State Government. Hence the late Civilian Governor of Bendel State under the Unity Part of Nigeria, UPN, Prof. Ambrose Alli took the Federal Government to Court for trespassing into the territory solely meant for the State Governments, and he won. Prof. Ambrose Alli was not alone in this fight. The Governor of the old Rivers State, Chief Melford Okilo joined in the Suit, even though his government was of the National Party of Nigeria, N.P.N.

What all of these mean is that a True Federal System of Government must define the functions of the Federal Government and the functions of the State Government. There is, therefore, the need to have a Constitution which contains all the ingredients of a Federation. This is because the Constitution of a Country is a very important instrument. Describing the importance of a Constitution, Vivian C. Madu in a subject titled Nigeria's Legislative Process at pages 370-371, quoted Niki Tobi, JSC where he said:

“The Constitution of a nation is the *‘fons et Origo’* not only of the jurisprudence but also of the legal system of the nation. It is the beginning and the end of the legal system. In Greek Language, it is the alpha and the omega. It is the barometer with which all statues are measured in line with this kingly position of the Constitution, not in the sense of undergoing servitude or bondage, but in the sense of total obeisance and loyalty to it. This is in recognition of the supremacy of the Constitution over and every statue, be it an Act of the National Assembly or a law of the House of Assembly of a State. The Supremacy clause is provided for in section 1 (1) of the Constitution of the Federal Republic of Nigeria, 1999. All the three arms of Government must dance to the music and chorus that the

Constitution beats and sings, whether the melody sounds good or bad”

In order to achieve a Constitution with the above credentials or qualifications, it must be made or drawn up by the people and not a section of the people. Hence, there is an agitation for the production of a new Constitution. Some have even gone further to produce a draft Constitution. For instance, a group that calls itself Peoples’ National Conference, in August 2006, proposed a draft Constitution for the country. This is not, however to say that one supports or is calling for pockets of people proposing Constitutions for the country. Like I said earlier, in order to achieve a people oriented Constitution, representatives of every part and people of the country must come together to sit down and discuss. I recall that this issue of a new Constitution was hotly debated at the National Political Reform Conference instituted by President OlusegunObasanjo in 2005. Some delegates argued that the 36 States should form the Federating Units because it makes it easier for the people at the grass root to participate fully in such Federation; whereas another school of thought which I align myself to, believe that the existing six Geo-Political Units should form the Federating Units, while the States should form the Provinces or remain States of the Region.

Another integral part of True Federalism is fiscal federalism or resource control, which I now move to.

FISCAL FEDERALISM: A BASIC INGREDIENT OF TRUE FEDERALISM:

Fiscal Federalism is a basic ingredient of True Federalism. However, the issue of fiscal federalism or resource control is looked at in several quarters as strange or as a demand by some insatiable people in recent time. This conception I must say is very wrong. The control of a peoples’ resources is not a new phenomenon. Matured democratic societies with a definite form of governmental system, have evolved a balance among federating

units on how to distribute proceeds from available resources among them. Fiscal policy is used to achieve the desired objectives of allocation, redistribution, stabilization and economic growth. It is practiced in various places around the world, including Nigeria where it was practiced upto the time when the Civil War broke out. As a matter of fact, fiscal federalism was one of the basis under which the various groups agreed to come together to form a federation. We all recall that the principle of fiscal federalism was the kernel of Constitutional negotiations leading to the attainment of Independence. Therefore, political and economic conditions under which the people came together were clearly spelt out in the 1960 and 1963 Constitutions which were drawn up from the contributions made in the various Constitutional Conferences held in London and Nigeria between 1956 and 1960.

May I at this juncture, reproduce the relevant part of the Constitution as it is contained in Sections 133 and 134 of the 1960 Constitution which states:

Export duties

133.---(1) Where under any Act of Parliament duty is levied in respect of the export from Nigeria of produce, hides or skins there shall be paid by the Federation to each Region in respect of each quarter a sum equal to the appropriate percentage of the proceeds of that duty for that quarter.

(2) For the purposes of subsection (1) of this section--

- (a) the proceeds for a quarter of a duty levied on a commodity shall be the amount remaining from such of the receipts from that duty as relate to exports of that commodity during that quarter after any drawbacks, refunds or other repayments relating to those receipts have been made or allowed for;*
- (b) the appropriate percentage of the proceeds for a quarter of a duty levied on a commodity shall, in relation to any Region, be whichever of the following percentages is prescribed by*

Parliament in that behalf, that is to say, either-

(i) the percentage of those proceeds that is attributable to exports of that commodity that were derived from that Region;

(ii) the percentage of those proceeds that is attributable to exports of that commodity that were purchased in that Region;

(iii) the percentage of those proceeds that bears the same proportion to the total amount of those proceeds as the amount of that commodity that was purchased for export in that Region during the quarter immediately preceding that quarter bears to that total amount of that commodity that was so purchased in all the Regions during that immediately preceding quarter; or

(iv) the percentage of proceeds that bears the same proportion to the total amount of those proceeds as the amount of that commodity that was purchased for export in that Region during the period of twelve months commencing three months before the commencement of the financial year in which that quarter falls bears to the total amount of that commodity that was so purchased in all the Regions during the period of twelve months.

(3) Parliament may designate, or make provision for designating, any class, variety or description of any commodity as a separate commodity for the purposes of this section, and any such class, variety or description that is so designated shall be regarded as a separate commodity for those purposes.

(4) For the purposes of this section any amount of a commodity

that is derived from the Federal territory shall be deemed to be derived from Western Nigeria and any amount of a commodity that is purchased in the Federal territory shall be deemed to be purchased in Western Nigeria.

Mining royalties and rents

134. (1) There shall be paid by the Federation to each Region a sum equal to fifty per cent. of-

(a) the proceeds of any royalty received by the Federation in respect of any minerals extracted in that Region; and

(b) any mining rents derived by the Federation during that year from within that Region.

(2) The Federation shall credit to the Distributable Pool Account a sum equal to thirty per cent.

(a) the proceeds of any royalty received by the Federation in respect of minerals extracted in any Region; and

(b) any mining rents derived by the Federation from within any Region.

(3) For the purposes of this section the proceeds of a royalty shall be the amount remaining from the receipts of that royalty after any refunds or other repayments relating to those receipts have been deducted therefrom or allowed for.

(4) Parliament may prescribe the periods in relation to which the proceeds of any royalty or mining rents shall be calculated for purposes of this section.

(5) In this section "minerals" includes mineral oil.

(6) For the purposes of this section the continental shelf of a Region shall be deemed to be part of that Region.

From the foregoing, it is quite obvious that the fiscal arrangement was based on derivation/resource control. Otherwise, certain Regions would have opted out of the Federation having regard to the enormous natural resources and wealth which they owned.

It was based on this arrangement that the then Western Nigeria Government (or Region) under late Chief ObafemiAwolowo as the Premier of the Region was fully developed. Chief Awolowo used the wealth accruing from cocoa the economic mainstay of the Western Region to develop the Region. The Western Nigeria Development Corporation (WNDC) which later became the Odu'a Group of Companies, was the instrument he used to carry out various developments in the ApapaamdIkeja areas. At Ikeja, he developed the Ikeja Industrial Estate. He introduced Television Service in 1959, the first of its kind in South of the Sahara. He established Rubber Plantation in Ijebu, Ikene and Odogbolu with modern rubber species from Malaysia. He built the Cocoa House in Ibadan which was the tallest building in Nigeria at the time and also built the Western House in Lagos. He introduced free Primary Education. The famous University of Ife, now ObafemiAwolowo University, was built during the period. The network of roads in the Region were constantly developed and maintained by Israeli Construction Companies. The Western Nigeria Government refused to share its assets and liabilities with the Mid-Western Region when it was created in 1963 and the Mid-West State in 1967. Even when I was the Mid-West State Commissioner for Finance between 1972 and 1975, we made several attempts to have the assets and liabilities shared between the old Western Region of Nigeria and the Mid-Western Region of Nigeria. But we were rejected by Maj. General Adeyinka Adebayo who was a personal friend of Col. S. O. Ogbemudia of Mid-West State.

The Northern Region equally exploited, produced and marketed the groundnut cops which formed the groundnut pyramid of the Northern Region. Sir Ahmadu Bello used the groundnut money to develop the Kaduna Capital Territory, Kano Industrial City and the famous Ahmadu Bello University, Zaria.

