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by

DR. OBAROGIE OHONBAMU



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# WHITHER NIGERIA

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BY THE SAME AUTHOR:-

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June 1965

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February 1966

Nigeria's Political Problems & their Solutions —  
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DR. OBAROGIE OGBURN

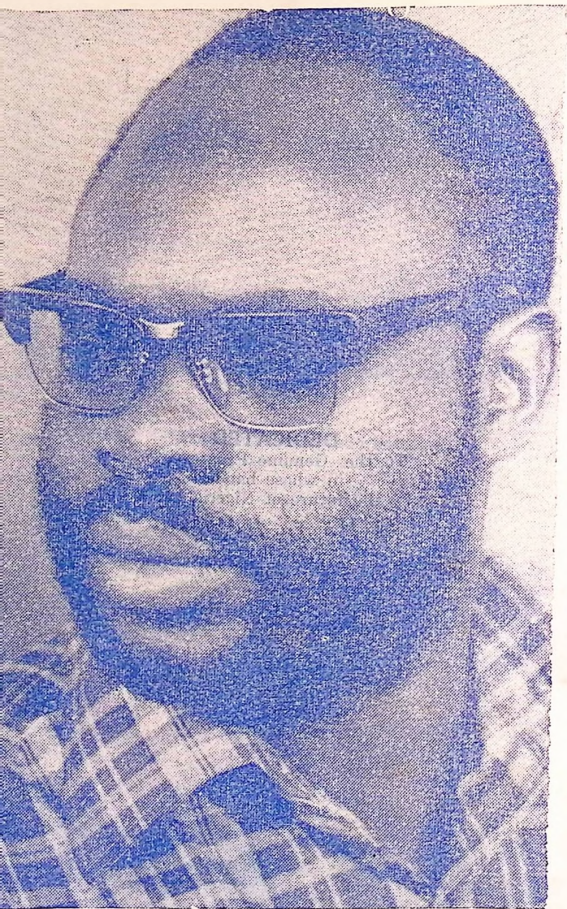
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**DEDICATED**  
To the Genuine Progressives  
in whose hands  
the future of Nigeria lies



DR. O. OHONBAMU, LL.B.; B.L.; B.LITT.

## TABLE OF CONTENTS:

### PART I

#### 1966 : THE COUP AND THE COUNTER - COUP

1. Preface
2. Introduction
3. The Coup and the Counter-coup
4. Why General Ironsi's Government fell

### PART II

#### THE CONSTITUTION

5. The Constitution of the Second Republic
6. Confederatism
- (a) General
- (b) My case against Confederatism
7. The case for Federalism
8. Co-operative Federalism or Unitarianism
9. Reflection on the Constitutions
10. Creation of States
11. Central Legislature, Head of Government and Head of States

### PART III

#### A ONE PARTY OR A MULTI-PARTY SYSTEM FOR NIGERIA?

12. Towards National Unity through a One-Party System

### PART IV

#### CONCLUSION AND GENERAL OBSERVATIONS:

13. Conclusion and General Observations

APPENDIX — Finding Solutions to our problems.

1912

1912

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1912

1912

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## Part I

# 1966 : The Coup and Counter - Coup

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## PREFACE

When the January Coup took place in this country, many of us had thought that Nigeria was being reborn and given the opportunity to begin life afresh. But for various reasons some of which are contained in the following pages, things have not gone the way we expected. By January the 17th, 1966, we were all waving goodbye to bribery, corruption and godfathership, but today, when Nigeria is struggling for her own existence, those evils seem to have been lost sight of.

The real enemies of the people—the reckless politicians of the First Republic (not all) who have not been allowed to learn any hard lessons seem to be managing to go scot free. Back from their short holidays in jail or detention, they are learning how best to cover their tracks when next they ascend the throne. All they need to do then, in order to ensure their stay in power, is to have wings of their political parties in the army and play one section of it against the other. While the latter fight it out the politicians can carry their booty to Zurich in Switzerland.<sup>1</sup>

Today, under the unwatchful eye of the military government, Nigeria is as corrupt as ever. The Universities that should act as beacons of light are only mirrors of the detestable society. In a society where leaders are rogues and the

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1. see appendix.

Universities are crowded by intellectual prostitutes and tribal manipulators, how do we clean up?

With all these evils still with us, what then can one say for the January coup and its consequences so far? While one cannot condemn the January coup as such — perhaps one can blame our present misery on those who failed to do their jobs in Lagos, Benin and Enugu and thus from its inception, they gave the supposedly redeeming exercise a bad name. Consequently, the July 'return match' was to be expected.

Still the coup has succeeded in doing the following:

- (1) It has succeeded in knocking some hard sense into our heads — as a people. Because we regained our Independence on the cheap, we have not been used to hard times and hard thinking; but the events of today have compelled all of us into a thinking frame of mind — so as to solve our pressing problems.
- (2) Today, we all know that a coup is possible in Nigeria; so the politicians of the future ought to do their best for the people so as to avoid the lodging of midnight bullets in their crafty heads.
- (3) The Army has been woken from its slumber and is now adequately politicised to

act as a watchdog for the people. But as its regionalization will further destructively tribalise it, this should be resisted by all Nationalists.

- (4) It is to be hoped that from now on, there will be inter-tribal mutual respect—as Nigeria cannot do without either the so-called feudalists of the North or the 'professional' radicals of the South.

When a section of this book was published in the press, it was misunderstood in certain quarters. For instance, because of the caption: "The case for federalism in Nigeria," a lot of people thought I had gone Federal. This is not correct. Also because of the guarantees that I said should be written into the constitution to prevent the lands in the North from Southern land grabbers, some people thought that I was commissioned to write this by Lt. Col. Gowon and specially directed against the East.

The truth is as follows. When after May, the 24th 1966, certain facts came to my notice, I wrote a paper titled: "Towards a New Constitution for Nigeria" in which I stated the case for federalism in Nigerias first Republic and discussed co-operative federalism or unitarism in an attempt to stem what I k n e w was going to happen. I sent a copy of this paper to the State House and another copy to the Williams constitutional Review C o m m i t t e e in June, 1966 through Dr. Elias. It can therefore be seen that those two articles which appeared in the Sunday

Times on the 8th and 15th of January, 1967 were originally written not at the instance of Gowon but for Ironsi and his Constitutional Review Committee as a basis for justice and fairness in the Republic.

In 1965 when I was a Lecturer at Nsukka, I wrote a book entitled: "The Nigerian Constitution and its Review—a Guide" in which I advocated the creation of the C.O.R. State in the East and five States in the North. I have in the present book repeated my demand for the creation of more states as an essential to Nigeria's survival.

It is to be hoped that the above explanations and the reading of the Newspaper articles as contained in this book in their un-edited, uncut and unabridged version will go a long way to removing many of the wrong impressions, interpretations and misunderstandings occasioned by those articles.

In my earlier work <sup>1</sup> I had called on the Military government to ban all the then tribal political parties along with their associated tribal unions and encourage the emergence of a single national party consisting of all progressive Nigerians who think or nearly think alike. Four months later and belatedly, Major-General Ironsi's axe fell on the political parties and they were all accordingly banned and buried along with their tribal unions. "Part of our task" said the General, "is the removal of politics based on tribal affiliations which, as everybody knows

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1 Nigeria: The Army and the People's cause p. 41.

have manifested political intrigue, or have been used as a basis for party-political propaganda. These organizations (i.e. the political parties and tribal unions) have been dissolved and will be buried along with the tribal, sectional and regional bitterness which they engendered ..... At the appropriate time however, "provision will be made outlining the procedure for the formation of new political associations."

The emphasis in the above quotation is on "NEW Political Associations" and not on the resurrection of the former parties which were dissolved and buried on May 24th.

As a follow-up to the decree, General Ironsi in his direction to Chief Williams' Constitutional Committee had asked them to examine the need for a one or a multi-party system for Nigeria. It is partly to make a detailed case for a one-party system in this country, as I had suggested in my earlier work, that I have written this book. If any part of this work offends any section of the Nigerian public, it may be due to the fact that I have tried to tell the truth, as I know it, and on behalf of the larger Nigerian society whose interests seem, of recent, to have been sacrificed at the altar of personal tribal and regional considerations.

Yours in the National Struggle,

Obarogie Ohonbamu

3rd February 1967.  
Faculty of Law,  
University of Lagos,  
Lagos.

## Introdcution

In the confused state of disarray in which Nigeria finds herself we all seem to have lost sight of the supposed motive behind the January coup that met, without exception, with nation-wide acclamation of approval and support. Today there is a wide spread panic rush to get out a constitution for this tottering nation. Judging from the current mention of confederation or breaking up, it is clear that any such panic constitution that we draw up now at this period of strain and stress is bound to be inferior to the bogus federal one that led to the January coup. I believe that first things must come first. If we put the cart before the horse we can definitely make no progress.

During the colonial era, Nigeria knew some peace because there was the common denominator of poverty, ignorance and lack of political power amongst us all Nigerians. Then came independence in 1960. Judging from the oration of our political leaders, most Nigerian had thought that independence would constitute a sort of open sesame to overall prosperity, equality of opportunity and enable us to establish a united and strong Nigeria but these were not to be. Once in the power saddle our leaders turned a deaf ear to the yearnings of the people that put them there. They grew richer while we grew poorer. Politics was so profitable that our



leaders were prepared to, and often did, commit murder to gain political power. Governments were inefficient, corrupt, oppressive and indifferent.

## **The Coup and Counter-coup**

This was the situation when the "five majors"<sup>1</sup> struck on the 15th January, 1966 and extinguished the already dim lights of the First Republic. "Although the original plan stipulated that the action intended by the plotters should take place simultaneously in all Regional capitals, all available information indicates there was in fact no intention to carry out the plan in Benin and Enugu"<sup>2</sup> This coup resulted in the death of seven people in Lagos including the Prime Minister, his Minister of Finance and five senior army officers four of whom were Northerners while the fifth was an Easterner.

In Ibadan the then premier was killed, in Kaduna seven people died — including two Yoruba Senior Army Officers, the then Regional Premier and his wife. That January coup, we all knew was incomplete. Right from the early hours of that Saturday morning the British and the American radios had pronounced it an Ibo coup on the North or on Nigeria as a whole. Either by design or by accident (some of us thought it was the latter) the coup

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1. See Daily Times 19th January 1966 where Major Nzeogwu said "There were five of us in the inner circle and we planned the details."

2. Federal Government Statement

did look one sided. But the ordinary Ibos themselves denounced this one sidedness of the operation. They said aloud that they were prepared to sacrifice at least one of their most guilty politicians. Unfortunately, this fact was not brought to the knowledge of our northern brothers who were beginning to nurse a justifiable sense of grievance at the elimination of their leaders (politicians and Army Officers alike). They however, adopted the attitude of wait and see until July the 29, 1966.

As a result of the coup the remnants of the first Regime and a section of the Army organised a legal fiction by which power was said to be handed over to a section of the Army that ostensibly neither did the coup nor knew what it was all about. Thus, we came to have a military government that did not quite believe in what it was called upon to do. It retained all the old top civil servants some of whom had helped to kill the First Republic, and, pumped out decrees some of which became huge jokes.

Major-General J. T. U. Aguiyi-Ironsi had one outstanding headache - that was - what to do with the "five majors & co." From the start, he had himself called them mutineers and rebels and we need not be experts in military laws to know how mutineers should be treated. The North demanded that, as

mutineers, those majors should be tried and executed while some of us in the South demanded that they be declared national heroes. General - Ironsi therefore found himself between the Scylla and the Charybdis.

