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Nigeria: PATH TO UNITY & STABILITY

A Critical Review

T. UZODINMA NWALA
NIGERIA:
PATH TO UNITY AND STABILITY

Abuja National Constitutional Conference (1994-95)
Background, Issues and Personal Reminiscences
Dedication

To all Nigerians and Friends of Nigeria
Who struggle to keep her united
Under conditions of Peace, Justice, Equality
And Genuine Democracy.
# Table of Contents

<table>
<thead>
<tr>
<th>PART</th>
<th>TITLE</th>
<th>CHAPTER</th>
<th>PAGE</th>
</tr>
</thead>
<tbody>
<tr>
<td>Preface</td>
<td></td>
<td></td>
<td>v</td>
</tr>
<tr>
<td>Acknowledgment</td>
<td></td>
<td></td>
<td>vii</td>
</tr>
<tr>
<td>PART I</td>
<td>INTRODUCTION</td>
<td>Chapter 1. My decision to Attend the Conference</td>
<td>1</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Chapter 2. Previous Constitutional Conferences</td>
<td>9</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Chapter 3. The Genesis of the 1994-95 National Constitutional Conference (NCC)</td>
<td>14</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Chapter 4. Establishment of the NCC</td>
<td>22</td>
</tr>
<tr>
<td>PART II</td>
<td>A NATION IN CRISIS</td>
<td>Chapter 5. General State of Crisis in Nigeria</td>
<td>29</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Chapter 6. The Pro-Democracy Movement</td>
<td>41</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Chapter 7. The Role of the Trade Unions</td>
<td>57</td>
</tr>
<tr>
<td>PART III</td>
<td>THE CONSTITUTIONAL CONFERENCE IN SESSION</td>
<td>Chapter 8. Inauguration and the First Plenary Session</td>
<td>66</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Chapter 9. The Committee Stage and Second Plenary Session</td>
<td>75</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Chapter 10. The Constitution Drafting Committee (CDC)</td>
<td>90</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Chapter 11. Presentation of Draft Constitution and Report to Government</td>
<td>97</td>
</tr>
<tr>
<td>PART IV</td>
<td>RESOLVING KEY ISSUES</td>
<td>Chapter 12. The Role of the Southern Solidarity Forum</td>
<td>102</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Chapter 13. The Emergence of Rotational Presidency</td>
<td>111</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Chapter 14. Devolution of Power</td>
<td>129</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Chapter 15. The Issue of Revenue Allocation</td>
<td>137</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Chapter 16. Power-Sharing through &quot;Federal Character Commission&quot;</td>
<td>145</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Chapter 17. Tackling the Problem of Corruption</td>
<td>168</td>
</tr>
</tbody>
</table>
The 1994-95 Nigerian National Constitutional Conference (NCC) was no doubt a historical landmark. It came at a time Nigeria was at the brink of total collapse as a political entity following the annulment of June 12, 1993 Presidential Election. The crisis which this inexplicable action engendered led to the fall of the dictator, General Ibrahim Babangida, who was directly responsible for the annulment.

The Interim National Government (ING) which was forged by Babangida and other political forces as a remedial measure, lasted barely three months because of the explosive intense resistance of the people. The society was bitterly divided between the forces that master-minded or supported the annulment and those who demanded the installation of the presumed winner of that election, Chief Moshood K.O. Abiola.

It was under such an uncertain political environment that the military coup of General Sani Abacha took place. General Abacha himself was the Minister of Defence and virtually the second-in-command under General Babangida. He was the only military man holding a key political position who was not retired along with General Babangida’s exit on August 26th 1993. He retained the same position under Ernest Shonekon-led ING, being not only the Minister of Defence, but also the Vice-Chairman of the ING.

The assumption of power by General Abacha did not abate the call and pressure for the installation of Abiola as President. Those politicians and human rights activists who encouraged Abacha to assume power said they did so on the understanding that he would actualise the June 12 Presidential Election result, and have Abiola installed as President.