All this development was as a result of fiscal federalism or resource control. Unfortunately, the Eastern Nigeria under the Premiership of Dr. NnamdiAzikiwe which had palm produce as its main cash crop, trailed behind the other two Regions in its physical development. It was, therefore, not surprising when the Prime Minister of

Nigeria, AlhajiTafawaBalewa, on the discovery of oil in Oloibiri in 1956 congratulated Dr. NnamdiAzikiwe.

The Federal Government was only entitled to 20% of the revenue that was accrued from cocoa, groundnut, etc. From the foregoing, it is quite obvious that the fiscal arrangement was based on the Derivation/Resource Control. Otherwise certain Regions could have opted out of the federation having regard to their enormous resources and wealth then.

This was the practice in the Country before the Nigerian Civil War broke out in 1967. In order to have funds to prosecute the war, the then Federal Military Government under Gen. Yakubu Gowon as Head of State reversed the policy of fiscal federalism. But at the end of the war, rather putting back the old policy, the Federal Military Government promulgated Decree No. 13 of 1970, with the effect that bulk of the federally collected revenue is shifted to the centre.

The Criminal Neglect of the Niger Delta

At the end of the war, the Federal Government did not put back the law in place. The new policy was that the resources from all the various parts of the country will be used for the development of the entire country. Unfortunately, this is not the case. The development in the country is not even especially in the Niger Delta. The 12 States structure which has now manifested into 36 States with 774 Local Government Council is lopsided and is believed to be deliberately created to squander the resources of the Niger Delta. For Instance, Kano State and Jigawa State which was created out of Kano State have more Local Government Councils than the six States of the South South zone put together and each of these Local Government Councils get direct allocation from the Federal Account. One can therefore understand why we have all the threats and brickbaths over resource control. It is generally accepted by all well meaning Nigerians that the Niger Delta has been criminally neglected despite persistent cries and pleas, by the people.

Genesis of The Agitation of Resource Control:

A. The Kaiama Declaration:

When the pleas were not being heeded, Izon youths decided to gather in Kaiama, the home town of Isaac AdakaBoro on 11th December, 1998. It would be recalled that Isaac AdakaBoro and a few others, embarked on a Revolution to protest the utter neglect of the goose that lays the golden egg – the Niger Delta. So at the end of the meeting of the Izon Youths, they issued a historic communiqué which came to be known as the “Kaiama Declaration”, in which the phrase ‘Resource Control’ was first highlighted. The Youths gave an ultimatum to the Federal Government to re dress the injustices and inhuman treatment meted out on the people of the Niger Delta. The Ultimatum was to expire on 30th December, 1998. Instead of the Federal Government resorting to a dialogue with the Ijaw youths and elders, it remained adamant and unconcerned, treating the Declaration with impurity. At the expiration of the Ultimatum, the youths in keeping with the decisions contained in the Declaration, carried out a peaceful demonstration in Yenagoa and Kaiama. The response of the Federal Government to the Youths’ peaceful demonstration was to attack these innocent and armless demonstrators with troops from Warri and Port Harcourt. The action of the Federal Government received condemnation from several quarters. On my part, I had to give a press conference on 3rd January, 1999 condemning the action of the Federal Government. Although there were some dialogue between the Federal Government and the people of Niger Delta between January and April 10th, 1999, nothing concrete came out of the discussions. A committee known as the Major-General Popoola’s committee was set up by the Federal Government to provide Marshall type of development for the area. This committee recommended the expenditure of ₦15 billion to be spent on various projects in the Niger Delta, but this did not materialize. As people of the area, we felt deeply disappointed and deceived by the then Federal Government which was headed by Gen. AbdulsalamiAbubakar. This infact marked the next phase of struggle by the people of the Niger Delta.

B. Other Groups:

The attitude of the Federal Government proved beyond all reasonable doubt that they cared less about the plight of the Niger Delta, thus opening the flood gate for more reactions. Various organizations including the South South People’s Conference, SSOPEC, Union of the Niger Delta and the later body of the 6 South South Governors and members of the National Assembly from the South South held meetings and equally issued communiqué.

The killing of Ken SaroWiwa and the other nine Ogoni leaders was also as a result of the agitation against environmental pollution and the demand of the Ogoni people to control their own resources.

Unfair Execution of the 1999 Constitution:

The people of the Niger Delta have had their rights in the Constitution usurped by the activities of the activities if the Federal Government. For Instance, Section 16(2) of the 1999 Constitution states that:

The State shall direct its policy towards ensuring that the economic system is not operated in such a manner as to permit the concentration of wealth or the means of production and exchange in the hands of few individuals or a group.

Section 20 of the 1999 Constitution states that:

The State shall protect and improve the environment and safeguard the water, air, land, forest and wildlife of Nigeria

However, the criminal and willful neglect of the Niger Delta by the Federal Government over the years, is a negation or violation of these Constitutional provisions. For instance, the control of the resources and the distribution of the wealth of the nation has not been even in accordance with the provisions of the Constitution.

There are no roads, in most part of the Niger Delta the people live in complete darkness because of no electricity despite the fact that the power which serves the whole nation is mainly generated from the Niger Delta Power Stations, Ughelli, Ogorode Power Station, Sapale and the Afam Power Station in Rivers State. Not only are the people deprived of enjoying the gains accruing due to oil production, in the areas of employment, granting of Oil blocs, contracts and provision of social amenities, the little wealth generated from fishing, timber, rubber and palm produce left for us by our progenitors through their trading with early European Companies is seriously depleted due to the Oil explorations. Abject poverty prevails in the area.

The social unrest amongst the youths in the Niger Delta is a reaction to the activities of the Oil Companies in the area, social injustice and inequality.

The issue is not only worrisome to the youths. Even as elders and leaders of the Niger Delta, we are very much concerned and worried because our youth and generation to come will not forgive us if we do not make concerted effort to save the Niger Delta from this degradation. When we went to meet with the then President of the Country, Chief Olusegun Obasanjo on 22nd August 2000 at the Presidential Villa, we repeated our demand for a political solution to the issue because we believe that the Niger Delta Development Commission, NDDC, cannot and will not be a solution to the problems of the Niger Delta. The Oil Mineral Producing Areas Development Commission, OMPADEC, could not solve the problem, neither can the NDDC. We told him that our problems can only be solved by allowing us to control our resources as it was done in the first Republic where the Regions were free to develop themselves at their own pace. We insisted in that meeting that resource control is an essential ingredient of true federalism. In his response to our submissions, the President admitted that we have a good case, but doubted the possibility of its implementation having regard to Constitutional position and the tendency of leaving certain States with little or no resources, underdeveloped.

The wealth from our resources is concentrated in the hands of a few individuals to the exclusion of the ordinary people despite the provisions of Section 16 in the Constitution. And these few individuals have built up massive wealth for themselves within and outside Nigeria, comparable to the wealthy Arabs in Saudi Arabia, Western Europe, USA, Canada, etc. at the detriment of the common man in Nigeria. They derive their wealth from being granted licences to lift crude oil to acting as commission agents for multinational companies, receiving heavy commissions, etc. while citizens of the Niger Delta who are qualified to lift crude oil or act as commission agents have been denied these opportunities. Most times indigenes of the Niger Delta who go abroad in search of business opportunities were asked whether they had partners from certain region of the country because these expatriates believe that it is only such partners that can make things work in Nigeria. It is however, no doubt that today the ascension of a minority to the highest position in Nigeria which shocked those who believe that they alone has an exclusive right to rule the country, is now causing a threat and insecurity in the country as being exhibited by the Boko Haram and its supporters.

Why Do We Want Fiscal Federation:

It is often said that it is he who wears a shoe that knows where it pinches. We are not asking to be allowed to control our resources just for the heck of it. The wrong impression being given by the detractors of the Niger Delta to majority of Nigerians and indeed the outside world is that our youths are uneducated, irresponsible, unskilled, pirates, kidnappers and pipeline vandals who must be shot at sight to protect the Nigerian economy. This erroneous impression is wicked, malicious and tantamount to the usual saying of giving a dog a bad name in order to hang it. Most of our unemployed youths are suitably qualified in the field of Engineering, Accountancy, Economics, Law, etc. and most of them have been without jobs several years after graduation.