One tricky point in the January coup was the slaying of senior Army Officers. While nobody minded the elimination of the politicians, the slaying of senior Army Officers was another kettle of fish. If Ironsi executed the Majors, there would probably have been a widespread condemnation of it in the country except perhaps in the army and in the north. On the other hand, if he left them, he probably would be laying a dangerous precedent of insubordination in his army. Faced with this dilemma, he did neither hoping to please all. When therefore he later posted the Majors from Kirikiri to prisons in the East, Midwest etc, the North saw this as a prelude to setting the "guilty Majors" free. This was one ingredient in the July 29 counter-coup. There were others:-

(1) Beside the fact that nothing had happened to the "five Majors" a section of the Army was not happy to learn they were still being paid their salaries as well as some other allowances. (2) It was strongly rumoured that partly to complete the incomplete January coup and partly with a view to retaliating for the May 29 disturbances in

the North the Ibo section of the Army was going to do another coup in August. It was partly to prevent this and partly to play their own "Return Match" in reply to the January "Game" that the Northern Group struck on July 29. (3) There was the Drum<sup>1</sup> insulting interview with the late Sardauna which hurt most decent Nigerians. The Ahmadu Bello students wrote General Ironsi about it but the action which the latter asked the appropriate quarters to take was said to have been foiled by the inaction of the then Attorney General. (4) Then came the region-wide provocative display by Ibos of the picture of Major Nzeogwu standing over that of the late Sardauna with the comment that the country was now in their hands and no more in the hands of Northerners. This was why in one of his earlier broadcasts Lt. Col. Gowon said that by the grace of Allah the Government of Nigeria was now in the hand of another Northerner.

(5) Before the January coup, Ironsi had proposed to promote seven officers six of whom were Ibos and one Yoruba. Because of this preponderance of the Ibos (on merit) on the list, the then Minister of Defence, a Northerner refused to approve the promotion. These officers were however later promoted by Ironsi after January the 15th. Then there followed a wave of complaints from officers who were not promoted. To please all, Ironsi ordered a sort of bonanza promotion which brought only more complaints. The North which had been taught

and had come to believe that they lost more officers in the hands of Ibo officers, saw in the exercise, all the ingredients of Ibo domination since 75% of those promoted were Ibos even though only one Ibo officer was killed as against their four. They naturally did not like this a bit. There were other 'minor' but painful provocations of remote origin in the North. (6) Then came the unification decree of May 24 which to them meant a swamping of the North by Ibos in the name of one Nigeria. This was the last straw broke the camel's back.

So it was that on July 29, 1966, a counter coup took place. The main object was not necessarily the unfortunate massacre of innocent Ibos and others that featured in September/October but basically to effect a return to the pre May 24 system of Government - the Federal system before it was too late. Thus in his first broadcast, Supreme Commander Gowon said "I have come to strongly believe that we cannot honestly and sincerely continue in this wise, as the basis for trust and confidence in our unitary system of government has not been able to stand the test of time....the base for unity is not there". Perhaps one can with effect here state two of the points raised by the Emirs in their memorandum to General Ironsi as (1) execution of the five Majors and (2) a return to the Federal system of Government. After the July coup, the Emirs, with noticeable joy said "our advice was ignored."

## Why General Ironsi's Government Fell:-

To be successful, a coup must not only be perfectly planned but it must be effectively executed without allegiance to any private sentiment. This cannot be said for the January, 1966 Coup which though perfectly planned, its execution was shabbily carried out either because those detailed to do the job in Lagos, Benin and Enugu developed cold feet as a result of their realization at the eleventh hour that blood was thicker than water or otherwise, did not believe in Military intervention in the realm of politics. Whichever it was, we can at this stage not tell until more facts come to light. <sup>1</sup> I must of course here state that to effect a coup, it is not necessary to take the lives of the enemies of the people. They could be arrested and publicly tried. I make this statement of fact, however, neither to condemn the loss of lives in January and July nor to justify it. Everything depends on the prevailing circumstances at the time of execution.

Right from the 16th of January, 1966, when power was said to have been unanimously handed over to a section of the Army under General Ironsi, some of us knew that the Major-General was heading for trouble. Ironsi did not do the coup <sup>2</sup> and consequently he did not seem to know what Major Nzeogwu and his associates had in

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1 This is why the promised white paper setting out the details of the two coups should have been published as a basis for settlement. How can one 'decide' a case without full facts?

2. Recent documents seem to state that he knew of the coup.

mind for the Nation when they planned the coup, yet he accepted to head a Government whose declared object was to correct the misdeeds of the civilian government of which he had approved all along and to which "he and a vast majority of the Nigerian Army" were repeatedly reported to be loyal on the fateful Saturday 15th of January, 1966.

While therefore on the one hand, Ironsi wanted to please the nation, who welcomed the demise of the politicians and the Army take-over with jubilation, by taking some progressive measures, on the other hand, he also wanted to please the politicians who had allegedly handed over power to him. In this impossible task of attempting to serve God and Mammon at the same time, General Ironsi unconsciously dug his own grave. In the last analysis Major-General Ironsi became another Balewa in Military uniform except that in his un-inhibited generosity there were more parties in the state house in his six and a half month of "democratic" army rule. Because he did not actually believe in the coup he allowed most of the guilty politicians too much freedom to undermine his regime. For example, it was reported that when the Northern Federal Ministers and politicians returned from Lagos to the North they were jeered at and molested by the people but for lack of adequate public enlightenment and information from the Lagos government these politicians and their associated thugs started to conduct very effective whispering cam-

paign against the government. These campaigns were, to a large extent, responsible for the several blood baths in that otherwise peaceful region.

From my discussion with Brigadier Ironsi (as he then was) in London, some years back I got the impression that he believed in the non-intervention of the Army in political sphere. But I have, since his disappearance read a report which states that at his interrogation at Iwo, twenty miles from Ibadan, after his arrest on the 29th July he had, before he was killed "apparently admitted complicity and indicated where documentary evidence was to be found in State House relating to the January coup and to a future anti-Northern Coup planned for August." How far this is true one may never know but yet it is strongly believed in the North that he was involved because to them, Ironsi symbolised that embodiment of their much hated Ibo domination. A day before Ironsi disappeared, an Emir at an Ibadan meeting of natural rulers had asked why it was necessary for Ironsi to set up an inquiry into the May disturbances in the North while he had not set up similar inquiry into the massacre of their leaders in January. If he did not know of, or, take part in the January exercise, why did he not want to find out what then went wrong?

In the psychological period of January and February, Ironsi lost valuable time by dragging his feet and postponed till it was too late, what he ought to have done in the early days of



the take-over when the entire nation was behind him. By May 24, when he spoke like a people's soldier, time had run out:-

"This is a Military Regime" said Major-General Ironsi, "and soldiers do not allow themselves to be diverted from or obstructed in the fulfilment of their objectives. With us the objectives will be pursued with supreme determination and vigour. In this, we need not only the co-operation but the DISCIPLINE of every Nigerian."

For this May decree, the nation was not sufficiently educated especially in the face of powerful rumours and the misbehaviour of a few vocal tribalist Ibos who went about bragging that as long as their man Ironsi was in the state house they would be all right.<sup>1</sup>

From my objective analysis of available facts as well as from my personal knowledge of Major-General Ironsi as a person, he failed for the following reasons:- (1) Not having planned the Coup, he had no ready blueprint as to what he had in store for this country when he accepted to head a corrective Government. Right from the start, Ironsi could be seen to have divided minds and divided loyalty. Because he did not believe in the Coup, he had to support a legal fiction under which Government was alleged to have been unanimously handed over to him by

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1. In the same spirit some Northerners are claiming Gowon as exclusively theirs.

the cabinet. If Ironsi did the coup, he ought to have known that there was no need for this unnecessary appearance of legality. It was because of my knowledge that this fiction would seriously impair his administration that on the 22nd April, I wrote an article in the Press in which I spoke as follows:

"What do the people as well as the rulers think and believe took place on January 16? Has the rulers' belief in what happened (the alleged legal transfer) promoted or hampered their administration? When the Prime Minister was kidnapped and taken to unknown destination, he ceased to be a member of the House of representatives and as such, his office as Prime Minister became vacant. Consequently, there was no Government in Nigeria because according to the Constitution, the other Ministers lost their jobs as soon as there was a vacancy in the post of Prime Minister. Therefore, the repeated radio announcement on January 15 that a 'vast majority of the Nigerian Army was loyal to the Federal Government' was unnecessary. There was then no Government to which anyone could possibly be loyal. The proper course for the then Acting President (in normal circumstance) would have been to appoint a new or acting Prime Minister from among the members of the cabinet.

It therefore follows from the above that the supposed meeting of an alleged cabinet that unanimously requested Dr. Nwafor Orizu to hand over power was an unconstitutional meeting. It had no power to do what it allegedly did as it was itself legally non-existent. Even if the

Prime Minister were alive and was confronted by a difficult situation such as faced the collection of ex-ministers on January 15, he could NEVER on his own have advised the Acting President to hand over power to the Army, because the constitution does not provide for his handing over power to a collection of unelected people such as the Army. This, of course, could only have been done by Parliament itself under a relevant sub-section of the 'old' constitution.

What all these boil down to is this: that the Army is in power not as a result of that handing over note supposedly authorised by a handful of ex-Minister which called themselves a Council of Ministers but because (1) the Coup was a huge success? and (2) of the popular support of the entire nation. It can therefore be rightly said that the legality of the Army rule can be found not in that piece of paper read over Radio Nigeria by the ex-Acting President but in the content of the law of state necessity which, as the law of Military necessity, is a part of the un-written law of any civilised society. Safety of the people and of the state is the supreme law and it was under this law that Major-General Ironsi assumed power. It is therefore not legally accurate to regard the present peoples Army Regime as a continuation of the discredited first republican government. Consequently, the Army is not bound to return power to any of the old brigade.

In 1962, Parliament could only 'suspend' the Western Legislature and some other arms of government and not abrogate them, for to have done more than suspend them would have been contrary to the letter and spirit of the Constitution. The 1966 event is completely different for reasons stated above. The Supreme Commander has promised to return power to a civil administration after he has restored law and order, laid a sound foundation for a strong and united Nigeria and given us a new constitution. Can it be said that the tin gods who fell with the old constitution can be resurrected by or under a people's constitution? Irrespective of the word used - suspended or what have you - the effect of the event of January 16 is to put a permanent end to Parliament, the Regional Legislatures and their former tenants. They can NEVER claim arrears.

People are wondering why the properties of the former Ministers have not been seized, as I believe, they ought to have been before now. One does not need to be a lawyer to know that what a thief steals cannot be regarded as his. It must be taken from him before he makes it impossible for honest men to trace or identify the stolen goods. They could only be let off were there a valid contract between the Army and the old politicians, but in the light of what I have said it will be seen that whatever arrangement there may have been between the peoples' Army and some ex-Ministers is INVALID as being without

any legal or constitutional foundation. So we say to the Supreme Commander and the Governors: please go into immediate action and re-acquire those 'stolen properties for the nation and the people.'

Ironsi's other loyalty was to us-the people whose jubilation and support for the take-over compelled him to propose some belated progressive measures. (2) Because of the manner of his take-over, he allowed the politicians, whom he presumed were gentlemen, too much freedom to undermine his Government and frustrate his progressive moves.

(3) Partly because of his limited education and partly because of his credulous nature, as well as the accident of his birth General Ironsi soon became incapable of distinguishing between self-motivated advices and those that were in the nation's interest. He later relied almost solely on a small group that specialised in the former to his untimely exit from the seat of power.

(4) Because of the weakness of, or lack of effective public enlightenment and propaganda, as against the strength of rumours, more than half of the population of the country did not quite know the significance and purpose of his later progressive move. As people in the North often put it - the General thought that the Lagos opinion was the country's opinion.