Midway into General Babangida’s rule intense call for a Sovereign National Conference had started. The National Question assumed the centre stage of our national political debate. Prolonged military dictatorship which became increasingly repressive, anti-democratic and insensitive to the rule of law, had led to the emergence of pro-democracy groups. This reinforced the existing radical pressures and militant labour movement in the country.

At the same time, very disturbing evidence of ethnic and geo-politica
domination and marginalisation led to the emergence of some minority organisations and movements. The minorities whose territories produced the bulk of the oil, the mainstay of our national economy, agitated for greater say and greater share in the disposition of the national wealth. The South which had produced executive rulership for only four years three months of the nation’s thirty-three years of independence (1960-92) demanded a new political structure and new power and revenue-sharing formula for the country.

All these forces, together with the democratic forces, clamoured for an end to military rule. To the Southern peoples the Nigerian military had become an instrument of domination by the North, but to the Northern democrats the military was seen as an instrument of dictatorship by the conservative forces in Nigeria.

At the time Abacha’s regime came on board, the Nigerian military had become extremely discredited. However, only the military alone had the monopoly of force to keep the country together. Incidentally, many of those Abacha appointed to run the government with him were people with democratic credentials of some sort.

While rejecting the call for a Sovereign National Conference, Abacha promised a Constitutional Conference. On this, the nation was further divided. However, the helplessness of the situation was due to the fact that the opposition lacked the force to effectively counter Abacha’s regime. Besides, to press for a military solution would inevitably lead to civil war with its obvious cost in lives and materials and an unpredictable outcome. That notwithstanding, there were obvious calls for a break-up of the country. Some others called for a Federation with separate armies.

It was salutary when the voice of reason prevailed and majority decided to accept Abacha’s offer for a Constitutional Conference at the end of which his regime would handover power to an elected civil authority. Many groups and political forces submitted their Memoranda to the Conference. Among these were the Yoruba-Speaking Peoples, the Northern Consultative Forum, Igbo-Speaking Peoples, the Southern Minorities Forum, etc.

Considering the explosive political atmosphere at the time the NCC came on board, it can be said quite frankly that the Conference did take the sail out of the forces of disintegration. Many of those who attended the Conference were genuine patriots who helped to save the country at that historical juncture.
The Conference was boycotted by certain people, especially, many from the South-West. However, from the popular reception given to the decisions of the Conference by both supporters and the opposition, it could be said that the outcome of the NCC point in the direction of a genuine national reconciliation.

The NCC dealt with and took positive decisions on issues that are basic to the continued survival of Nigeria as a nation. Among the key decisions are those related to Rotational Presidency and rotation of power, a new Revenue Sharing Formula, Equitable sharing of power through the Federal Character Commission and the six zonal arrangement. An end to winner-takes-all and the constitutional provision for a Government of National Unity, Tribunal for the Recovery of Illegitimate wealth, Autonomy of the Central Bank of Nigeria (CBN), A 5-year term for President and Governors, Reduction in the size of the Legislature, Devolution of power and autonomy of the States in the management of their affairs in keeping with the principles of true Federalism, Establishment of a Constitutional Court, etc.

In theoretical terms, these decisions embody principles that underlie Consociational Democracy. This is not only obvious in the spirit of consensus which pervaded the work of the NCC itself and gave rise to the momentous decisions it took, it is also obvious in the concept of Government of National Unity and Consensus. Indeed, the new Draft Constitution and the other Decisions and Recommendations of the NCC provide a veritable foundation for the coalition and co-operation of various political forces in our plural society.

The only unfortunate major exception to this positive record was the open cheque which the NCC gave the military regime to determine its transition programme and date for handover of power. This came by way of the NCC over-turning its earlier popular decision which had set the exit date for the military Government on January 1st, 1996. The reversal was severely criticised both nationally and internationally. Apart from this lapse, the NCC generally was positively appraised. It was seen as having theoretically and practically provided a compass for the nation to swim out of its incessant circle of crises and instability. But this can only be, if the Draft Constitution the NCC produced as well as its key Decisions and Recommendations are given the effect of law and faithfully implemented. In referring to the outcome of the NCC, I have made allowance for those changes made by the Provisional Ruling Council
(PRC) (to the outcome of the NCC) as announced by General Abacha in his October 1st, 1995 broadcast.