The Training Institute known as the Shell Intensive Training Programme established in Warri and Port Harcourt for training young graduates and technicians to go into the labour market have very few graduates and technicians from the Niger Delta in the two Institutions. More than 80% of the total intake of the trainees is mainly from the other parts of the country despite the fact that a lot of indigenous candidates with the requisite entry qualification apply each year. This is unacceptable to us.

In the area of unskilled labour, the Niger Delta people are so marginalized. The various Oil Companies and their agents chose to employ unskilled labour from outside the Niger Delta to work in the Off-Shore rigs and platform and where does this leave the youths of the area? In the streets, roaming. The phrase "Catchment Area" means nothing to the government and the Oil Companies. Another worrisome area is found in the posting of Youth Corp members for their Primary Assignment. The youths of the Niger Delta are usually posted to places outside the area, while those from outside the Niger Delta are usually posted to the Oil Companies operating in the Niger Delta. I am not averse to the idea of the National Service. As a matter of fact, I can rightly say that I am part of the introduction of the scheme as I served as a Federal Commissioner (now Minister) of Information in the Gen. Yakubu Gowon Administration that introduced it. What I, however, abhor is the motive behind these postings. At the end of one year national service, most of the youth corp members from outside the Niger Delta use their big brothers and sisters who are managers in these Oil Companies to secure employment in the Oil Industries to the exclusion of the Niger Delta youth corp members who will return home jobless and will be faced with big signboards of 'No Vacancy' hung on the gates of these Oil Companies. It must be recognized that youth restiveness can only be arrested if these anomalies and injustices are corrected.

In addition, most of all the ills pointed out in the area of lack of social infrastructure, lack of contract awards, and lack of major indigenes in the Oil Industry will also be corrected, if the people of the Niger Delta and indeed Nigerians are allowed the control of their resources. We will be exterminated if we abandon the issue of Resource Control. I therefore urge that as citizens of this country, we should be sincere to ourselves, be sensitive to one another, empathize and support one another's genuine cause, rather than being insensitive and callous.

The Misconception of the Issue of Fiscal Federalism:

Like I said earlier, many Nigerians see the demand for fiscal federalism as something new or strange in the history of Nigeria. It is for this reason that I have taken the pains to go down memory lane of fiscal federalism. Some people even misconceive the subsequent demand for fiscal federalism/resource control, to mean a denial or deprivation of other no- producing areas of Nigeria from enjoying the wealth that accrues from natural resources. This is far from the truth. I think it is sheer callousness and insensitivity to the plight of a suffering people . I also think that it is selfish on the part of those who oppose fiscal federalism on the grounds that it will break up this country. To this group, I will quote Dr. G. G. Darah's speech in a Lecture paper titled " Niger Delta: From Bondage to Paradise". He said:

I will like to say that all these views and fears are either misplaced or outrightly mischievous. First, it is wrong to think that an intensification of the debate over these Federalist principles will threaten the corporate existence of the country. Rather, the clamour is to stabilize democracy and make the Constitution truly representative of the yearning of the masses of the country. What has always undermined Nigeria's unity and continue to do so is the set of obnoxious and fascist laws which denied the mineral resource endowed nations of Nigeria of their inalienable rights to own, exploit and use their resources.

On my part also in reaction to the statements of late Dim Chukwuemeka Odumegwu Ojukwu on the same insinuation, I issued a statement

debunking Ojukwu's claim that depriving people of the control of their God-given resources is the only panacea for maintaining the unity of Nigeria. This to my mind is naked injustice.

The False Impression of the then Federal Military Government:

The military government that were in power for a greater part of the nation's history believed and operated on the basis that the Federal military government owned the country, her resources and all that dwell in the land. They centralized and concentrated the nation's revenue in the hands of the Federal Government. The Federal Government does not own the resources. The resources belong to the Nigerian Federation and the owner communities. The assignment of the responsibility to collect revenue should not be taken as making the collecting agent the exclusive owner of such resources. It is for this reason I am recommending that the Federal Government should start appointing two Accountant Generals. One to take charge of the finances of the Federal Government, while the other will take charge, of the finances of the Federating units. By collecting the revenue into the national coffers, the resource producing communities are denied the wherewithal to carry out the development of their communities which are devastated as a result of the exploration of these resources. Rather than showing genuine concerns to the plight of these people, extraneous reasons are used as yardstick instead of such genuine and concrete evidences as quantum of contribution, environmental and ecological problems, poverty, pollution, crime, cost of living, health problems, marshy terrain, etc. Even the ecological fund provided by the Federal Government, are shared on equal basis amongst the 36 States irrespective of the environment or ecological effect in any State. No special attention is given to areas mostly affected by the effect of these exploration and mining of mineral resources.

This clearly shows the amount of injustice, neglect and oppression that accompany matters of revenue allocation in Nigeria. The revenue allocation formula in the country shows a fiscal dominance of the Federal Government. This is not in line with best global practices in federalism. It therefore poses a major challenge in our political evolution.

CORRUPTION IN NIGERIA: A CLOSER LOOK AT THE BAR AND THE BENCH

I am reliably informed that the 1st State of the Federation Lecture delivered by Humphrey Assisi Asobie held in 20011, dealt with the issue of corruption in detail. However, being a Lawyer I am deeply concerned about what is happening in my professional constituency. Although I have time and time again made my views known to the authorities concerned, I will want to use medium also to highlight some of the perceived ills at the Bar and the Bench.

Patriotic Nigerians all over the country are observing with dismay, disappointment and embarrassment the astronomical growth of corruption as a flourishing industry and the disgraceful role being played by the Bench and the Bar in making it impossible to eradicate or reduce corruption in the country.

It is admitted that corruption is a world-wide vice that is being tackled. But the ability to do same in this country Nigeria is what is lacking. We now see corruption as a way of life, we hail, appreciate and adore corruption in all facets of our lives. Corruption has no doubt created a new system in Nigeria whereby the corrupt and dubious Nigerians have now occupied the Upper and the Middle class whereas honest businessmen and professionals who were hitherto occupying the upper class and the middle class have been driven to the lowest classless class. These looters now occupy the front seats in the House of God where they attract special prayers, the Bench and the Bar to which I belong, is no exception.

It would be recalled that recently, I addressed an Open Letter to our most respected former Chief Justice of Nigeria on the role and failure of the Judiciary to eradicate corruption in Nigeria. In that letter, I congratulated the former Chief Justice of Nigeria on his powerful speech on the Judiciary, where he said that ***“The Judiciary will do her utmost to discharge them with vigour, truth and dignity. I must emphasize that the***

efficacy of exercising constitutional judicial power is firmly anchored on a moral authority that rests on public confidence.”

He went on to avert that ***“The judiciary commands no armies and collects no taxes as its authority rests squarely in the public’s perceptions of its propriety. Public confidence in the judge and the judicial system reinforces conviction for the attainment of justice and enhances the willingness of the populace to subjugate before the law.***

It is very important to ensure that those who abuse the privilege of judicial authority are exposed, expunged, banished and punished.”

I went further to appeal to the former Chief Justice of Nigeria that in his crusade to clean up the judiciary, he should immediately examine and investigate the role some of the Judges have played in thwarting all efforts to eradicate corruption or reduce corruption in our society. A situation whereby over 50 high profile cases of corruption leveled against some former Governors, Ministers and Legislators and other high profile government functionaries have been pending in various Federal High Courts and Courts of Appeal for over five years due to corrupt practices both in the judiciary and at the Bar. This is most unacceptable because it is definitely responsible for placing Nigeria at the bottom index of corrupt countries in the world such as Somalia; Kenya, Bangladesh, Pakistan, etc.

Seeming Unending Cases In Our Various Courts:

To support my appeal I named some very high profile cases of corruption against some former governors and ministers which have been lying fallow in various courts for 5 years and above. They include:

- (i) Senator SaminuTuraki:** Former Governor of Jigawa State is currently facing trial on charges of an alleged embezzlement of a total sum of N36 billion from the State Government Treasury and another indictment of embezzlement case instituted against him by the Economic and Financial Crimes Commission, EFCC, of N30 billion for which he has been arraigned thereby bringing the total charges to 32. Plea is taken. Senator Turaki has been granted bail by the court since 2007 and nothing has been done after good 4 years. Case is

currently being tried at the Federal Capital Territory, FCT, High Court, Abuja. Today, he is a Senator of the Federal Republic of Nigeria.