(5) It is said that when the Army took

over in January, it was to be only for such duration of time as would enable it to restore law and order. It was because of the very temporary nature of this arrangement that Parliament and the regional Houses were said to be only suspended and not dissolved. When then Ironsi announced that he would stay three years in office (or even 20 years as his economic programme announced on the 24th of May was thought to imply in some quarters,) there was some misgiving and suspicion. It was, probably, because of these that Lt. Col. Gowon announced on assuming office that he would return to civilian rules almost immediately. (6) Partly because of his loyalty to the ex-politicians, and partly because of his lack of preparedness for the job thrust upon him, General Ironsi decided to beat the old tribal-political path by appointing his military Governors on tribal-regional basis. Thus he accentuated the Governors tribal-regional consciousness. By the time he made up his mind to respond to our<sup>1</sup> call to revise the appointments, it was too late—as by then rumours were already flying and his moves were open to grave suspicion in several quarters. (7) A few days before his capture, it was known in the Military Headquarters in Lagos that a Coup was in the offing. General Ironsi was twice warned that he was not safe. This time, he would not believe.

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1. Dr. O. Ohonbamu: *The Army & the Peoples Cause* P. 54

## **Part II**

# **The Constitution of the Second Republic**

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and to pay the same



## **The Constitution of the Second Republic:**

Since the constitutional crises of 1964-65 and especially since the January coup various views have been expressed as to what a suitable constitution for Nigeria should be. The view has been expressed by some that there was nothing wrong with the 'old' constitution only the people who worked it were of the wrong sort. They lacked the requisite integrity and spirit of dedication to any known cause. Moreover, most of them were corrupt beyond redemption. The other view is that the constitution was bad and as such should be reviewed or rewritten. Those who hold this view are further divided into two or three—some of them advocate a unitary system, others a quasi-federal or quasi-unitary and the rest—a mere touching-up of the existing partially-suspended federal constitution.

As a result, especially, of the September-October massacre, there is today so much loose talk about loose federation, confederation and all that. Nigeria and Nigerians are despondent because we have been used to having things the easy way. We regained our independence on the cheap and so we have not been used to hard times and hard thinking. This is why we have continued to be grateful to the British for giving us independence for the asking and have since tried foolishly to ape everything British as the best for us even when common sense should

have dictated otherwise. Now at our first exposure to the vicissitude, strains and stresses of manhood we are trying to seek the easy way out—of splitting the country into little empires for commercial and guilty politicians who are now being given, and are giving, the impression that without them the country cannot go on any longer.

In finding a suitable constitution for Nigeria, the following questions posed by Military Governor Ejoor of the Midwest must engage the careful attention of the nation. (1) Are we to have a unitary state with powers centralised at the national capital? or (2) A federal state with a strong central Government and relatively weak regional (or provincial) governments? or (3) A loose federation with strong regional (or provincial) governments and relatively weak government at the centre responsible only for common services? or (4) Should the country be broken up into several new and completely independent states? Equally relevant here is the question posed by General Ironsi to his constitutional committee viz- (5) what type of political system should we opt for - a one party or a multi-party system?

While some of Ejoor's points have engaged the panic attention of the people, no one seemed to have thought about the fifth which is equally important.

The object of this book is to analyse these

points one by one in an un-committed fashion and see which of them is best suited for the type of Nigeria that we want to build. But before our leaders can fashion a lasting and purposeful constitution for the nation, the basis for mutual confidence and unity must be re-established. (1) Those afflicted by the unfortunate episodes of 1966 must be adequately compensated; (2) those who are refugees, or what have you, in their own country must be resettled in such a way as not to give rise to another fear of domination; In pursuit of this idea, those Easterners or some of them who left their federal jobs must be asked to come back to fill the Eastern region quota in the new system of Regional or "tribal" quota that should be worked out in the Federal Public Service, Corporations and other Federal Institutions. (3) The pre May 24 system of government, under which all the regional governments were responsible and answerable to the government in Lagos, must be re-established not only on paper but in fact this means that military Governor Ojukwu must under suitable circumstances, be made to sit around the same table with the Supreme Commander and other members of the Federal Executive Council.<sup>1</sup>

Here, I must appeal personally to Lt.Col. Ojukwu not, by his action, to give the impression to the damned politicians that the army has failed.

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1. See Dr. O. Ohonbamu : Time for Action in New Nigerian page 4 of 23rd December, 1966.

Also I must remind Ojukwu of his statement a few days before the July counter coup that "should the army fail we are all doomed." If today, therefore, the country is rent assunder, we shall all have causes to blame and condemn not only the fallen politicians but also the army. Then we shall say with some justification: "Though the politicians bungled, yet they managed to preserve for us a Nigeria which the supposedly redeeming Army took from us."

I do not myself honestly believe that this is the best time to fashion a suitable constitution for this great nation of ours. My view is as follows: (1) We should carry on with the suspended federal constitution for as long as the Army is in power i.e. another three years; (2) Respectable civilians to whom portfolios should be assigned must be injected into the Federal and Regional Governments with the regions of course responsible, according to the dictates of Military discipline, to the Lagos Government. (3) A body of experts must be selected to conduct researches in both East and West European countries and on the basis of their knowledge to draft a Nigerian constitution for us. Our problems in this country are not unique to this country alone. We can learn and gain from others experience (4) Full attention must be paid to the recovery of ill-gotten gains from the politicians of the First Republic. Unless this were done and quickly too, the coup and counter coup would be in vain.

For purposes of public enlightenment alone, I have in the second part of this book discussed confede-

ralism, federalism and unitary cum quasi-unitary constitutions. so that when the time comes for the people to decide for themselves they will know enough about the various constitutions and so be assisted to make a more intelligent choice.

## **My Case Against Confederalism**

### **Introduction:**

To advocate confederation for Nigeria today is to put the hand of the clock back by thirteen years. Under this type of constitution Nigeria's component regions will drift gradually apart. If under the superior, though bogus, federal constitution Nigeria was still left a 'discredited nation', what future then does this inferior brand of constitution hold for a strong and united Nigeria which is still an ideal uppermost in the minds of many of us. With this type of constitution, Nigeria will, like Switzerland be practically 'neutalised' from international politics. Nigeria, as during the First Republic, will speak with more than one voice in international affairs except that the voices will now be much weaker, ineffective and discordant. Nobody wants this type and so let us not waste time to discuss it. The Supreme Commander has described it as unworkable. It will lead us into the abyss of certain disintegration.

## The Case Against

In my "Whither Nigeria" series of articles for the Sunday Times I decided to discuss confederalism only in fourteen lines because I was writing for the 'people' and not for the few confederalist leaders and their handful of associated leaders of tribal thoughts some of whom had made up their minds to break the Country for reasons best known to them. But Mr. Tai Solarin's "Confederalism is imperative" (Daily Times of January 5th) has compelled me to write this - so as not to allow him to confuse the people. Tai gives us his reasons why the Nigerian Regions should not be married into one strong Nigeria as follows:-

(1) That a n Hausa, Yoruba, Ibo and Mid-western man cannot accept to work anywhere in Nigeria today.

(2) That the Ibo and Northern Soldiers cannot share the same hut together nor is there any Ibo police or Soldier left in the North and vice versa.

(3) Confederalism must be imperative because Governor Ojukwu, who has given serious thoughts to it, has said so especially is this important because Chief Awolowo, "the seasoned politician and author of the defunct federalism" has welcomed the unworkability of a federal constitution and subscribed to the proposals for a confederation. Between them, Ojukwu and Awolowo lead 22 to 24 million Nigerians.

(4) "In spite of ourselves trends throughout the COUNTRY appear to point unmistakably towards a confederal statehood for this Country" because in the last MAMMOTH meeting at Ibadan, Western Nigeria and Lagos unanimously passed resolutions (a) supporting the unwillingness of the 500 P & T workers from Western Nigeria being drafted to the North for 6 months. (b) demanding the removal of "Northern" troops from Lagos and Western Nigeria especially as the presence of the troops was making Westerners, like Tai, unpopular in the East (from which Tai's people were kicked out sometime now).

Relying on my 1st of January article in the Sunday Times Tai went on:

"Looked at from the questions posed by the Military Governor of the Midwest, we can quite easily deduce what the attitude of the Midwesterners is towards the type of Country we should ultimately get. Having condemned all of Governor Ejoor's alternatives and asserted that we have tried both unitary and Federal systems and implied that we found them wanting, he continued: "Even if only one region opts for confederalism the other regions are obliged to accept same for themselves, whether it is acceptable to them or not. A member opting for confederalism automatically means that is the end to federalism.

This fact stares us all in the face."

We should therefore go our separate ways and if any region finds that it can't swim alone then it can come back begging others for federation or if it can swim alone it should then come proudly to command federation which others, according to Tai's new constitutional philosophy, must automatically accept. 'Short of a miracle there is no other way out' he concluded.

Now let us take his points one after the other. In answer to the point I made that judging from the confused state of desarray in which the country finds itself, a panic constitution we draw up now is bound to be inferior to the present one Mr. Solarin said; "Our heads are certainly clearer today than they were before January 15, 1966. Today we are better informed". I fail to understand what this means. What information has he got? Does he mean that he has clear-headedly examined the meaning, weighed the advantages and disadvantages of a confederal system for Nigeria and found them superior to those of the present federal system? If he has, he did not tell us in his categorical article which to me was a hotch-potch of sentiment and half-truths motivated by....? That an Ibo man and a Northerner, be he a soldier or anything else cannot work in each other's region is but a temporary expedient and must we build a lasting edifice on such transient expediency?

In say a month or so when Governor Ojukwu



revokes his decision sacking non-Easterners from the East, the main basis for Tai's argument must have fallen down and to pieces. But even today nobody prevents a Yoruba man from working anywhere (but the East) in the Federation. Their safety in the North has never been threatened and the authority for this can be found in the letter that the Yoruba leaders in the North sent to the Northern Authorities thanking them for sparing their lives while the others were being slaughtered. Why was it therefore necessary for the Ibadan MAMMOTH meeting to pass a resolution supporting what looked like an inspired unwillingness of Yoruba P&T workers to go up North for six months?

Another reason that Tai gave for preferring confederalism was, that Governor Ojukwu had given serious thoughts to it and found it the best, therefore, it must be the best for Tai and Nigeria. This argument reveals the sad and disappointing fact that Tai had never done his own original or independent thinking. The other important fact that weighed with Tai was that confederalism has been supported by chief Obafemi Awolowo—that great man whom Tai worships as his hero, not only because of the fact that they are both from the same town—Ikenne but because of Awo's sterling qualities as a man and as leader of the Yorubas—who are 10 to 12 million strong. If, therefore, the two leaders of 22-24 million people i.e. Ojukwu and Awo support confederalism, then, it must

be the best in the present circumstance. When it comes to voting does Tai think that those two leaders will come forward with 24 million votes in their pockets like Mr. Frank Cousins of the British Trade Union Congress?

Tai talks of the trend throughout the Country pointing unmistakably to confederal statehood for this Country. By 'Country' does he include the North and the Midwest who are known NOT to support his pet system?

Talking of the removal of the so-called Northern troops from the West and Lagos, what purpose does Tai want such removal to serve. Would it have the effect of bringing us closer together or separating us further and ultimately destroying the nation? Does Tai realize that such a resolution referred to above amounts to a deliberate sabotage of the genuine effort of the Federal Military Government at reconstructing this country? Who rules the West and Lagos? Is it the Military Governor of the West and Federal Government or the the resolution of West's sole administrators?