It is my prognosis at this point (in the Year of Our Lord 1997) that the dark clouds threatening the continued existence of Nigeria is not yet done with. As of now, I can't see any other path for our survival except that charted by representatives of the people and government at our most critical and trying time. Indeed, the fate of Nigeria very much hangs on it. It may be Nigeria's Last Hope. Those who are encouraging Nigerians and their leadership to look to Ghana, Niger, Gambia or even Nasser's Egypt, not to talk of Togo, Zaire, etc., are only encouraging us to embark on the course of political suicide. What we owe the present Leadership is to encourage it to steer the ship of state onto safe grounds. Nigerians are clamouring for a life of political and economic decency, rule of law, equity, justice and progress.

I have examined the background of the Conference in terms of the immediate and remote factors or events that led to it as well as the course of events during the Conference. The main issues that were raised both before and during the Conference and the key positions that were canvassed by the major interest groups have been critically analysed. I have also discussed the key decisions reached in the spirit of national reconciliation and by consensus.

In reminiscing over all these and the meaning they have for the future of our dear nation, I have given due attention to what philosophers of history call objective possibility. Given the prevailing economic, social and political situation in Nigeria today, where do we go from here? What next after the historic 1994-95 National Constitutional Conference inaugurated and hosted by the regime of General Sani Abacha, attended by representatives of our people and government of the day, at a most trying period in our national history? What do we do with a Conference born in the midst of doubts and pessimism, but whose outcome was surprisingly welcomed by the people? Can we safely ignore the outcome of that Conference and pretend that all is well and expect that all will be well?

Long Live our Fatherland.

Hon. Dr. T. Uzedomina Nwala
Nsukka
Acknowledgement

The determination of the overall thrust, the substance, planning and execution of this book is entirely mine. But as a scholar and statesman, I have benefitted immensely from my interaction with colleagues who were at both the National Constitutional Conference (NCC) and the Commission that set the stage for the Conference, the NCCC. Some of these colleagues have drawn my attention to matters of fact, especially those that relate to the background of the Conference and the issues discussed. As far as the reminiscences, the interpretation and prognostication of events are concerned, they remain strictly my personal perspective. In that regard, I have asked my friends and colleagues to concede me the medium of this book to express my understanding of the interplay of forces in our political horizon, as well as my vision for the future of our great country. But I equally concede to them the liberty, as fellow democrats, to use other media to respond to my views.

It is in this context that I express my profound gratitude to statesmen like Chief Dr. Alex I. Ekwueme, Alhaji Dr. Shehu Musa, Dr. Tunji Oyetunji, Dr. Muyiwa Olatunji, Prof. A. Adesina, etc.

Some of my academic colleagues have rendered immense help in the sphere of editorial advice, helping me to avoid certain errors of construction, presentation and omissions. I wish to register my gratitude especially to two of them, namely, Patty Chukwu of Political Science Department and Chike Agbakoba of Philosophy Department, both of the University of Nigeria, Nsukka.

Let me at the same time express my sincere appreciation of the friendship, loyalty and service of my Secretary, Mr. Peter Ugwuowo, now a student of Mass Communication, University of Nigeria, Nsukka. He, along with Mr. Ralph M. Onwuka and Mrs. Theres N. Ubagu, both of the Department of Philosophy, tirelessly typed the manuscript in its various stages. Mr. Peter Ugwuowo also served us at the Constitutional Conference as Secretary-Typist to both the Igo Delegates Forum (IDF) and the Southern Solidarity Forum (SSF). He, my tireless and most devoted cousin and driver, Mr. Philip Abiwe, and I narrowly escaped death in a ghastly motor accident at Aseni Town on our way...
back to Abuja on June 15, 1995 for the continuation of the NCC deliberations. This work could not have been conceived without my participation at the NCC. And my participation could not have been possible without my Constituency that elected me into it. Of course, the decision to seek election in order to participate was my historic decision. By my Constituency, I mean my town ITU Ezinihitte Mbaise, and my District, MBAISE in Imo State. My people gave me a free mandate based on TRUST and not on the power and influence of money. The testimony of my suitability for the Conference came from various credible and authentic individuals and social groups, (students, intellectuals, ordinary citizens) rather than the yes-people and self-serving political gamblers and careerists. Mine was perhaps the most spectacular election into the NCC. I should here thank Barr. Bon Nwokorka (SAN), a former Commissioner for Justice and Attorney-General of Imo State and Prof. Roland Anyanwu, former Ag. National Secretary of the NPN and Presidential Liaison Officer, Imo State, who were the other contestants, but who gallantly pledged their full support.