(ii) Ayo Fayose: Former Governor of Ekiti State, was accused of massive corruption, self-enrichment and abuse of public office. He was arraigned on 51 count charges of which plea is already taken. But the Defence keeps adjourning the Case for reasons best known to him. In 2006, he was alleged to have been engaged in fraudulent activities including money laundering, illegal diversion and misappropriation of the sum of N1.2 billion. He was granted bail by Court in 2007. The Case has now been transferred to the Ekiti Federal High Court, Ado-Ekiti after the accused opposed his trial in a Lagos Federal High Court.

(iii) Joshua Dariye: Former Governor of Plateau State now a Senator. In January 2004 during his time as Governor, he was accused of engaging in large scale corruption, stealing of public funds and money laundering. He was subsequently arrested in London with huge sums of money. In 2006 he was again accused of stealing N700 million, which he was alleged to have embezzled between 2001 and 2003 with the aid of some top officials of the State. He was arraigned on 23 counts charge in which plea has already been taken. But Defence lawyer challenged Court jurisdiction. However, the Appeal Court threw out his application. This is a case filed since July 2007. Dariye was re-arrested in 2007 after losing his legal immunity and he is currently being tried by the EFCC in the High Court of Abuja at Gudu. A female associate, with whom he was arrested in London, has since been tried and sentenced in London, while the principal actor moves around in Nigeria contested election and now he is a senator in Nigeria.

(iv) Chimaroke Nnamani: Former Governor of Enugu State has been standing trial since 2007 over alleged cases of money laundering for which he was arraigned on a 124-count charge to the tune of N5.5 billion, before Justice Charles Archibong. Plea had already been taken and bail granted since 2007. The case was however stalled as Defense Counsel had filed to transfer case to another Judge and the case is now in the Federal High Court, Lagos. He even went on to become a Senator.

(v) Dr. Peter Odili: Former Governor of Rivers State who in 2007, was accused of fraud, conspiracy, money laundering and looting, amounting to about N100 billion from Rivers the State Treasury. About N25 billion was alleged to have been used out of the sum in floating an Airline. A Port Harcourt High Court presided over by Justice I.N. Buba, now at the Federal High Court, Asaba,

Delta State, ruled that the EFCC could not investigate State finances and as a result nullified its report and restrained the EFCC from arresting and prosecuting the former Governor. I am reliably informed that the EFCC has appealed against the obnoxious injunction granted to former Governor Peter Odili, but up till now, there is no reaction from the Court of Appeal.

Encouraged by the earlier injunction granted in Port Harcourt, former Governor Peter Odili obtained another injunction in September, 2009 from an Abuja High Court stopping the EFCC from arresting, detaining, embarrassing or prosecuting him over the N189 million bank indebtedness.

Today, Dr. Peter Odili is one of the freest and recognized political leaders to the extent of his being honoured by the Nigerian Army to decorate their Officers at a ceremony; what a shame! In other words, the former Governor has secured a permanent injunction against his arrest and prosecution.

Is it not scandalous for a suspect to obtain an injunction against his arrest, investigation and prosecution which is against our Constitution and any other law of the land?

(vi) Boni Haruna: Former Governor, Adamawa State was arraigned on 28 counts charge which involved N254 million and has since been granted bail by the Court in 2008. The Case is currently in the Federal High Court, Maitama, Abuja. Today, he is the leader of the ACN in Adamawa State

(vii) James Onanefelbori: Former Governor of Delta State who was arraigned on 170 counts charge, involving a whopping sum of N9.2 billion. Though granted bail by Court since 2008. The Defence Counsel challenged the Kaduna Federal High Court's jurisdiction although he lost at the Trial Court, he won at the Appeal Court presided over by Justice Amina Augie. The Case was thereafter, reassigned by the Chief Justice to Asaba Federal High Court. Suspect applied to quash charges without taking plea. However, Prosecution opposed the application but the trial Judge quashed the charges. The EFCC had filed an appeal since January 8, 2010.

However, his Mistress Mrs. Udoamaka who was discharged with him at the Asaba Federal High Court by Hon. Justice Marcel Awokulehin, is now serving a 5-year jail sentence in London. Chief James Onanefelbori equally faced criminal charges in a London Court, after his extradition from Dubai. Now he has been convicted in London. On Tuesday July 24, 2012, the United States authority placed an injunction on his mansion and the sum of \$3 million. On the previous day, July 23, an Abuja High Court placed a similar directive on the \$15 million alleged bribe money to the former chairman of the EFCC, Mallam Nuhu Ribbadau which he deposited in Central Bank of Nigeria.

(viii) Orji Uzor Kalu: Former Governor of Abia State was arrested in July, 2007 by the EFCC for corruption and arraigned before a Court on a 107-count charge for which he was alleged to have laundered the State Treasury of the sum of N5 billion. He was granted bail by the court in 2008 and plea taken. But the Defence lawyer raised preliminary objection against the charges. He lost at the trial Court. He went on an appeal, to stay trial and prolong trial. Today, he is the leader of a political party the Progressive Peoples Alliance, PPA. Under the party's flag, he contested the last Senatorial Election in Abia State and lost. He regards himself a potential Presidential candidate of Nigeria.

(ix) Rasheed Ladoja: Former Governor of Oyo State, along with two others, were arraigned on a 33-count charge before a Federal High Court, Lagos for conspiracy to defraud the State Government, abuse of public office, stealing and diversion of public funds in 2007 in Ibadan. Amount allegedly involved totaled N6 billion. Plea has been taken and the trial is going on, while bail has been granted by the Court since 2008. Today, he is the political leader of the Accord Party and in fact, contested the last Gubernatorial Election in Oyo State under the party.

(x) Jolly Nyame: Former Governor of Taraba State (a Reverend gentleman) who between 1999 and 2007 was charged with corruption and dishonestly misappropriating certain property belonging to the Taraba State Government which allegedly involved a total amount of N1.3 billion. He was arraigned on 41 counts charge before the Federal High Court, Abuja. Plea had been taken and he has been granted bail by the Court since 2008. The case is currently being tried at the FCT High Court.

(xi) Michael Botmang: Former Acting Governor of Plateau State, was arraigned on 31 counts charge of corrupt practices involving a total of N1.5 billion. Plea had been taken but trial stalled as a result of suspect's ill-health and granted bail by court since 2008. Case is in Federal High Court, Maitama, Abuja.

(xii) Attahiru Bafarawa: Former Governor of Sokoto State who was arraigned on 47 counts charge of corrupt practices involving a whopping amount of N15 billion. He was remanded in prison custody and later granted bail by the Court. The Case was stalled as a result of the accused's application at the Appeal Court. Case is now slated for trial at Sokoto a State High Court.

(xiii) **AdamuAbdullahi**; Former Governor of Nasarawa State, was arraigned on a 149-count charge of fraudulent award of contracts mostly on capital projects involving a total of N15 billion while he was in office as the Executive Governor. According to the EFCC Chairman, it is likely three of his Commissioners would be arraigned in Court over fraudulent award of contracts. He has been granted Court bail. The case is at the Federal High Court, Lafia, Nasarawa under Justice I.N. Buba. AdamuAbdullahi contested the last Senatorial Election and today, he is a Distinguished Senator of the Federal Republic of Nigeria.

(xiv) **Femi FaniKayode**: Former Minister of Aviation was arraigned on a 47 count-charge of corrupt practices involving ₦250 at a Federal High Court in Lagos. Plea already taken, but case is stalled as a result of trial court's refusal to admit e-print of suspect's statement of account as evidence. The EFCC won the appeal against the decision. The Defence is appealing at the Supreme Court. Kayode has been granted bail by the Court since 2008. Today, he is parading himself as a moral icon in the society.

(xv) **Prof. BabalolaBorishade**: Former Minister of Aviation was arraigned on an 11-count charge of corrupt practices involving whopping sum of ₦ 5.6 billion. He has been granted bail by the Court since 2008. The case is currently at the Federal High Court, Maitama, Abuja.

Fraudulent Application Of Plea Bargain

Another unfortunate innovation that is fast creeping into the Nigerian judicial system, is that of plea bargain. This is quite worrisome. A case in point are:

(i) **Chief Lucky Igbinedion**: It would be recalled that Chief Lucky Igbinedion, former Governor of Edo State was arraigned at the Enugu Federal High Court facing about 160 corrupt charges, to which he later pleaded guilty to the charges under plea bargaining.