With reference to the attitude of Midwesterners the implication is two-fold:- That in the event of a break-up the Midwest cannot stand alone and, so, that region must strive to save the federation. It has been said that the region is less viable than Lagos. The second implication is that the present writer must, as a Mid-westerner, of necessity follow Ejoor blindly in wishing

to save the nation that others are so anxious to rent asunder. Neither of the two implications is correct. In the event of a break-up the Midwest will constitute the Kuwait of Nigeria. If Tai knows the present writer he would have known that he (the present writer) is far from being a blind follower of those in power.

Under Ironsi I advocated a 'qualified' unitary system of government for this country and today under Gowon I do not intend to somersault and, like some others, become a confederalist—because one big man says it is a good thing. I do not believe that any thing is wrong with a qualified unitary system but the manner of its introduction in May and its short lived practice was All-wrong. I advocated a unitary system under which more of the nation's funds should be ploughed to speedily develop the North and other under-developed parts of the Republic. If the people were sufficiently educated and assured that they would not be cheated in any way there would have been no trouble. In this book I have not voted one way or the other because the object here is to give some facts, as I know them, about the various types of constitution, present them to the people and allow them to choose. To conclude this part of this discussion let me say this; that neither the type of unitary system that I preached nor a ge-

nuine federal system has been tried in this country. Unitary was badly and unnecessarily imposed and the present Federal system with the North larger than the rest of the country is not a 'genuine' federal system—its imbalance was its seed of disaster.

Another strange point that Tai made is that when one region opts for confederalism that means that federalism is at an end. Where did he pick this idea from? Has he ever read our constitution to discover that the opposite to what he states is the truth? The constitution provides that if one region behaves in a way that endangers the continuance of federal government in Nigeria, the Federal Government should thereupon discipline that region, either by taking over the government of that region or in any other way it thinks fit? **'This Law stares us all in the face.'** What this means is that if Tai should hold another mammoth meeting in Ibadan and declare the West and Lagos a confederal state, Gowon would, in obedience to the constitution, be **COMPELLED** to act. Supreme Commander Gowon knew this when in his broadcast to the Nation on the 30th November he said; **'BUT IF CIRCUMSTANCES COMPEL ME TO PRESERVE THE INTEGRITY OF NIGERIA BY FORCE, I SHALL DO MY DUTY TO MY COUNTRY.'**

Now to Tai's last point. Does he really seriously think that when we go our separate

ways and the West, for instance, is doing well with him as Minister of Education would he advise say Chief Awolowo as West's Executive Governor to come to a Federation in which the West's affluence will go to benefit the 'poor' Midwest? 'Short of a miracle' Tai would not. Tai's case is that of a man walking backwards with his face to the future. His' is a case of a Salvation Army that takes to its heels on the day of judgment. This is the time when Nigeria needs young leaders of Tai's type who are prepared to abandon old habits and take risks. This is the time when we need men to chart and steer the course of history and not men who will be carried as passengers in the crest wave of history — men who will only write about what others have thought and done. God give us men.

But what is confederalism? This is a politico-legal term which means a union of sovereign states for some common purpose. The two examples of this type of association that readily comes to mind are those of the German confederation established in 1815 and of America established in 1781. From the above definition the distinction between confederation and federation is clear. While confederation is a union of Independent states, federation is a union of states which are dependent on a common supra-government — the federal, general or national government. If therefore we decide on confederalism for

this country it would mean the end of Nigeria as one nation because once we adopt this system it will be hard to come together again and this, in the great language of Supreme Commander Gowon 'is not the future to which our children are entitled and we **HAVE NO MORAL RIGHT** to commit future generations of Nigerians to this **DISASTROUS** course'. (capitals mine)

Suppose the present regions go confederal, will the West or Oduduwa State not continue to do all in its power to claim the Yorubas in the present North, the Itchekiris of the Midwest and even those Yorubas in Dahomey? Will the Midwest not claim Sobe and the East seduce the so-called Ika Ibos of the Midwest and infiltrate into Utorkpo and Idoma? These will all result in bloody border clashes and while these new states invest a large proportion of their money on arms, the states productive economies will be neglected. Then our troubles will be more than they are now.

Arguing against confederation, Supreme Commander Gowon said: Each region as a virtually sovereign state can contract out or refuse to join any common services. For example, the Midwest may not like to contribute to the Nigerian Railway, the East may not want to use electricity from Kainji Dam, the North may not want to use coal or refined petroleum products from the East and the West may prefer to pull

out of the Nigerian Airways and so the process of disintegration will be complete. This is too true to be doubted by any believer in the continuance of ONE NIGERIA.

From experience we of the Midwest know that the sharing of national assets and liabilities amongst the disintegrating states will not be as easy as the confederalists think; for two years after we had quit the West, our joint assets have still not been satisfactorily shared.

Knowing all these inherent defects of confederalism why then does the East that has all along advocated national unity now suggest it? The East is supposed to be preaching one Nigeria because it is in her interest to do so: her soil is barren, her region is overpopulated and besides most of her people are traders and so they must migrate to other parts of Nigeria to prosecute their profession. Owing to their dynamism and restlessness the region becomes too small for their operation. They have now decided to recoil into their region as they believe that they are not wanted by other Nigerians. With their abundant highly skilled manpower they now want to experiment with the development of their own region. With two universities - Nsukka-Enugu and perhaps another in Port Harcourt the region hopes all will be well. But Governor Ojukwu and other cool-headed leaders in the East know that

confederalism will not be in the interest of the East or of Nigeria. The September/October episode was enough to shock them into the present frame of mind. But enough is enough and with the ice already thawing there is every hope of a brighter future for Nigeria. The Eastern sun will soon rise out of the darkest of clouds.

But what reason has the West for going confederal? Is it the roundabout way of getting Lagos back to the West and reaping all the Federal developments in Lagos or is it that the people of the West do not see 'enough' places for themselves in an equitable Nigeria where all the regions are treated on the basis of equality? Chief Obafemi Awolowo was "one of the authors of the defunct federal constitution" that brought us to the present chaos. Must he be allowed to co-author a confederal one that is bound to usher Nigeria into utter disintegration? Before I end let me make one last point. Chief Obafemi Awolowo is a man that I have always admired and believe can still serve this nation and this was why when he was in jail I wrote. MANY press releases praying for his release Unlike some of his present worshippers, who, on his release, wanted to be seen in group photograph with him, I even visited him at Calabar but when it comes to the present issue of whether to save the nation or kill it I believe we MUST have



the guts in to tell 'the Emperor that he is stark  
naked.' This is my stand.

## **The Case for Federalism in Nigeria first Republic:-**

The basis for Nigerian politics of Federalism was tribalism and the uneven development of the North and South which gave rise to mutual hatred and suspicion. How did all these come about? When the British usurped the administration of Nigeria they pursued the 'apartheid' policy of separate development of the North and South. The North was taught that, it was different from the South as chalk is from cheese, and even superior to her in culture and religion. Thus discrediting the educated Nigerians who were championing our struggle for independence and unity as a band of agitators Lord Lugard in 1920 wrote that: "It is a cardinal principle of British Colonial policy that the interest of a large native population shall not be subject to the will either of a small European class or of a small minority of educated or Europeanised natives who have nothing in common with them, and whose interests are often opposed to theirs ..... The point is of special importance in Northern Nigeria where the Intelligent Emirs are in acute divergence in religion and social status from the natives of the Coast"

In the name of differences in culture and religion the South was left to be further 'polluted' with Christianity and education while the North was preserved for "ignorance and illiteracy." So it was that when a new constitution came into being in 1922, the agitating South was given limited elective power while the good North people by intelligent Emirs continued to be ruled by the Governor's proclamations. This uneven development was not confined to political field. It was extended to all fields including education in which the gap between the North and South was so great that Governor Sir Hugh Clifford in an address to the

Nigeria Council in 1920 lamented that "after two decades of British occupation, the Northern provinces have not yet produced a single native of these provinces who is sufficiently educated to enable him to fill the most minor clerical post in the office of any government department." It became therefore imperative for Southern Nigerians to go up North to fill these posts.

While the North was comparatively under-developed in most sense of the word through no fault of hers, a majority of the higher echelons in the civil service, business, the professions and politics was controlled by, and in the hands of, the Yorubas who retained their monopoly until the late thirties. Then the Ibos arrived on the scene with the determination not only to share with but to overtake the Yorubas. The result of all this was the sharpening of group and regional differentiation and the intensification of tribal animosity and strife.

The Ibos, the one ethnic group in Nigeria that seems to surpass all others in collective foresight, sustained joint effort and tribal solidarity, knew the value of education in their struggle for pre-eminence on the Nigerian scene. As put by one of their Lagos leaders at a meeting in 1933: "Education is the only real agent that will give rebirth to the dying embers of the Ibo national zeal .... it will be the means to free the Ibos from the throes of both mental and moral thralldom." In Zik's view "after having studied the history of man through the ages, I have come to the conclusion that control of political power is the only key which can open the door of happiness and contentment to man as as a political animal." The Ibos knew the need for

education and their leader, the need for political power. Zik wanted an Ibo nation as a constituent unit in a Nigerian commonwealth hence the N.C.N.C and the Ibo State Union became in him almost one for achieving this object. So in December, 1948, the late Ibo State Union held a conference at Port-Harcourt "to organise the Ibo linguistic group into a political unit in accordance with the N.C.N.C. Freedom Charter" Zik himself may well not have been a conscious tribalist but the bare facts and his methods seems to mark him out as one. At this time, he was both the President of the late Ibo State Union as well as the General Secretary of the defunct N.C.N.C.

In 1943, Zik had in his political blueprint, advocated a federation of eight units and even introduced a resolution to this effect in the then Legislative Council through an N.C.N.C. member in 1948. But dramatically in 1951. the N.C.N.C. changed its tune. "In view of recent divisionist tendencies in the country and to accelerate the attainment of our goal for a united Nigeria, a unitary form of government with the principle of constituencies will be better for Nigeria" it stated at its Kano convention. Under this system, the party had hoped to capture the national government.

For the Yorubas, Awolowo had argued that should this new N.C.N.C. idea of a unitary system take root, it would mean Ibo hegemony, Ibo reign, Ibo rule and Ibo domination of Nigeria. "The implicit and unshaken loyalty which the Ibos had shown to Dr. Azikiwe" he wrote, "during the Ikoli-Akinsanya crisis, did not arise in my view from ideological faith but rather from linguistic

affinity and ethnic self assertion. This, I warned, was an ominous pointer to the future. Nigeria under a unitary constitution might be dominated by those, whatever their number, who owed allegiance to ethnic affinity than to principle and ideals."

Under a true federal constitution on the other hand "each group, however small, is entitled to the same treatment as any other group, however large. Opportunities must be afforded to each to evolve its own peculiar political institution. Each group must be autonomous in regard to its internal affairs." It was perhaps because of this fear of the Ibos that though the N.C.N.C. under Zik 'allegedly' won the western election in 1952 by 48 seats to the Action Group 32, the Yoruba A.G. leaders were able, before the first meeting of the newly elected House, to get 25 N.C.N.C. elected members to join them. This was to keep the west for the Yorubas and restrict the Ibos to their East.

Between the North and the South the trouble was not so much one of tribalism as we know it in the South but that of late development. Coupled with this was the retrogressive interpretation of Islam by the Northern rulers with the sole object of inculcating in the masses the habit and attitudes of credulity and subordination. Thus while the South was bubbling with nationalism, western education and politics, the North was stagnant, 'innocent' and quiet and it was not until about 1949 when in his

first contact with Southern politicians that the late Sardauna was rudely shocked into an awareness of the great political and educational divide that separated the Northerners from their Southern brothers. Under this atmosphere the late N.P.C. was launched on the 1st October 1951 as a political association between the powerful Emirs and conservative western educated Northerners in their joint bid to stem the rising tide of Southern domination.