My traditional ruler, H.R.H. Eze Luke Nnadebe Dimgba, Ofoire I of ITU and his Cabinet, gave my election bid unqualified blessing and accorded me what amounted to a Royal Welcome at the end of that Conference. They conferred a Chieftaincy title on me - IKENGA of ITU MBAISE, and also honoured some of my friends at the NCC. Among them were Alhaji Shehu Musa - who received the title of OME-UDO (Peace-Maker and Bridge-BUILDER); High Chief Ennmanu Nnman, who received the title of EBEKUE-DIKE (the Brave to whom the oppressed may turn), while Professor Pita Ejiofor received the title of OHAMA-DIKE (the people know the Brave man on whom they can lean). Chief Sam O. Mbakwe - AGBAWO DIKE IZU, the first Executive Governor of Imo State was there as Chairman of the occasion. So also was IDE of Okoh, Chief Dr. Alex Ekwueme, the former Vice President of the Federal Republic of Nigeria, our venerable Montignor N.C. Obiagba and a host of others who thronged into my town (ITU) to witness one of the greatest shows of mass appreciation of a "mission accomplished".

I must also remember those who tirelessly and selflessly worked for my election; beginning from my Chief campaigners, Hon. Chief Decca Anyanwu, Mr. Leo Okeahialam, Engr. Cally Ibe, Chief Afol. A. Ogbonna, Nze John Iwu, Chief C.N. Orih, Prof. B.A. Okorie,
Dr. F. Ngumah, Mr. A. Achibiri, Nze Goddy Ihedinma, Mr. Remy Chima, Chief Sir C.C. Chukwuocha, Nze Nnorom, Chief T.C. Nzorom, Major T.C. Chukwunonyeeren, Mr. J. Uwakka, Chief Adol Ukaeghu, Late Sir David Nwichi, Mr. Magnus Anyanwu, Chief Millo Owezie, Thaddeus Ajaero, Mr. Billy Nwachukwu, Chief R.A. Ihe, Chief J.A. Osondu, Chief Zeau C. Ossetteene, Mr. B. Nwachukwu, Mr. Chukwu Onyesiakara, Mr Eleazar Otu, Sir D. Osoho, Mr. Moses Onuonye, Ankara, Mr. Uyialumah, Onyeaka Udihi, Cllr C.A. Ugyamah, Pastor F. Eko, Mr. P.C. Uwazie, Mr. G.N. Ihejiachukwu, Mr. Nnogwu, etc. My Special Assistant, Cllr Prince Sir Nnennu Oji and my Special Adviser, Prince Alfred Nweke, both deserve special mention and gratitude. The leadership of our Women Committees of Friends - Chief Mrs. Edefia Anuonwu, Mrs. Martha Ohaeri, Mrs. Osondu, Mrs. N. Emechita, Mrs. Rose Nwachukwu, Lolo Regina Otuosho and many others who formed the critical bedrock of that victory.

It is difficult to mention the forces that worked for my election without remembering my brothers and sisters who work with me at the University of Nigeria, Nsukka (UNN), particularly Officers and members of both Adalimina Ezinihitte and Mbaise Development Union. I cannot name all of them here, but let me mention their representatives, among whom are Chief C.N. Onuoha, Dr. Philip Nwachukwu, Mr. Emanu Okoro, Dr. C.C. Uyaegbu, Dr. F. Eleakwa, Nze Prof. Agwu, Prof. Fide Amuchie, Mr. Eddy Ezeziel, Mr. Leo Onuma, Mr. Nzukunye, Mr. Onyaeagu S., Mr. Issinga, Mr. Ajaflam, Mr. J. Udodi, Dr. F. Ugyamah etc.