Below is what the then Executive Chairman of the EFCC, Mrs. Farida Waziri had to say about Igbinedion's case, when she addressed the 35th Annual

Convention of Black Mayors in Las Vegas, USA. The EFCC Chairman stated that ***“former Edo State Governor Lucky Igbinedion, who got a slap on the wrist after he admitted to looting the state treasury and all the parties in the case, including the judge, had agreed on his sentence. When lucky Igbinedion’s lawyer came to discuss with our lawyer about plea bargaining, that he wanted to return some of the looted funds, we agreed. We worked together; he forfeited some things like houses in Edo, Lagos and Abuja, also some monies and companies. But when we got to court, the shock was from the courts. I never got over it for a long, long time, because instead of the sentence as it was agreed, the judge gave him an option of fine. I think it was ₦3.5 Million. He brought the money from the boot of his car and paid the fine there and then”***

According to the Chairman of the EFCC, they have appealed against the scandalous court judgment at the Court of Appeal.

Finally, I again appealed to the former Honourable Chief Justice of Nigeria to set up New Special Courts to try all cases of corruption, with accelerated hearing, lasting for between 6 to 12 months from commencement to ending. The Hon. Former Chief Justice of Nigeria who as **“a Daniel of old”** came to judgment, when he graciously replied to my letter and acted on some of my humble suggestions contained in my letter addressed to him.

It is therefore with the greatest respect I reproduce hereunder, the letter from the Chief Justice of Nigeria:

“OFFICE OF THE CHIEF JUSTICE OF NIGERIA”

Supreme Court of Nigeria
3 Arms Zone
Abuja – Nigeria

3rd November, 2011

Chief (Dr.) E.K. Clark, OFR, CON,

Plot 114, Haile Sellassie Street,
Asokoro
Abuja.

My Dear Chief,

I thank you for your letter of November 2, 2011 and especially for your prayers and kind words to my person. May the Almighty continue to bless you so that you will continue to promote and preserve the well being of the nation, amen.

I also appreciate your deep concern for the role of the Judiciary in the eradication of corruption and as I have earlier said in my speech on the 19th of September 2011, we have already taken steps to ensure that cases of this nature are treated with the seriousness they deserve. I have already given to judges dealing with the various matters itemized time frame within which to conclude.

However, it is important to note that the Judiciary cannot do it alone as such, well meaning Nigerians like you should consider urging the prosecuting bodies to be alive to their responsibilities to ensure that these cases do not suffer further delays and if the prosecution is not ready to proceed, for the judge concerned to strike out the matter.

It is regrettable that sometimes the prosecuting authorities are deliberately stalling the matters, can you imagine any lawyer prosecuting 140 charges in one trial? How can one correlate for example charge No. 19 with charge No. 91 or 3? It seems to me that there is a ploy designed to ensure that there is no successful prosecution. I have discussed these points and others with the Honourable Attorney-General of the Federation.

For our part we shall give priority to all these matters and other criminal matters. But as I said above, the Judiciary cannot alone solve all the problems we need your understanding and support.

Once again, I thank you for your concern.

Most Sincerely Yours,

(Sgnd.)

DahiruMUSDapher, GCON
Chief Justice of Nigeria”

Indiscriminate Granting Of Bail:

It would be recalled that during the trial of Chief James Onanefelbori, the former Attorney General of the Federation Chief Michael KaaseAondakaa (SAN), criticized the trial judge Justice Mohammed Shuaibu, for not granting Chief Ibori bail after a period of sixty two days since Ibori did not commit an unbailable offence. What followed later was the release of Ibori and his mistress, Miss Udoamaka's International Passport and the indictment of the trial judge by the Court of Appeal, Kaduna, which also granted bail to Ibori and his associates.

Immediately after the release of the International Passport to Ibori and his Associates Miss Udoamaka, she travelled with it to the United States of America, USA. On her way back to Nigeria, she was arrested in Paris and taken to the United Kingdom where she was sentenced to 5 years imprisonment as an associate of Ibori. Meanwhile, a special Federal High Court was created in Asaba, Delta State, for the trial of Ibori and his associates including Miss Udoamaka. The Delta State Government volunteered to buy two properties belonging to one Barr. Raymond Guana, Ibori's Political Adviser and one of Dr. Uduaghan's Commissioners to house the Federal High Court in Asaba. Ibori and his associate were the first to be charged to that Court even when the Court has not been officially gazetted. A legal brief on the 170-count charges against Ibori had been prepared by the former Attorney General, Chief Michael KaaseAondoakaa (SAN), Special Advisers, etc. who has now become Ibori's defence counsel. The trial Judge was specifically assigned to handle the cases. The Delta State Elders led by my humble self objected to the trial of Ibori by the said Judge, by petitioning the Chief Judge of the Federal High Court and filing an injunction at the Federal High Court, Lagos. The Case with Suit No.FHC/L/CS/1323/09 with Col. T.A. Eboma (Rtd.), Hon. Sir Eddy Akangbou and Chief GlodwinOgbetuo as Plaintiffs. That was the reason why the Judge abruptly adjourned the case and today the case is still pending at the Federal High Court Lagos before Justice Okeke. It is remarkable that Ibori and his associates did not take any plea to the Court and some of the accused did not appear in the Court to answer the charge but the 170 count charges against them were dismissed within two hours.

Today Ibori has admitted committing the offences he was charged with.

While we have noticed with pleasure the reforms in the Judiciary being carried out by the Chief Justice of Nigeria, recent events have shown that these reforms in the Judiciary will be meaningless if the Bar remains indisciplined and corrupt.

It is also interesting to note that most of these dubious, irregular corrupt and conflicting judgments are of regular occurrence in the Federal High Courts of Justice of Nigeria. It is therefore necessary at this juncture, to appeal to the authority of the Federal High Court to always put the interest of Nigeria first and the wish of Mr. President and the good people of Nigeria to eradicate or reduce corruption in order to promote the growth and development of Nigeria.

Finally, Nigerians are worried on the number of cases granted *nolleprosequi* and the settlement out of court of civil cases or litigation brought against the Federal Government.

The Conviction And Sentencing Of James Onanefelbori: Lesson For The Bench And The Bar In Nigeria

The conviction and subsequent sentencing of Chief James Ibori to 13 years imprisonment has questioned the commitment of the Nigerian Judiciary to the fight against corruption in the country. There is little doubt that corruption remains a sore point in our quest to instill transparency and accountability in the body polity. And the kind of corruption we now see in our hitherto revered judiciary clearly demonstrates that custodians and officers in the temple of justice who are supposed to be the right physicians on corruption and fraud issues have regrettably turned out as patients.

With the recent conviction and sentencing of Chief James Ibori by a London Court on a few of almost the same charges the Court threw out in Nigeria, one cannot but observe with apparent dismay the lackadaisical attitude of some of our Judges to serious cases of corruption brought before them for adjudication. I wonder if some of these Judges have lost the sense of shame! How can they treat some of the most corrupt public officers around the world with kid-gloves as reflected in the speed with which they grant bail to accused persons particularly the so-called Politically Exposed Persons?

It is incomprehensible to see Judges grant bail to people accused of stealing tens of billions of public funds the same day they are brought before the Courts. For instance, the charges against the former Speaker of the House of Representatives, Mr. Dimeji Bankole among others were all quashed.

While the public continue to groan in pain occasioned by the shameless looting of public funds by this set of people, some of them still find their ways into other public offices such as Distinguished Senators, etc., thereby inflicting even greater pains on public psyche. The point to emphasize is that there is an urgent need for the Judiciary to put in place concrete measures to tackle the emerging insidious corruption in the nation's judiciary. This is because as the last hope of the common man, if corruption is allowed to climb the sacrosanct wall of the judicial system, millions of Nigerians may lose hope in the Temple of Justice.

It is therefore apposite to mention a few sickening cases where Judges tended to have condoned corruption by granting bails almost at a speed of light. For example, AtikuAbubakarKigo; EsaiDangabar; Ahmed Inuwa Wada; John YakubuYusufu; Veronica UlomaOnyegbulam and SaniHabilaZira accused of stealing billions of pension funds, were granted bail by Justice AbubakarTalba on very liberal terms almost immediately they were arraigned in Court. It is a big shame that some very senior lawyers engaged themselves in a battle of wits over legal representations of the accused persons ostensibly to benefit from the loot as legal fees.