The West feared Ibo domination, the North was scared of Southern domination and a possible collapse of a government manned by inexperienced and not so literate Northern ministers. A unitary constitution under such circumstances it was argued would result in the frustration of the more pushful and more dynamic group whose dominance over the rest would be assured while the fragmentation of the country into regions would enable each ethnic group at different social levels to develop at its own pace and along its peculiar cultures. Thus when it came to the drafting of a constitution for Nigeria all the parties, (and not the people) with varying degrees of satisfaction, opted for a federal system.

This somewhat long excursion into the past should now enable us to ask and answer the next logical question; Do those conditions which favoured the adoption of a federal constitution in 1954 still exist in the Nigeria of 1967? If they do, do we therefore intend, in

order not to disturb the apple cart, 'in the interest of national unity' (as the saying went in the First Republic) to fold our arms and do nothing or merely touch up the old constitution here and there. Or do we intend to make a bold break with the compromising past and experiment with a unitary or quasi-unitary system? It is true to say that in the Nigeria of 1967, there are still those factors which produce the desire for a federal union just as there were in 1954. Today, there is talk of secession in certain parts of the Republic just as there were in the early fifties.

When this secessionist idea was advocated then especially in the North, the following were the late Sardauna's reply and they should still command the attention of all Nigerians today: 'There were agitations in favour of secession, .... I must say it looked tempting. We were certainly 'viable' to use the current phrase ..... there were however, two things of the most vital importance in our way. The first was that the greater part of the revenue of Nigeria comes from customs duties collected on the coast on all goods brought over the wharves. Obviously, we would have to collect our own duty at our borders. This would be more difficult than collecting at the waterside. But would an unfriendly South permit the free passage of our goods across their lands and the transit of our vehicle to carry those that

were not moved by train? The second difficulty was similar to it ..... we therefore had to take a modified line. We must aim at a looser structure for Nigeria while preserving its general pattern - a structure which would give the regions the greatest possible freedom of movement and action; a structure which would reduce the power of the centre to the absolute minimum and yet retain sufficient national unity for practical and international purposes." In addition to the centre having reduced power, the North was larger than all other regions combined and thus our federalism broke one cardinal rule of genuine federalism.

This is how we came to have a federation in which the federal government "tended to be an adding together of regional interests rather than an organic and pervasive power that transcends regionalism .... There was no hope of fostering a genuine sense of overall nation-hood in this state of great and small ethnic communities unless the federal government assumed the predominance in the federation that was its right."

Apart from the exacerbation of tribal and regional consciousness there were many other disadvantages in our federal system. Because of federalism the political parties were fast tending to have regional outlook with their popularity wanning as you left their regional capitals. Consequently, Indus-



trial Projects were cited, not for the good of the nation but, to placate tribal political parties. The personality of the nation was fast decomposing for in the cracked mirror of regional political strifes, the national images was impossible to recognise. In foreign affairs, it was possible for Nigeria to speak with more than one voice. So it was that while Dr. Okpara, the former Premier of the East was praising Ghana's constitutional provision for surrendering sovereignty to a united states of Africa as a bold step worthy of emulation the late Sir Abubakar was telling the OAU conference in Accra that he would never recommend such an idea to Nigeria for inclusion in her constitution.

### **Co-operative Federalism or Unitarianism:**

The type of constitution we adopt will depend largely on the type of Nigeria we want to build. Today we are faced with the task of building 'one' great nation. "We are faced with the task of developing national consciousness in place of the present tribal and regional over-sensitiveness. We want a nation where politics shall be conducted along lines of national ideology in place of the first republican fickleness in political allegiance. We are or we should be a country in a hurry if we want to catch up with the 20th century. The Government we need is a presidential one under which we can, like

one Army, move forward in a state of total national mobilization under a single colourful and purposeful leader and a single party into real progress."<sup>1</sup>

What type of constitution will guarantee us these? Of recent, it was powerfully argued<sup>2</sup> that it might be possible for Nigeria to copy the American system of co-operative federalism under which by the use of certain powers under the constitution and with the corresponding progressive shift in the Supreme Court jurisprudence the Federal Government in Washington has been able to magnify its powers at the expense of the state governments and to the achievement of more national unity. Though similar powers are contained in various sections of the 'old' constitution one cannot be sure of a corresponding shift in the jurisprudence of our supreme court here and besides the whole business takes time to develop and a developing nation cannot wait for such eternity. Moreover, our 'federal' government was not rich enough for this type of dollar federalism.

What, in the alternative, about re-allocation of functions to the greater glorification of a federal government. Failing a unitary system, this can be a second best with all the

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1. Dr. O. Ohonbamu: *The Nigerian Constitution and its Review: A Guide*, pages 37 & 42.

2. By a visiting American Negro Professor in 1966.

inherent disadvantages of a federal system. "Federalism", wrote professor Dicey, "means legalism" It is government by litigation rather than by legislation. This is so because in a federal set up the guardianship as well as the interpretation of the constitution is assigned to the Higher courts of the land. To succeed then the communities under such a system must be law abiding and law fearing so as to be able to regard a courts decision at shaving the force of a legislation. Putting graphically, Dicey remarked: "that a federal system can flourish only among communities imbued with a legal spirit and trained reverence for law is as certain as can be any conclusion of political speculation."<sup>1</sup>

When compared with a unitary state of equal resources, a federal state has the additional disadvantage of not having a single authority that can wield the same amount of power as in a unitary state. The system of checks and balances, which is an inherent feature of a federal system whereby the federal and state strength are pitted one against the other leads, in most cases, to an unnecessary waste of energy. The mutual jealousies and unhealthy rivalry amongst component states is another source of weakness of the federal system. In composing the federal government, regard must be had, as was the case with our last broadly

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1. *Adegbenro v. Akintola* (1963) 3W.L.R.63 shows that Nigeria is not yet such a society. Ofcourse most written constitution are interpreted by the Higher Courts.

based government, to the region or constituencies of origin of ministers so as to satisfy most ethnic groups. In this way merit and efficiency are sacrificed to mediocrity in order to satisfy the requirements of federal sentiment.

Earlier on you will remember that we said that there are still factors in Nigeria making for the desire for a federal constitution just as there were and still are in Britain that adopted a unitary system. Why not us? The British have always emphasised and exaggerated the points of difference between the Nigerian tribes and so, one of the three objectives of the Richards' constitution was to give expression to Nigeria's INHERENT DIVERSITY. But do they forget that the English, the Welsh and the Scots are also different one from the others. Today the last two groups are still clamouring for their separate states and independence.<sup>1</sup> Yet these are the same British, or more appropriately the English, who have always advocated federal system for their colonies. But North of the English channel this bias for federalism for others corrects itself. It was because of the above federal weaknesses that the English refused to adopt a federal union during their union negotiation with scot-

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1. Perhaps we should here mention that Britain is a multi-national state with a unitary constitution. It there follows, contrary to some misconceptions, that multi-nationality is not synonymous with federalism.

land which wanted a federal set up that would have enabled them to retain their parliament. But the English delegates overruling any such demand argued that in it, they saw a planned intrigue between the Stuarts and the French against England. It was a similar argument in reverse that they used to convince the Northerners that unless they pressed for a weak federal set up they would, on British e x i t , be dominated by Southerners. Seeking to rationalise this British policy of "what is good for the goose is not good for the gander" Professor Wheare said that during the discussion between Scotland and England for a union there was no model of a federal government to imitate or copy from. Is this an admission that the English are a race of imitators?

### **Reflection on the Constitution:**

Today we are out to draft a constitution for Nigeria in an atmosphere of mutual fear, suspicion and distrust as in the 1950s. Are we therefore to be terrorised into working out merely a compromise solution for a constitution that can serve the present generation and leave posterity to look after itself. Or are we to lay a foundation for a constitution for Nigeria which will give her a strong government that can weld Nigeria into one, stem the growing tide of tribalism, improve the lot of the teeming million of our people, enable us to give the expected leadership to Africa

and make our firm voice heard in the comity of nations?

That a unitary form of government is the ideal thing is an accepted fact. But where sectional interests have become entrenched a federal system is usually adopted as a second best. This was why when a constitution was to be worked out for the United States a federal system was preferred because the representatives of the federating states were not prepared to shed their individual and state privileges. Today, America is moving towards the ideal by the backdoor entrance of co-operative federalism. In Nigeria, our federal system came about by the reverse process that is, through the sharing out of the assets of a unitary system to competing tin gods who merely used tribal platforms as their springboards to power and wealth.

Failing a unitary system, which does not seem popular just now because of the manner of its alleged introduction in May 1966 and its "shrouded in mystery" mode of practice for less than three months, one may recommend the adoption of at least a quasi unitary or quasi federal constitution for Nigeria with the country broken into nine (or any other agreed numbers of) provinces or states with Lagos, federal territory enlarged and its Council given larger powers. These Provincial Governments, acting as extensions of or

inferiors to the Central or Federal Governments, should have either delegated or limited powers to legislate on matters of local peculiarities. There should be a popularly elected Executive President without omnipotent powers. Powers should be shared between him and the Parliament so that while he is left with enough powers to give effective national leadership, Parliament is not reduced as in the First Republic, to a mere rubber stamp. The member of the Central or Federal Government which must not be more than twenty, should be designated Ministers or Secretaries of States while the members of the other government which must not be more than ten should be designated Commissioners led by a Chief Commissioner instead of Premier.<sup>1</sup>

Such important national items as Public Service, the Judiciary, Higher Education, Health and Industrialisation should be entrusted to the National or Federal Government. (1) To check the abuses of the past, there should be a code of conduct for Ministers, politicians and other state officials. There should be a machinery for removing members of the legislatures who are either corrupt or inadequate.<sup>2</sup> (2) To keep tribalism in check and further promote

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1. Dr. O. Ohoñbamu: Nigeria, the Army and the people; s. Cañsè pp. 36-39.

2 Dr. O. Ohonbamu: The Nigeria constitution and its Review: a Guide p. 61.

national unity there must be a provision in the constitution setting up an organization for Nigerian Unity.<sup>1</sup> 3. To enable members of the legislatures usefully to contribute to debates and understand parliamentary papers the constitution should provide a literacy qualification for membership. This need not be a university degree or any type of the General Certificate of Education but the prospective member must demonstrate his ability to read, write and speak English fluently.

In Nigeria of the First Republic, no one quite knew what sort of society we were out to build. The political parties sermonised on socialism but in Government they operated the worst forms of capitalism. A second republican constitution must therefore entrench a socialisation clause so that any capitalist oriented legislation shall be void ab initio. With the abolition of the Senate and the House of Chiefs a Council of State should be set up for the resolution of constitutional deadlocks as those that brought above the death of the First Republic. The Council should perhaps consist of the Executive President, Nigerian Heads of the Faculties of Political Science and Law at the Nigerian Universities, some eminent Nigerians and the Ex-Regional

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1. *ibid.* p. 66.



Governors and perhaps some Army personnels.

Let me perhaps just mention that to give life and purpose to our quasi unitary or quasi federal constitution, we need only one national party which cuts across tribal barriers and consisting of like minded Nigerians. It should ideally be led by a member of a minority tribe. To economise time, the attention of our constitutional reviewers should be drawn to the constitutions of Ghana state and of the defunct C. P. P. We can profit from them immensely provided we delete those clauses and provisions which tended to concentrate powers in the hands of one single individual. Collective leadership of the Soviet type should be the ideal to aim at. We should therefore provide in our constitution that no one man can hold the office of president for more than two terms of five years each. If it is agreed that the post should rotate among the state then there should be no fear of domination of others by one group.