Our youths and students were quite fanatical about my election. They gave their time and energy to make sure I was elected. Let me recall such names as Mr. Okechukwu Nwanguma, Mr. Iyke Mhagwu, Mr. Jude Unaka, Mr. Nwakaku C.O., Agbim Akukwukwu, Eghochi A., Okecaleh V.C., etc., among the student leaders. Special mention go to Mbaise People’s Congress (MPC); that assemblage of Mbaise young intellectuals and professionals who have already taken up the mantle of frontline Mbaise patriotism and have become a visible political brigade, radiating their idealism and nationalism nation-wide. Among their leadership are Mr. Andy Nkenime, their President, Linus Otu, Okrika C. Okaka, and Mr. Ao Anyanwu and Emeka Nwaneve.

The Ezinihitte Social Club, the Mbaise Stars, the Amala Club who could not render material assistance during the election, eventually showed great patriotic appreciation for my election, which they described as “An
act of God." I salute those brothers for their unalloyed patriotism. Special mention must be made of Chief R. Amadi, Chief Bon Mghalala, Chief Augunus Okoro, alias, Agbara-Ahurugbuo Okako, Nze B C. Onuoha, Chairman, Akaraka Industries, etc for their post-election support. Similar gratitude go to the Ezinihite Consultative forum through their leaders - Chief C N. Nwanezi, Barrister Paul Nwogu and Dr. Kenneth Atukore. Let me thank specially the Ezi Centre Community for their great support. Here H R H Eze M. Anyanka deserves my special gratitude. In the same vein, the encouragement given to me by Chief P C. Onuoha, Hon. Justice Ngozi Nwachukwu, Chief Arthur Nzeibe, H R H Eze Isidor Obasi, Senator Bright Nwanezi, Prof. G B I. Onuoha, Mr. Christopher Nwachukwu, Chief Leo. C. Mzue, Benga of Idemili, Isi Nze Nwamara of Onicha, Isi Nze Asis of Amamara, and many others too numerous to mention, are gratefully acknowledged. It is with a deep sense of satisfaction and fraternal solidarity that I wish to thank my most beloved life-long Brothers and Sisters in our great Akwoaka Fraternity for their moral and material support. It is quite impossible to write the history of my participation at the NCC without remembering two of my great friends who have always rendered immense support to all my intellectual and other endeavors and who had encouraged me to go to the NCC:- I mean Mr. Anselm Nwadike and my late friend, Dr. Eugene Duru, Dr. Oketchukwu Agwuwa, Mr. Cyril Anyanwu, Dr. Kennedy Ononeke and Sir Goddy Nwogu are among my other friends who inspired me to seek election to the Confab. What touches us most receive attention last. In keeping with this lifelong philosophy of mine, let me now state quite frankly that without the understanding, patience and long-suffering of my dear wife, Lolo Nwanneka and my dear children, Lizzy, Ugochi, Akunna, Karl, Diddy and Jeeesta, this work could never have become a reality. They all quite patiently put up with the acute post-NCC difficulties which we went through. My mother, Elizabeth Unuakwa, has always been a major source of inspiration. So also have been my dear brother, Goddy Nwala, and other relations.
PART I

INTRODUCTION
My Decision to Participate in the Constitutional Conference

During the period of October 1992 to November 1993, I was in Britain as a Commonwealth Fellow at the University of Oxford. I followed the events preceding the June 12, 1993 Presidential Election and also the crisis that engulfed following the inexplicable annulment of that election. Knowing Nigeria fully well, I was in no doubt that Babangida’s days were numbered. But what I feared was that the situation might degenerate into a bloody civil war if he did not leave office early enough.

Both the society and the military had become polarized. Even when Babangida was shoved aside, the installation of an Interim National Government (ING) did not help matters. It rather led to intensification of the demand for the actualization of June 12 Presidential Election result.