Last year, Justice DonatusOkoronwo granted the former Speaker of the House of Representatives, DimejiBankole bail in the sum of N5 million with one surety in like sum within the same week, he was brought before the court for trial. One Dr. SaniTeidiShuabu, of the Head of Service of the Federation Pension Office charged for N4.56 billion pension scam was admitted to a bail condition in the sum of N10 million. The Speaker of the Lagos State House of Assembly, Mr. Adeyemilkuforiji and his Personal Assistant, Mr. OyebodeAtoyebi, were arraigned on a 20-count charge of fraud and money laundering and the Judge granted bail to the Speaker on self recognition, while the Clerk of the Lagos Assembly, SegunHabiru stood as a surety for Mr. Atoyebi.

Going back to other cases, the former Governor of Nasarawa State, AlhajiAbdullahiAdamu was arraigned along with 18 others before a Federal High Court, Lafia, on a 149-count charge by the EFCC, before Justice I.M. Buba for allegedly looting the State Treasury to the tune of about N15 billion. After listening to arguments from both counsels, Justice Buba adjourned proceedings for one hour and granted the accused bail in the sum of N500 million. In the same manner, former Governor of Plateau State, Chief Joshua ChibiDariye arraigned before Justice BabsKuewunmi on a 14-count charge of money laundering and abuse of office was quickly admitted to bail in the sum of N100 million. In the case of Dariye, as soon as his application was granted,

he was said to have walked out of the dock, took a bow before the court and said: "Thank you." In another case, the former Governor of Jigawa State, Alhaji Ibrahim Saminu Turaki who was accused of fraud to the tune of 36 billion was granted bail.

Elsewhere, conscientious people are forming human barricades against corruption using their professions, vocations and callings. Reframed more soberly, current global anti-corruption and transparency programmes include structural reforms aimed at limiting the opportunities and incentives for frauds and corruption as well as raising the possibility of detection, strengthening anti-graft institutions for effective law enforcement and sanction on corruption and related vices, creation of strong anti-corruption legislation and regulatory frameworks, maximum deterrence measures and legal/judicial sector reforms.

In other climes, national governments are intensifying effort at tracing as well as freezing and recovering proceeds of corruption and general re-orientation of the public. We cannot afford to sing a discordant tune in Nigeria.

Thus, the foregoing re-awakening finds rhythm and even more currency in Nigeria a country listed among the "Next Eleven" economies (with the 4th fastest growing economy in the world). We must come to terms with the problem of corruption and colossal waste of resources. Nigeria not only sits atop a geographical location devoid of natural disasters, she is also richly blessed with human and material resources. Paradoxically, the country has found herself in the unenviable company of the poorest countries of the world and is often laconically referred to as a rich country of poor people with majority of Nigerians living below the poverty line and the number of people living precariously increasing every year.

On the whole, the prevailing situation calls for the Bench and the Bar in Nigeria to, as a matter of paramount necessity reinvent a system of rules that is responsive to the requirements for development as defined by decent world views and ethos.

If Britain which prizes itself as the most democratic society in the world can detain Chief James Ibori for two years prior to conviction, why should Judges in Nigeria grant speedy bails to Politically Exposed Person with heavy criminal charges hanging on their necks.

As a people, the time has come for us to collectively resolve to knock those who are bent on corrupting our systems very hard on the head. Judges and lawyers must immediately key into the anti-corruption regime and ensure that corrupt public officers no matter how highly placed, serve severe punishment, if found guilty.

However, I am pleased to note the recent efforts of the Federal Government to eradicate corruption, particularly the lifting of the oil subsidy on January 1, 2012 and the exposition of corrupt businessmen in the Oil Sector and the immediate prosecution of those found liable by various Committees. This indeed, is a major break-through in the eradication of corruption in our society.

For now, I do not want to comment on the scandalous theatrics between the Chairman of the Ad hoc Committee on Petroleum Subsidy Alhaji Farouk Lawan and the participant in the subsidy by Mr. Femi Odetola.

TOWARDS A LASTING SOLUTION TO THE VEXED INDIGENE-SETTLER CONFLICT IN NIGERIA

Among the numerous thorny issues that require debate time and time again at the National level, yet that still remain unaddressed in spite of their threat to Nigeria's very existence as a Nation is that of Indigene-ship; that is to say, the rights of the Indigene versus those of the so-called non-indigene. In a Nation as diverse as ours, it is a question that requires our urgent attention since there seems to be an inconsistency between the terms of the Nigerian social contract as enshrined in our Constitution and our actions towards our fellow Nigerians as we go about our daily lives. The preamble of the 1999 Constitution (as amended) expresses the firm "[] and solemn [] resolve []" of Nigerians to live in "unity and harmony as one indivisible and indissoluble Nation"; and the Constitution goes on to state in the Constitution that "National integration shall be actively encouraged, whilst discrimination on the grounds of place of origin....ethnic or linguistic association or ties shall be prohibited". However in reality, in many parts of the country Indigenes and Non-indigenes are far from equals, in terms of their access to opportunities, their privileges and their rights. As someone who has seen Nigeria through the colonial era to the present day, I feel compelled to make my thoughts on the matter public.

Historical Antecedents

Nigeria, from pre-colonial to present times has witnessed periods of easy ethnic, religious and cultural "mingling"; the expansion of historic empires such as KanemBornu, Songhai, Oyo, Mossi, Dahome, the Benin Kingdom, the building of the Emirates and regional trading activities all took place in a land where the freedom of movement was not restricted by border controls. Commercial hubs such as Kano, Kotagora, Lokoja, Port Harcourt, Enugu, Jos, Sapele and Agbo all became cosmopolitan centres of activity, though in some instances segregated settlements did arise, such as

SabonGari and Tudun Wada in the North or the “Hausa” quarters in various states in the South.

Non-Indigenes in the Pre-Independence era were accepted by their host communities, with both parties exhibiting a mutual respect of each other’s rights, religion and culture. And in spite of the strong attachment to land that is often a common characteristic amongst Africans, these various entities, colonies and protectorates all rose up as one Nation to gain Independence, Indigenes and Non-Indigenes alike. And for a while immediately after Independence, this harmonious co-existence continued; Non-Indigenes even won support when running for political office. A Kanuri man was elected to the Federal Legislative House from Makurdi. A Sokoto Man (probably Hausa or Fulani by origin) was elected Mayor of Enugu. And the late Nnamdi Azikiwe carved his political niche in Lagos and was believed have won the election in the Yoruba dominated Western Nigeria.

All these lend support to the assertion that Place of Origin was not foremost criteria used to judge political aspirants.

So what happened? How did we come from an era of respectful co-existence to the situation that we have today? Since History suggests that the problem did not stem from Nigeria’s pluralism per se, then the cause must be our subsequent management of Nigeria’s pluralism. Rather than celebrating our diversity, we have allowed our differences to divide us for selfish reasons. At first, suspicions began to grow between minority and majority ethnic groups in the regions; then between the regions themselves; and finally manifesting itself in the Nigerian Civil War. It took General Yakubu Gowon’s post-Civil War stance of “No Victor, No Vanquished”, which was enshrined in the Three “R”s policy (Rehabilitation, Reconciliation and Reconstruction) to bring about an environment of forgiveness, healing and confidence-building, thus enabling a peaceful transition back to National stability.

So why did the Post Civil War reconciliation efforts not have a lasting impact?

Contemporary Experience in Indigene-Settler Crises:

Our current day terminology – *settler, non-indigene, host community, stranger element, squatter, indigene, son of the soil* – all these terms reinforce our determination to divide ourselves based upon economic, political and in some cases religious lines. This discrimination has manifested itself in the many forms.

In the workplace, State of Origin has been the basis of discrimination for some time – jobs being given to Indigenes ahead of Non-Indigenes, Non-Indigenes being employed on a contract basis rather than as a permanent staff, Job Vacancies advertised as “only Indigenes need apply”, Indigene certificates being issued by Local Governments, the unfair dismissal of Non-Indigenes from State and Local Government Civil Service, discriminatory policies regarding School Admission, Non-Indigenes being considered unsuitable for political offices in spite of their suitability – all these discriminatory practices are prevalent in our Nation today. Even the clamour for the creation of Local Government Areas and States is indicative of the suspicions that our minorities exhibit towards the majority. The failure of past civilian and military governments to address perceived injustices and inequalities; the Ward, Local Government and State Boundary delineations skewed in many communities in favour of more powerful ethnic majorities; these have all exacerbated the perceptions of unfair treatment by minorities, often spilling out into violent conflicts as experienced in Jos, Aguleri-Ummuleri, ZangonKataf, TafawaBalewa, Ezza-Ezzilo, Bassa-Totto, Shagamu-Hausa Community, Tiv-Fulani, Tiv-Jukun, Jukun-Chamba, Tiv-Alago, Ife-Modakeke, Tsaragi-Share, Igbira-Bassa, Ijaw-Itshekiri, Itshekiri-Urhobo to name but a few. And our current democratic liberalism, with its relative freedom of expression when compared to the suppression experienced under successive Military regimes, has witnessed a resurgence of the aggressive sub-nationalism which now manifests itself in many of the violent clashes between Indigenes and Non-Indigenes that are almost common place today.