Lastly, let me here state that in order to enable this constitution as above advocated to work efficiently in the interest of all Nigerians rather than of a section of it the following equitable guarantees should be embodied in it. The nation as a whole must be EDUCATED as to the need for the consti—

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1. see Part 3

tution and the purpose of the following guarantees; for unless this were done, I wonder if the people will abandon certainty and vote for uncertainty. The guarantees are as follows: (1) There must be a written provision in the constitution to compel the central government to carry out a crash programme in education and overall development in the North (and other under-developed parts of the Republic) so that inside ten years Nigerians of Northern extraction should be in a position to compete favourably with their Southern counterparts. (2) Before the expiration of the ten years, employment into Central Service and other Central organs must be distributed not solely on merit but also on equitable basis. If merit and merit alone constitutes the yardstick for appointment to all jobs, at this stage, including board appointments and awards of scholarships one would come to a position in which most jobs would naturally go to one Southern tribe.

So, for the benefit of these other tribes, equity must be invoked where they might otherwise have been sacrificed at the alter of meritocracy. It may not be unwise to follow (in modified form) the quota system of recruitment into the Nigerian Army for some time. (3) Until a programme of land reform all over Nigeria has been carried out the lands in the North must be protected from Southern "invaders" who, having developed an appetite for land grabbing in Lagos, Enugu, Ibadan and Benin, may

conduct a selfish repeat performance in Kaduna if let loose on the 'socialist' North.<sup>1</sup>

### **Creation of States:<sup>2</sup>**

This question has been a dominating feature of Nigerian politics as far back as late 1947 when we first heard of the movement for the creation of the Midwest State. In 1955, the Midwest was joined by other movements which demanded the creation of the C. O. R and Middle Belt States. The then Action Group agreed to support the creation of the Midwest State provided Dr. Azikiwe then leader of the banned NCNC also agreed to the creation of the C. O. R. State. In making its case the A. G. argued that it would mean its capitulation to the NCNC which was championing the creation of the Midwest state while at the same time opposing the creation of the C. O. R. State in the East.

At the resumed Constitutional Conference of 1958, it was agreed that the question of more states must be shelved until after Independence on the condition that a provision was included in the Independence Constitution for a machinery for the creation of more states. The now banned NPC supported the idea subject to the proviso that such machinery must be made as

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1. Where land is apparently nationalised.

2 Dr. O. Ohonbamu: The Nigeria constitution and its Review  
A Guide pp. 47-52, p. 77.



Political map of Nigeria showing the suggested  
Nine States

difficult as to discourage the agitation for more states. But as a sop to state agitation gods, the Eastern and Northern governments created provincial assemblies while the Western Region government created the Midwest Advisory Council. Despite these assemblies and Advisory Council, the agitation for more states has remained with us and this goes to show that these assemblies cannot be enough substitute for full-fledged states. The Midwest was created during the Western Nigeria crisis of 1962 and today we have a crisis to end (we hope) all crisis and this is the time in my opinion to settle the states question once and for all. The idea of breaking the country into eighteen states of big and small ones in which two or three can combine to dominate the rest in the name of theoretical adherence to linguistic formula is mischeivous and against national interest and should be condemned and rejected as such.

On this question of states, there are two alternatives open to the Lagos Government: (1) If the Supreme Commander had decided to run a purely military Government (rather than one that is more democratic than a civilian one) he could create states by decree after limited consultation with the leaders of the proposed states. People from the old and new regions could then come to a Constituent Assembly to discuss the sort of association (strong federal or quasi-unitary etc. but not Confe-

deralism) between them and the Lagos Government. (2) The democratic process of creating states might raise unnecessary difficulties from interested parties. How, for instance, can Supreme Commander Gowon get people representing the genuine interest of their people to come from the minority areas of the East without Ojukwu's co-operation?

While the East criticises Lt. Col. Gowon for being a dictator, undemocratic and wanting to create states because of his special interest in the Middle—Belt state, one would have expected the East to show a lead in democratic practice by not rushing through their provincial administration innovation at this time. The people should have been allowed to choose between this system and the creation of full-fledged states. On the other hand these Provincial Administrations may turn out to be mere temporary training grounds for the rulers of the new states.

Easterners have along with others<sup>1</sup> advocated the creation of more states as one of the ways for achieving a balanced federation and there by equitable unity. Why have they now turned round to oppose this ideal?

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1. See e.g. ; *Essentials for Nigerian Survival*; article by Dr. N. Azikiwe in *Foreign Affairs* or *Daily Times* of March 18, 1965 in which the Author powerfully advocated the creation of more states in Nigeria

While discussing the issue of states, it is perhaps pertinent here to remind those who either want a Lagos State or a merger with the West that whatever they intend to do they must and should always refer to Benin and the Binis. In the opinion of the Binis Lagos should remain a federal territory with the Lagos City Council given more powers to co-ordinate its function with those of other organs of government of Lagos.<sup>1</sup> While Eastern support for Confederation at least for the moment, can be understood it is difficult to understand why the West also voted for this "suicidal" constitution. The young Midwest was left to redeem the nation from the hands of the wreckers of our national unity. This is another reason why (after the failure of the bigtribes) all the minorities must rally round the Supreme Commander, to build a united and strong nation.

Nigerians must learn from the example of the united nations whose Secretary-General must always come from a 'minority or un-committed group.' Were an American or Russian or even English to be Secretary-General of that body the United Nations could hardly carry on. So also is a Nigerian government led by a member of the big three 'warring' tribes bound to be open to suspicion and distrust by the other two tribes. This therefore is

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1. The name Lagos was given to what we now know as Lagos by the portuguese but who gave it the name EKO? What does Eko mean? Is it not a Bini word? But ofcourse Benin would not stand in the way of the democratic aspiration of its Lagos people.

the time when the minorities must wake up and be alive to this grave responsibility of leading this nation to sanity and salvation.

### **Central Legislature, Head of Government and Head of state:**

It was suggested by the Ad Hoc Constitutional Committee that the regions should send equal numbers into Central Legislature. And some of the delegation to the same Constitutional Committee suggested that Federal Secretary of States, Head of Government and Head of State should be regional nominees i.e. of necessity, nominees of regional parties. This is bound to make the centre an inferior assembly as supported by past experience. Were we to organise a people's one party system this will probably be a good idea. But if, as Col. Adebayo had been reported, as saying, it is true that at the end of Army rule the ban on the political parties will be lifted and the old parties allowed to come back to life then the two coups must have been in vain. We will be where we were before the January 15th of 1966. The A.G. will capture the West, the N.C.N.C possibly the Eastern states, the Northern states will probably be in the hands of the NPC and in Benin a new party will perhaps be formed. Under this system, the NPC will preserve the Northern solidarity as a combination of equal number of members from all the



Northern. s t a t e s can in concert still dominate the Republic.

As to the regions nominating secretaries of states, head of government and head of state under regional party system all I need do here is to refresh the memory of the nation by quoting these words of Sir John Macpherson in 1953 thus:

“And a federal constitution is always difficult to operate—whether as is usual, the separate units comprising the federation surrender a part of their sovereignty to the federal government, or whether, as in our case, the centre devolves part of its authority to the several parts...The Council of Ministers is the principal instrument of policy in and for Nigeria. But the method of selection of the Central ministers made it very difficult for them always to feel that their responsibility was towards the centre, and not towards the regions from which they come. And the Council of Ministers in the absence of countrywide political parties can never be sure that their policy decision will be approved by the House of Representatives.”

This goes to show t h a t a central or a federal government run by regional nominees cannot work. It is from inception pregnant with crises as the 1953 crisis clearly shows. National consciousness will be sacrificed at the altar of regionalism and tribalism—the two evils which all honest and ordinary Nigerians are striving to kill.

There is a large amount of material  
collected and examined

The following is a list of the  
specimens which have been  
examined and are now in the  
collection of the U.S. National  
Museum.

1. *Amphispiza bilineata*  
2. *Amphispiza bilineata*  
3. *Amphispiza bilineata*  
4. *Amphispiza bilineata*  
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25. *Amphispiza bilineata*

## **Part III**

# **Towards National Unity through a one-party system**

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## **Towards National Unity through a one-party system:**

"Politics like law," wrote Lenin, "is an instrument of change." It follows therefore that political parties like the constitutions of states must not only reflect their societies and eras but also have the declared object of developing the society along definite lines or ideology. Thus in colonial Nigeria where there was political, economic and cultural stagnation, the main function of the political parties, that there were, was mainly the agitation for self-government and independence. To achieve this object, the otherwise warring parties were prepared to and often did come together. In this wise, it is remarkable to note that after the Enugu shootings of 1949, the NCNC and the NYM decided to come together to form a "united political party" because a dependent country desperately struggling for independence, they argued, could not afford the rancour and disunity generated by electoral competition.

With the arrival of independence and the consequent concentration of political powers and the concomitant prestige and wealth in the hands of a few politicians and political parties, politics took a new twist. To achieve this power the various political parties have had to exhume all the moribund sentiments of tribalisms domination, religious differences and intolerance - things, that were unheard of or unknown during the colonial era. Where these were not enough to get the votes, bribery and corruption were resorted to - not to talk of thuggery, hooliganism, looting, arson and even murder. Leaders and their followers lacked the required discipline and became dedicated only to the

cause of enlarging their bank accounts, corrupting the society and maintaining themselves for ever at the seat of power. They became impervious to reason and the yearnings of the people. The divisive forces between the contending parties were escalating to the stage of destroying the nation when the Army intervened to dismantle the politicians on the 15th of January, 1966.

The conclusion we arrive at is that in Nigeria as in Burma, Pakistan, and Sudan before it, multipartism has failed. The question now is: what lies ahead, what prospect is there for politics and political parties? Are we going to allow, and experience, a repeat performance of the cut-throat rivalry and jostle for power between unprincipled political parties? What sort of Nigeria do we want under the second Republic? Is it one strong united Nigeria that can speak with one voice in the comity of nations—one that can, and should, lead Africa? Is it a Nigeria that can and will guarantee equality of educational, political and economic opportunities for her people? Is it a self reliant or 'beggar' Nigeria that we want to build or a Nigeria led by dedicated men and women and peopled by proud and disciplined men and women. What type of political arrangement can lead us to achieve the foregoing and give us a stable society?

Before the January coup, the trend in Nigeria was towards a one-party system in the then Regions. This worked well to some extent in that all hands were on deck except that they were mostly the wrong hands and were on deck with corrupt motive.

In the Nigeria of the second Republic, we should encourage 'a people's one-party state, in which both the state and the party constitutions are such as to give scope for the development of a disciplined and dedicated leadership-dedicated that is, to the cause of one Nigeria where one tribe does not dominate others and where equal opportunity is guaranteed to all.

In setting out to advocate a one-party system for Nigeria, I am conscious of the fact that the idea does not go well with many Nigerians for two or three reasons - ignorance, selfishness and colonial mentality. To them the British two-party system is the internationally acknowledged ideal. To them everything British is the best and the British standard must be our yardstick. Owing to their inherent colonial mentality, they are unable to see that the British political climate like her geographical climate is different from ours. In Britain, there is the 'natural' two party system. This is as it should be because the British politicians are separated into two groups on purely ideological lines. The Labour party which consists of English, Irish, Welsh and Scots believe in socialism whilst the Conservative party which consists of identical British tribal groups believe in self-interest that goes by the name of capitalism. They both 'profess' to want a better life for their people along different lines at different paces and with different motives. Britain is, as well, a highly

developed society which, in times of peace, can afford the luxury and time-wasting government by endless arguments. Suppose Nigeria again adopts a federal System in which the country is broken up into more states and each state, as in the First Republic, has its own 'one-party'. The Federal Government will then be an assembly of regional nominees, a mere adding machine for regional pressures, a coalition government of incompatibles. A system of alliance between all the parties can only result in a weak government incapable of taking firm decisions, owing to the need for endless compromise. Sooner or later, this is bound to frustrate the national will and perhaps destroy the nation.

In America, not even the devil itself can tell the difference between the Republican and the Democratic parties. Nobody quite knows what they believe in - apart from their joint hostility to the communist 'democracies'. In America, political power goes not to those with known political ideology or political principles but to a man who has enough money to organise himself to the presidency. Was Kennedy a socialist, a capitalist or a liberal in the political sense of these words? What was Eisenhower before him? They were the same except that one was labelled a Democrat and the other a Republican. In America, Republicans vote for Democrats and vice versa, depending on their individual moods and idiosyncrasy at the point of time of casting their votes.



In Nigeria on the other hand, it was difficult to see what divided the UPGA from the NNA, the SWAPF from DP, the NDC from the MDF. Though the UPGA's profession of socialism was loudest, some of its leaders were as practically capitalistic as any top British conservative. The NNA on its part inaudibly professed some socialism but the NPC-one of its members contained more people and leaders who were socialist at heart and in their way of life. All the parties included all sort of people ranging from slogan shouting thugs to self-seeking rogues who paraded themselves as political (mis) leaders.

What then are the merits of a one-party system as against the demerits or merits of multi-party or a two-party system? Multi or two-party system is riddled with corruption and nepotism because of the need to increase and pamper their supporters. The system leads to a distortion of the nation's interest through sacrificing the interest of the entire people over disputes concerning the special objectives of individual factions. Thus in the cracked mirror of political struggle and permutations the nation no longer recognises its image! You will all remember that before the coup, a minister was sacked by his party because he was allegedly defending the interest of the state as against that of his party. It becomes well nigh impossible to arrest the ever growing tide of countless abuses among public men because of their appeal to their tribes and parties under which they sheltered alleging that they were being persecuted because of their tribal origin or political beliefs.

The parties therefore proceeded to defend the obviously indefensible. For example, when in February, 1965, K. O. Mbadiwe, a n NCNC minister was accused by the 'daily Express' of abusing his office in regard to the Ijora land deal - the NCNC and its papers came to K.O.'s rescue because he was supposed to be persecuted because he was Ibo and NCNC.

In the multi-party Nigeria of the First Republic opposition parties which ought rightly to have functioned as the people's watch dog became opposition merely for its own sake. They were prepared to discredit the government however good its intentions and shouted wolf where none existed. In the settled democracies, there is the respect for the limitation of office, that is, it belief that office is merely a temporary affair for its occupant. Realising this, the opposition has had to do its work in a manner that is helpful to the government of the day because it might itself one day be in office. It therefore has to strike a balance between being an enemy of the government and a contender for office. In Nigeria, on the other hand, opposition, where it existed, was more of an enemy to the government of the day than a mere office contender. Their attitude was that of "out with you, in with us" and to achieve this, they stopped at nothing. Thus by their irresponsibility, they compelled the dominant party in government to use state power such as police and the law courts to crush them and in the process bring these state institutions into disrepute and contempt.

This was the case in some parts of Nigeria before the January coup. What was all the inter party fights about? Differences in ideology or what? Before and after independence, the parties shared the same objective: National liberation from colonial yoke, socialism and speedy economic and social developments. While it is true to say that the 'sharp' difference between them bears no relation to ideological problems or to problems of national progress or interest what actually

was usually involved was a conflict of personality. Everyone wants to be a President, Prime Minister or at least a Minister and this is so especially in countries like Nigeria where politics was the sole and only means of livelihood of many who participated in it.

From the foregoing, it seems therefore unwise and ill-advised to import into Nigeria a foreign system of government for which there is yet no adequate social basis. In Nigeria, there is neither that diversity or "genuine" clash of interest as to necessitate our having many parties each of which is to champion its group interest nor is the real function of Parliamentary opposition properly understood here. The crucial problems for Nigeria today are these of engendering national consciousness, and cohesion, maintaining political stability, law and order without which the nation cannot achieve any worthwhile economic advancement. For these, we need a strong political party, a strong leadership (with the necessary administrative capability) to give directive and execute policies. Without these, the Republic will again be in shambles. Under this sort of transitional period, it will be contrary to the national good to allow free scope to political strifes and divisions - a luxury which only the settled democracies can afford.

Another inherent defect of the multi-party system is that when the government party proposes to pass a law, it discusses it amongst its leaders, pursues it to a bill in Parliament before the opposition is given the opportunity to make its own contribution. Where the bill is objectionable, there is hardly anything that the criticism of the opposition can do to it at that stage to

prevent its passage into law by the government with the required Parliamentary majority. In effect, this amounts to dictatorship by a totalitarian party in the so-called multi-party system.

The usual criticism levelled against the one-party system is that it is undemocratic in as much as it rules without 'official' opposition and as such it amounts either to a dictatorship or is capable of germinating a dictator. But this criticism is contradicted by the fact of a people's one-party system. Democracy is a system of government by discussion, providing for a free exchange of ideas. The idea therefore of a government and an organised opposition which has come to form a part of the British tradition (not universal) can hardly be said to negate this basic definition of the concept of democracy. In a one-party state such as Russia, Tanzania or Ghana (before the 1966 coup), it is usual to discuss a proposed law within the party and broadcast it to the nation and print it in the newspapers before it is presented to Parliament. In this way, the entire nation is involved in the process of government. A law to regulate marriage law in Ghana was proposed in this way and shelved when the nation opposed it. In a multi-party state, the government would steam roll it into law in spite of the rantings of the opposition as was the case with the controversial Newspaper Amendment Law of 1964.

In a one-party state, it is usual for factions to develop freely within it. Thus the one-party becomes a framework within which political rivalries, prohibited outside the party, can flourish without either destroying

the party or harming the interest of the state. Being grouped into a single organisation does not mean" wrote Adande, "That the members give up their personalities in favour of a blind mystique or that they sink into smog conformism..... On the contrary each individual must be more vigilant and efficient than ever for we know that the lust for power and success leads to political blindness. We recognise that there are a left wing and a right wing in any party. Indeed, we are aware of the usefulness of a permanently watchful body that ensures self-criticism and that act as a kind of opposition within the unified party though it is subject to the same discipline." With in such a set-up, the individual or group critic exerts a more useful influence on the government than a discredited and usually discreditable opposition outside.

In the Southern States of America where the Democratic Party is for all practical purposes in the position of a one-party, it is this internal division within it that gives it the quality of democracy. This situation is of course not there described as dictatorship. In colonial Nigeria, we had autocracy but on the exit of the "benevolent" British, they "imposed" on us a debilitating semblance of democracy of the Westminster model which during the First Republic worked in the interest of a privileged few and against the Nation's good. But in the prevailing circumstance of today, the establishment of a single party democratic system will, we are convinced bring in its train a real revolution of the progressive type. This will help to bring about the much desired social equality or at least help to diminish the

previous inequality to a considerable extent. In this sense, the one-party system is bound to be more democratic than the multi-party system of the First Republic.

The argument that one-party states are dictatorship or give rise to dictators is not borne out by facts of history. Neither Hitler, Mussolini, General Franco and Salazar nor Ne Win of Burma and Ayub Khan of Pakistan was a product of one-party system but rather they were progressive rebels against the abuses and corruptions of multi-party systems. Would it, one may ask, have been as easy as indeed it was to oust Krushchev from power in Russia were he a Dictator? Indeed, the Russian system of one-party represents the characteristics of a living organism in which the cells are perpetually growing and renewing themselves. Under its system of collective leadership, when one powerful and national leader goes he is soon and easily replaced by another. Nothing can give a state, and a young one at that, more stability in which to pursue orderly development. In Russia, the party is above any single individual and leaves no room for one man dictatorship. Furthermore, in the Soviet system, the two jobs of head of government and leadership of the party are held by two separate individuals. This also guarantees the state and party against one man dictatorship.

The aim of a one-party system in Nigeria could be to form a new elite, a new ruling class that could fashion a social order by re-organising the Republic and Salvaging it from the ruins of the First Republic. We are convinced that it is only

such a one-party system led by a dedicated man from a minority Nigerian tribe that can save Nigeria and preserve her equitable unity.



## **Part IV**

# **Conclusions and General Observations.**



## Conclusions and General Observations:

In conclusion let me make the following observation:

It has been argued by some people that Nigeria was run by the British as a unitary state only for a few years and that when the Nigerian themselves had the opportunity to choose they chose a federal system. This is not true. We, the Nigerian people, have never had the choice. The last inequitable federal system was imposed on us by our leaders some of whom saw in it the satisfaction of their individual lust for power and cheap fame.

The position as regards the constitution today is as follows: The East says: if you believe in unity then let us have a unitary system of government but if you do not believe in unity then let us go our separate ways and have confederation - or split up. To some of the Nigeria tribes, particularly the Yorubas and the Northerners, an unqualified unitary system would, be synonymous with Ibo Domination specially as the Ibos were dominant in almost every Federal Services and in the economic spheres all over the country. Now that the trend has been reversed or halted "the Ibos" as put by the North, "want to break the federation" because "the Ibos must have all or destroy all".

The North advocated confederalism in 1953 when they thought that either a unitary or federal system (with strong centre) would mean their perpetual domination by the South. To allay their fear we had a federal system with 'weak' centre in which the North was larger than the other regions put together. Today the North is in a better position and having tasted power in Lagos is unwilling to loose the advantages of closer association with the rest of the federation. It is even willing to have the North split so as to avoid the main

defect of the last federal set up. The Midwest too wants a federal set-up probably with a strong centre.

The 'diplomatic' West, on the other hand, seems to be facing both ways. It favours a federal set-up with the country broken into giant and ant regions but advocates confederation — both in one breath.

In my humble opinion, the success of the constitution we adopt - whether it be unitary, federal with strong or weak centre or the quasi type of either, will depend on two things: (1) the type of country we want to build and (2) the type and calibre of leadership that can build such Nigeria. If we want to build a strong united Nigeria where national interest will dictate our every move, that is a Nigeria where every Nigerian will have his thought "nationalised" instead of tribalised, then we need a single national party, as advocated elsewhere in this book, backed by the army in whose national executive committee, "all" the tribes will be represented.

When Supreme Commander Gowon ruled against Confederation as an unworkable system and suggested Federalism, I do not think he was necessarily slamming the door against other forms of constitution. Let us remember that in his earliest broadcast, he had asked for a type of constitution that is not yet practised anywhere else in the world. This may well be quasi-federalism or quasi-unitarism. It is to be hoped, then, that he will ask his committee of experts to prepare three kinds of constitution viz: federal, unitary and quasi-federal. The people must then be educated as to the characteristics, merits and demerits of these, so that they can make their own intelligent choice unconfused by self-seeking political rogues.

**Appendix :**

**Finding Solutions to  
our Problems.**



## Finding Solutions to our problems

'Africa is in a mess' so said President Nyerere of Tanzania but Nigeria is in a bigger mess. In many parts of the world, when a government is corrupt beyond democratic redemption a coup is often resorted to. When Nigeria did it with its characteristic style in January 1966, it was widely acclaimed. London and Washington—our self—appointed guardians were caught napping and unaware. Later on, the North, that had joined others in welcoming the coup or is it 'legal take-over' regarded the exercise as murder and celebrated the 15th of January 1967 as a day of regional mourning.

On July 29, 1966 Northern Army Officers played their 'return match' and regarding the exercise also as a murderous one Col. Ojukwu, the Governor of the East declared the 29th of August as a day of regional mourning throughout the East "for all our sons and daughters, who lost their lives as a result of the tragic events of May and July 29". To our brothers in the East and North the coup and counter coup of 1966 meant different things.