And to further complicate matters, external factors have muddied the waters concerning our National identity, alongside the internal ones. The increase in our ethnic consciousness has given rise to the practice of ethnic groups identifying themselves as “nations” within our Sovereign Nation; but ethnic groups have also begun to (and in some instances still continue to) identify with entities outside Nigeria. Elements are forming ethnic identities with groups across our porous international borders, some with criminal intentions, others political. It is no surprise the number of non-Nigerians that are among those arrested recently for their terrorist activities as part of the Boko Haram sect. And the proliferation of Small Arms and Light Weapons via these same channels also poses a threat to our National Security.

Our local and national responses have not been strong enough to address these challenges. The failure to clearly identify what an Indigene is in the Constitution has further added fuel to the fire. And Civilian and Military Governments alike have failed to implement past reports on conflicts between Indigenes and Settlers, resulting not only in a failure to address the underlying issues but also in the creation of an air of impunity amongst purported sponsors and agents of such activities. Which in turn has resulted in the thriving of the criminal activity and the perpetuation of the cycle of hatred and animosity.

Whither, Solution for Indigene-Settler Crises in Nigeria

We must return to the basics for the solution to the problem by upholding some of the best practices of building inclusive citizenship. These include ensuring equal opportunities for all, irrespective of ethnic or religious identity as well as promoting the right to residency, a sense of appreciation and belonging, and the recognition of talent, irrespective of one’s origin or faith. I am not suggesting that people should not have claims to ancestral lands; but such claims must be handled within a framework that fosters cohesion, integration and understanding; new elements and immigrants in established communities should be given the opportunity to earn the confidence of

their hosts, integrate and eventually be given comparable rights and privileges accruable to the aborigines.

So how do we achieve this? My views may only be reiterating what has been said by some before; however I believe the more we emphasis them, the better. So in brief:

1. The Principle of Reciprocal Justice: there is the need to ensure that what is right and implemented in Abia, Borno, Kano, Lagos or Edo States is nationally ratified and applied in Plateau, Bayelsa, Oyo, Zamfara or Kwara. Non-uniform Indigene-Settler rights will only give rise to more conflict. The National Assembly should take this up as a matter of priority;
2. Since no Local Government is exempt from such issues, any effort at a solution must be applied Nationally since there is no Nigerian citizen that is inferior to another. This calls for greater political will of Government at all levels to review and implement the reports of past conflicts. In this regard, the National Assembly will need to take the lead in defining constitutional provisions to promote unity and integration. This will go some way towards eliminating some of our recurrent conflicts;
3. Efforts in defining the parameters of movements for migrants, such as grazing reserves and routes in conjunction with farmers (which is already being considered by the National Assembly), must be sustained;
4. Section 147 of the Constitution must be amended to introduce the concept of Residency rights, with a specific eligibility criteria to qualify a person for treatment as a *bona fide* indigene, such as number of years of residence, good character and willingness to contribute to the development of the community. This is now increasingly accepted as a standard global practice;
5. All discriminatory laws and practices in all the States that make certain services only available to Indigenes must be repealed. The Federal Government should

enact laws that should override such discriminatory practices where applicable.
This is the only way to encourage the desired integration at National level;

6. Research institutions to build peace through advocacy and Peace Education, Sensitization and National Orientation, must receive sufficient funding.

As a way of ending this topic, I want to quickly state that the situation in Plateau State must be practically and urgently addressed so as to stop the killings and molestation between indigenes and settlers. I urge the Federal Government to publish and implement all the reports of the Inquiries instituted by it and bring culprits who are responsible to book. This will serve as a deterrent to others who may have it up their sleeves to cause trouble using the issue of settlers and indigenes.

All these measures will go a long way to institutionalizing peace in Nigeria.

HOMOGENISATION:

Homogenization simply put, is making things to be in uniformity. It is believed in several quarters that there is disintegration in the Country amongst religious groups, political groups, etc. The believe also is that the actors and institutions involved in the management of the nation's public affairs as well as the civil society organisations must begin to build consensus or synergy around issues of development, governance, citizenship welfare, constitutionalism and democracy. Because the lack of these basic ingredients, are the reasons behind the near democratic failure and the threat to our corporate existence as a nation. Nigeria is a country which parades herself as a nation with unity in diversity. The question that we should ask ourselves is 'can we really state that our diversity has united us? Of course the answer is No! The Christians and Muslims are at daggers drawn and have no trust in each other. Certain groups claim to be more superior than their counterparts and tend to monopolise all traditional and political positions with the believe that they alone have the right and privilege to certain positions in the country. And other should be mere followers.

Understanding and transforming our differences is of a very paramount importance to us. The United States of America, USA, has had its most difficult moments, but history credits this great nation with managing its cultural pluralities in a manner that has transformed challenges to advantages. I believe that we the people of this great nation have a lot to learn from their history.

The United Kingdom our past Colonial masters had over the years practiced homogenization. For instance, even though the English people are in the majority, the Scots in recent times have produced more Prime Ministers. The Welsh has equally produced Prime Ministers, the last of them was Lord Leonard James Callaghan. In

addition homogenization is also practiced in countries like India, Switzerland, Canada, etc. Again, I believe we have a lot to learn from others by emphasizing those positive things that help to bind us as a people with a common destiny.

Many Nigerians believe that while we have a country, we do not as yet have a Nation State in the actual sense. A harmonious nation State of our dreams, is however, possible and promising, if we enthrone justice to all and promote inclusive governance, I am convinced that a Nigerian State is possible. I believe that once the framework of justice and equality are made cardinal principles of governance, they guarantee peace, stability and progress. It is for this reason that I have played my roles in pursuing environmental, resource and political justice for the Niger Delta and indeed every resource producing part of this country. It is also for the same reason, that I have joined other groups and sections of this country to make a case for justice and equity especially in governance to all sections and groups of this country.

SECURITY CHALLENGES IN NIGERIA: OVERCOMING THE SPECTRE OF TERROR

There is a new and insidious monster that has crept in most unfortunately into our national life, that is, the reign of terror.

In so doing, I will like to leave none with the illusion that some forms of insecurity and violence have always existed with human societies. Acts such as banditry, armed robbery, petty criminality of various sorts, political instability have existed. But these kinds of manifestations of deviant behavior have always been localized and often specific to certain groups. Even in our own political experience in Nigeria, besides the civil war period, one form of violent expression or the other have always occurred. For example, several of our elections have always been greeted with one form or the other of political inspired disturbance to civil order and peace, clashes between various groups sometimes resulting in loss of lives of innocent people in the agitation for various issues of concern by labour groups, community groups, student groups and sometimes even market women have had cause to turn violent, again leading sadly to loss of human lives.

We have all been witnesses to group agitations for rights of various sorts, for example the June 12 pro-democracy agitations concentrated in the South West, the Niger Delta crisis situated in the South South, inter communal crisis such as Umuleri-Aguleri clashes and others of similar expression scattered around the country. Even the crisis that followed the activities of extremist religious groups such as Maitasine and religious crisis in various parts of the country, especially in the North were localized and specific in their unguarded agenda. These activities put together have bothered our national psychic and from time to time, disturb the peace and I must say that Nigerians of goodwill across different ethnic and religious lines have always stood for the truth by condemning unequivocally the violence which the architects and masterminds of these groups have always brought along in the pursuit of their interests.

We have however been awakened in recent days to new and bastardly trend of outright terror unleashed on us all in the country. The difference between this new trend and sporadic occurrence of violence, as summed by Charles Tilly, "is asymmetrical

deployment of threats and violence, using means that fall outside the forms routinely operating.” Accordingly, this new region of terror and terrorism unleashed violence in an unprecedented manner, unleashed great fear within the populace and carry out their activities in the most unorthodox ways. Alas ,when the infamous attackers of September 11, 2001 brought down the twin tower of the World Trade Centre in the United States, we all agreed that the United State, we all agreed that the means adopted by using aircrafts and committing their own lives to destruction along with other passengers on the flight and other people on the ground was unprecedented and we all awakened to this new trend of display of criminality and violence of unusual dimension.