Between these two big brothers what should be the role of the uncommitted minority groups who are affected to the extent that as member of the same family, the ill of one of us is the ill of us all? Should we take side with the brother we love better, listen to both sides patiently, chastise both and settle for them or should we fold our arms and adopt the attitude of dignified indifference? This is where I come in.

Nigeria, I repeat, is in a real mess. We have gigantic problems which I believe we must solve rather than run away from them. To be able to solve them aright and once and for all there are five necessities which we must consider: First, there must be the awareness that the problems exist. Secondly, the problems must be identified or diagnosed. Thirdly, there must be the wish or desire to solve them and this leads logically to the fourth—i.e. finding solutions to the problems. The solution found, the fifth and last necessary is both the ability and the will to apply them to the problems.

We are all aware in this country that we have problems but we have refused to diagnose them either because of our group prejudice or interest or because of our pre-occupation with our future 'individual' welfare. To secure this, we, as in the past, use the alleged interest of our tribe or region and the so-called 'circumstances of today' simply as springboards. Why is it that the Northerners amongst whom the Ibos have lived for years and in peace suddenly attacked the Ibo and others non-Northerners in May, September and October 1966? Why did the North oppose the 'theoretical' unitary decree of May 24, 1966? Why has the East all along preached unitary system for Nigeria and why has the North and West steadfastly opposed it? Why was it that the late Sardauna of Sokoto, who once called himself a Sokoto-man and then later a Northerner and much later a Nigerian, underwent such political metamorphosis? Why was it necessary for the radical South to wait for the North before attaining independence in 1960? These are questions



to which we must find answers if we must have lasting peace in this country.

To find answers to some of them we need an objective and unbiased sociological research in to life in the three big regions of Nigeria especially in the North. The interaction between the Ibos and the Northerners in the North must be studied. For 20 years now the Northerners have silently complained about the Southerners and the event of 1966 only gave them the opportunity they have been waiting for of 'getting their own back'. If we must live together we must find an equitable solution to this problem of the North feeling that they have been servants in their own region just as the Easterners rightly feel that as Nigerians, they have a right to be any where they want to be in this country. Do we have the desire to solve this problem? OR do we rather recoil into our separate regions and fall as easy prey to the cold war vampires that are watching and waiting for an opportunity to pounce on us and suck us dry?

To be able to decide a dispute between two disputants the judge must be told the full story by both sides and this is why, in my humble opinion, I think that the full details of the two coups should have long been published rather than the recent floods of incomplete, staccato and apologetic leaflets like those from the East, North and even Lagos.

**Where we were on 14th & 17th January, 1966:**

As a result of the disputed general election of

December, 1964, it was agreed that our Federal Constitution should be reviewed. In the minds of Southerners, this meant that the North must be cut down to size and thus one outstanding defect of our federal constitution would be removed. The North on its part was prepared to resist this. The East would only allow the creation of the C.O.R. or any other State in the East if the exercise was simultaneous. This thought of the constitution was in the minds of everyone when as a result of the West election, that beat all known rigging records, the Army took over. On the 14th of January 1966 we had a Federal Constitution with a "weak" centre but three days later we had a military constitution that was unitary in everything but the name. Under this constitution the regional governments were not only responsible to, but constituted extensions of, the Federal Military Government. Under that constitution the late Ironsi could, if he wished, dismiss any regional government i. e. the military governor at will. But probably as a result of BAD advice and lack of good advice the General introduced a constitution whose effect, apart from uniting the public service, was only to give the January 17th unitary constitution a unitary name.

But from the 1st of September 1966 the "unitary" constitution once again lost its unitary name.

## **ACCRA & AFTER:**

As a result of the Aburi meeting we are now

being put back to where we were on the 14th January. At Accra, the Supreme Military Council is said to have reached agreement inter alia on the following: (1) on the powers and functions of the Federal Military Government, it reaffirmed its belief in the workability of the existing constitution, subject to necessary safeguards. (2) Re-organization, administration and control of the army. (3) The setting up of a committee to look into the issue of rehabilitation of displaced persons and recovering of their properties (4) The resumption by the Constitutional Ad hoc committee of its deliberation and the consideration of its September unanimous recommendation by the Supreme Military Council. (5) The case of the jailed leaders of the January coup.

Point one above has been variously interpreted to mean either that federalism can work or that we are heading for confederalism as the only answer. "Politically", said Governor Ojukwu, "it was unanimously agreed that it was in the interest of the safety of this nation that the regions should move slightly further apart than before. As a prelude to this, it was decided that all decrees and parts of decrees promulgated since the military regime and which detracted from the previous powers of the regional governments should be repealed by January 21. Once this is done and the agreement, which I have already described on the procedure and functions of the Supreme Military Council are implemented, the aim of allowing the regions to operate more independently and of ensuring fairness to all will be

achieved.”

Read along with point one above, the meaning of the foregoing is that we are going back to the Federal system as we know it on the 14th of January 1966 under which the regions were masters in their respective houses. By decree number one which came into force on the 17th of January 1966 this power was taken from the regions when it was provided that “The Federal Military Government shall have powers to make laws for the peace, order and good government of Nigeria or any part thereof with respect to any matter whatsoever.” Under that decree the regional governments i. e. the military governors were (as stated above) not only responsible to the Head of the Federal Military Government but they were mere extensions of his powers. With the work of demolition by the country’s solicitors-General complete this should be at an end and the regions will accordingly move “slightly further apart than before”. I do not therefore think that the fact that the East has set up its own Bar Association, its Law School and broken off from the National Provident Fund can be interpreted to mean (as an Ibadan based paper erroneously thought) that we are already in a confederation. These things are within the powers of the regions - when done with the consent of the Federal Military Government - until, perhaps, after the demolition of Decree One.

On point three, it is to be hoped that the committee will be set up soon. I should also

seize this opportunity to renew my call on the Federal and Regional Military Governments to issue decrees and edicts to tax the entire nation so as speedily to meet the cost of rehabilitating our brothers. During the first republic nearly all of us were socialists which as interpreted by the leaders meant that we were our brothers keepers. This then is the time to demonstrate it and the military governments will perhaps be encouraged to know that in response to my article in the New Nigerian of 23rd December many respectable Nigerians have offered to pay even £2 per piece if such a tax were levied. With regard to Governor Ojukwu's promise to revoke the order "asking non-Easterners out of the East for their own safety" let me appeal to him to do so now with immediate effect as such an act will go a long way to lowering tension and reassuring the doubting Thomases that we are still in one Nigeria.

Points Two and Four, we shall take together. The Ad hoc committee unanimously agreed on the following: (1) Nigeria shall continue as a political entity, and the structure of the central authority of Nigeria shall contain a head of state, head of government, a central or federal cabinet and a central or federal parliament. (2) There should continue to be a Nigerian Army, Navy, Air Force and Police Force which should be organised in regional units composed entirely of personnel indigenous to each region, and that the operational control of these forces shall be vested in their regional heads subject in certain emergencies to overall

control and deployment of all the regions. (3) That the voluntary movement of persons from one region to another should be controlled by the regions rather than jointly with the Federal Government. (4) It was partially agreed that more states should be created after plebiscites in the areas of the proposed new regions. (5) It is to be considered whether the power to control the borrowing of money within and outside Nigeria and the issue of currency, control of capital issue etc. should be left with the Federal Government or given to the Regions. Let us begin with point two:-

### **The Army:-**

It will be wishful thinking to pretend now that there is no tribalism in our army. It is there alright and all we need do now is to try to contain and harness it for the good of the nation. In the army it is known that about 75% of the Infantry or fighting force is of Northern Nigerian origin while 60-70% of the technicians and officers are of 'Eastern' origin. As a precautionary measure after the 1966 coups Ibo and Northern soldiers were repatriated to their respective regions of origin for in the language Lt. Col. Ojukwu 'Ibo and Northern soldiers can no longer live together in the same barracks'. This, it is to be hoped, can only be a temporary measure. Permanent solution lies in a conscious recruiting effort to balance the tribes both in the infantry and in the officers corps so as to redress the prevailing imbalance.

Re-organising the army on regional tribal units

is retrogressive and dangerous to national inter-gration. If the leaders insist that regional units must consist of indigenes from each region in the light of present situation this approach could still be harnessed to the cause of stability and national unity if the following method is adopted: Move the entire "Yoruba army" to the East and the 'Ibo army' to the West and the 'Midwest army' to the North and vice versa. Lagos Federal territory army should be composed of personnel from minority areas or of all tribes. The same swopping exercise should be carried out between the new regions when created. The regional commanders could rotate. The object behind this is that if the Ibo soldiers would not want their brothers in the East terrorised or slaughtered by the Yoruba soldiers there they would not do the same to the Yoruba civilians, government and people in the West. The same would hold for the Midwest and the North. This should be done for a stated period of two to four years after which the army could be "mixed up" as before. Any military coup that may stem from this suggested arrangement will probably be more national and seen to be so.

### **Inter-regional movement of persons:-**

This is to be controlled by the regional governments. Perhaps by this is meant that the number of Ibos, Yorubas and others to move into and probably settle in each other's regions will be regulated by the respective regional governments. If this is to be done at all it should be clearly stated that it is to be for a limited period

of say 3 to 5 years.

### **Creation of States:-<sup>1</sup>**

#### **Power to control borrowing etc:-**

This power must be left with the Federal Government since it is one of the few powers which along with its power to prevent regional governments misbehaviours including secession that the Federal Government can use to demonstrate its superiority and maintain national cohesion and unity. If every region can go out to borrow and spend as it likes development programme will be duplicated and different regions will begin to have godfathers, among the cold war blocs, who will play one region against the other.

#### **The Military Governments & Ex-politicians:**

Because of the earlier indentification of the military governors with their tribe (as they were appointed to their tribal regions) and especially since July 29 the military governments have tended to be pseudo-military. In the name of defending their tribes-people they find themselves surrounding themselves with the discredited politicians against whom the January coup was supposedly directed. It is the behind the scene activities of this group as mis-leaders of thought that have prevented the nation from finding solution to its many pressing problems, before now. After Aburi this band of ex-politician advisers and pseudo-rulers should have been disbanded so that the army can take a fresh look at Nigeria's problems. But it is to be hoped

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1. See part ii



that, by the demolition of decree No. 1, the army itself, which was a unified command is not to be 'weakly' federalised, as its suggested regional organisation and the new change in the title of the Supreme Commander to Commander in Chief clearly indicates. Between these two terms there is a world of differences which I hope the military advisers may have seen or ignored. What will thenceforth be the relation between the Commander-in-Chief and the Regional Governors? Like that between Balewa and the Regional Premiers—of course. On what basis should the Regional Governors continue to be members of the 'Supreme' Military Council and the Federal Executive Council? Each Regional Governor can then probably decide when to handover power to civilians or when to recall Regional Assemblies that are up till now only suspended and NOT dissolved. What will be the basis of co-operation between the Military rulers. Can the Federal Executive then create states by decree if it is unable to persuade a majority of the Regional Governors?

### **Release of Military Detainees:-**

It is an irony of fate that those who did the January coup that shocked the nation to a realization of its ill-health are still behind bars while the set of politicians against whom they gambled their lives are at large. The January coup was regarded by some as a bad thing and so the 'plotters' were put behind 'protective' bars. In July a 'return match' was played which has now had the effect of putting us back to where we were on the 14th of

January 1966. What now supprises me is that after one 'crime' has cancelled out an earlier 'crime' the plotters should still remain in jail—for what? It is to be hoped that they will be released soon so as to be able to contribute their quota to the task of national reconstruction.