Sadly it is now at our own very doorstep. In the past few years, therefore, we have seen the gradual evolution of these groups, especially the most notorious being the Boko Haram, move from attacks on the government personnel to new targets with innocent Nigerians as the targets. The so-called faceless people behind these terror groups and others have exponentially increased their operations outside any particular target to bombing and attacking sacred places of worship, traditional institutions and royal palaces, business premises and even schools where our children, our future, go to acquire knowledge. They attack banks, they attack businesses, they attack media houses, and they even attack members of international community. Many of you may not realize that the attack on the United Nations headquarters’ building in Abuja was an attack on UNICEF which focuses on helping us improve our health and fight against diseases, provision of water, women empowerment, etc. The attack was also on UNDP and UNIDO which focuses on helping our economy to grow. The attack was also on FAO which aims to help us to improve our food security and agricultural capacity building. These attacks beside its very evil intention against innocent foreigners living within our midst had hoped to dent and bring to shame, our international image. But they failed.

Let me also say very sadly, that some of the victims of recent terror attacks in our places of worship were children, the elderly and even pregnant women. What all these have resulted in is the raising of new levels of anxiety and panic among Nigerians. Panic now grips all, over going of their houses, fear and uncertainty now holds most Nigerians hostage. These scaretactics are creating mutual suspicion, antagonism, hate and hopelessness even in some circles. In some particular parts of the country, especially the North virtually every person has become a victim. Businesses are closing down, people are relocating, foreign investors and development partners have been scared away. Is this the kind of Nigeria we want?

All appears to be at arms amongst others. Because our attackers in their evil conscription have no defined enemies, have no defined borders and have no defined objectives. For them, terror is an end itself. Nigerians should therefore not see these attacks as directed against President Goodluck Jonathan or his government, but rise up and see this alien trend as war against every one of us, including our children unborn. Is this the kind of Nigeria that God wants us to be? Far from it, for I know that terror never succeed permanently good until the direction of God always triumph over evil. They are against our way of life, they are against our progress and they are against everything which our fathers past laid the foundation for us. They are indeed enemies of our best dreams and aspirations for our children.

Peace is what we all need at this moment. It is a virtue that we must all embrace, maintain and work to preserve. It is known the world all over that our great religions of Christianity and Islam preach peace and insist on the sanctity of human life, the chastity of peace and love and above, the fear of God. These terror mongers are the actual harm because they do not know God, do not love God and do not fear God.

It is in this respect that the Lord Jesus insisted that the greatest commandments to be observed are to love God and your brother as yourself. The Bible teaches us that Jesus says **“Blessed are the peace makers for they shall see God – Matthew 5:9”**. It is also in this respect that the Holy Prophet Mohammed is counted among the preachers of peace, as he said **“and do good – to parents, kinsfolk, orphans, those in need, neighbours who are of kin, neighbours’ who are strangers, the companion by your side, the wayfarer, and what your right hands posses, for Allah loves not the arrogant, the vainglorious”**. Therefore, a true Muslim is to protect his neighbor, the women, the young and the old. The terror groups that use the Islamic Religion as a cover-up to unleash terrorism should be discarded by all as their activities bring about confusion and insecurity is made worse.

The Way Forward

We, as Nigerians, should therefore not hesitate to expose the known members of such groups. This is especially that we are now in the Holy month of Ramadan, we should all be Nigerians of good conscience. These terror groups should be considered as enemies of all and we must frustrate all their efforts to cause disaffection amongst us. There is furthermore the need for our security services to beef up their intelligence gathering

activities and analyzing all security threats properly and work effectively together in teamwork efforts.

Our borders will also need to be effectively police against the insurgency of the terrorist activities by foreigners which are trans-boundary, with the smuggling of arms and ammunitions.

CONCLUSION:

I am indeed grateful to all of you for spending this time with me and listening to my views on “The State of the Federation in 2012.” I also want to crave your indulgence and appeal to you to give peace a chance in our great country because we need each other as equal citizens in this great country called Nigeria.

I have developed a slogan over the years and often refer to it that when you are 70 and above, you are in the Departure Lounge waiting for your Boarding Pass and should therefore not be afraid to speak the truth and be forthright, condemn evil, injustice, corruption, marginalisation, oppression and all other vices in our society.

Today I am over 85 years, and it could be my last appeal to you. Only God knows, for sometime there seems to be deliberate attempts by certain elements to harass and intimidate President GoodluckEbele Jonathan without any justification to submission simply because he does not belong to certain part of this country who believe it is their absolute right to rule because they in the majority without having regards to the fact that the world is changing fast. For many years, the blacks in South Africa fought against apartheid and saw the indefatigable Nelson Mandela becoming one of the best Presidents and Statesmen the world has ever had, and the whites in South Africa who ruled South Africa for many years have accepted the situation and are co-operating. Similarly, the black Americans who were notoriously treated like blacks in South Africa and Martin Luther, Jnr’s speech that “I have a dream” has changed America politically, socially and economically. Today, an African, Mr. Barrack Obama is elected President of

the United States of America, the majority whites have accepted the situation. What is, therefore, wrong with Nigeria? Some parts of this country have ruled for about 40 years, out of our 52 years of Independence and another part of the country has ruled for 12 years. Now that it has pleased God to choose a minority man to rule, why not give him a chance if we are all equal citizens of our great country? He is not going to be there forever, but only for the period allowed him by Section 137 of the 1999 Constitution of Nigeria.

He has been abused, called all sorts of names such as drunken fisherman, a weakling unfit to govern. For instance, Pastor Tunde Bakare has turned his pulpit to a political theatre where he preaches against President Jonathan and his administration to the extent of saying that the President will not last up to 2015 adding that Nigerians should be ready for fresh elections any time before 2015.

May I also use this medium to appeal to the hallowed chambers of the National Assembly particularly the House of Representatives on their impeachment threats to the President, if he fails to implement the budget 100%. I do not think it is really possible anywhere in the world to implement a nation's budget fully and completely between July and September, except there are other motives or reasons which has not been made known to the public. I agree with them that they have every right to impeach the President if he violates any Section of the Nigerian Constitution. This of course is not the first time such attempts are being made to impeach the President. The threat by the former Speaker of the House of Representatives and other members of the House in which the scandal of "Ghana must go" bags were found on the floor of the House has not been forgotten.

I want to observe also using this medium to say that my understanding of the activities of the Governors Forum is a gathering to meet to exchange views about their States. But today it has assumed the position of an opposition party to the Federal Government.

They now meet almost every month to discuss on issues such as excess crude oil, common (sovereign) wealth fund, excess crude account, etc. Its Chairman now assumes the role of a superior governor, traversing all parts of the country. Its former Chairman who held the office for 4 years ended up mobilizing his colleagues to support him for his Presidential bid.

This was not the case when Architect Obong Atta, former Governor of Akwalbom State and Chief Lucky Igbinedion, former Governor of Edo State, were Chairmen of the Forum.

Lastly, I also wish to appeal to certain politicians in the country to sheath their swords in their ambition to take over the Presidency in 2015. I think it is too early in the day to think about 2015. The President himself has warned his functionaries not to talk of the politics of 2015 but to concentrate on the development of the country. Once again, I repeat let us not talk about the politics of 2015 because the current President has about 3 years more to go.

I wish to repeat my previous statement which I made on my 85th Birthday Thanksgiving Service on 25th May, 2012, that under the Nigerian Constitutions of 1979 and 1999, the President is entitled to contest two elections and rule for 8 years, before he can be excluded from contesting the Presidential election. President ShehuShagari contested again in 1983 before his Government was over thrown by General Mohammed Buhari. Also in 1999, President OlusegunObasanjo contested the Presidential election and again contested in 2003 in accordance with Section 137 of the 1999 Constitution. It is also under the provision of this Section of the 1999 Constitution that President GoodluckJonathan contested the Presidential election in 2011 and he is again qualified under the same Section for a term in 2015. I, therefore, wish to appeal to my fellow politicians to give peace a chance.

Thank you for your kind attention. May the Almighty God bless you and bless our dear country, the Federal Republic of Nigeria.