By October that year, it had become clear that the ING would not last. What was unclear was how a transition was to be made from ING to a legitimate regime, and what was to be Abiola’s role. At that point, opposition to Abiola’s ascendancy, though strong, was not unanimous that of those who clamoured for the actualization of June 12 mandate.

The dilemma at that point was indeed, to whom was Shorehun going to hand over? The political class had buried itself out through lack of scruples and principles. The military was (for better or for worse) loathed but it alone had the monopoly of force. Such voices as...
those of Chief Gani Fawehinmi, Dr. Beko Ransome-Kuti, Prof. Bolaji Akinyemi, and even Chief Abiola himself came on board to call on Abacha to take over. As we learnt later, it was not only their voices that were heard, they held actual meetings with Abacha and his colleagues to press for the military take-over. In his comments on why he invited Abacha, (ThisDay August 20, 1995), Prof. Akinyemi accepted inviting Abacha and meeting with him to encourage him to take over power and to dissolve all democratic structures. His idea and belief, was that Abacha would take over and even install Abiola eventually.

That was the height of naivety. They say in politics, naivety is a crime. We are all paying for it now. When Abacha took over on November 17th, 1993, he had to look for something to prop up his regime. He promised to convene a National Constitutional Conference to allow Nigerians meet and resolve the present crisis and decide the future of the country. When Abacha overthrew Shonekan and dissolved all democratic structures, he was warmly received. Firstly, by those who had, as we learnt, urged him to take over and then hand over power to Abiola. Secondly, the political class had become largely discredited. Many of the Senators, members of the Federal House of Representatives and the State Governors not only supported the annulment of June 12 election by Babangida but supported an extension of military rule under General Babangida. This position made them very unpopular before the people. As a result, their overthrow along with Shonekan initially received popular support.

It is noteworthy that between November 1993 and March 1994 the Abacha regime enjoyed the support of those who had helped to install it. It was only after Abacha reneged on the understanding that he would hand over to Abiola after three months that direct opposition came from this quarter. It was also at this point that the National Democratic Coalition (NADECO) was born to lead the fight against the regime. Abacha's continued insistence on organising a Constitutional Conference before hand-over was sharply criticised. The campaign for Democracy (CD) and NADECO then urged Nigerians to boycott the proposed election into the National Constitutional Conference (NCC).

Before the call to boycott the election, many people and several communities had gone far in their preparations for the election. Even the Movement for the Survival of Ogoni People (MOSOP) which had boycotted the June 12 1993 presidential election was preparing to take
part in the NCC before the tragedy of May 30, 1994. By February 4th, 1993, the Imo Consultative Forum had met and agreed on the text of its Memorandum. It later became part of the Memorandum from all Igbo-Speaking States prepared at a meeting in Enugu on February 5th, 1994.

By April, 1994 when the boycott campaign was intensified several communities including those of the South-West and of the Southern Minorities had prepared their positions and were ready to participate at the Conference. Not only was the boycott campaigns belated, there was no grassroots mobilisation outside the South-West and Lagos.

Media campaign against the Conference was no doubt very strong. Many people were skeptical about a military end-wifed conference. There was intensification of the demand for a Sovereign National Conference to be organised by the people and not by Abacha. Opposition forces, led by NADECO and CD, insisted on the actualisation of June 12, 1993 election result. They demanded immediate end to military rule and hand-over of power to Abiola who would organise such a Sovereign National Conference.

However, as the debate raged, it increasingly became clear that the regime was bent on organising the Conference and, on the other hand, that the opposition was incapable of organising a Sovereign National Conference. Increasingly, we were faced with the realities on the ground, the actual alignment of forces. Society became divided between those who were willing to participate in the Conference and those who decided to boycott it.

The Campaign for Democracy, to which our Social and Research Organisation was affiliated, decided on a boycott but allowed affiliated organisations to decide their line of action on the matter.

For me, having been an activist all my conscious life and knowing the strength and weaknesses of my radical colleagues and our radical movement, I felt we should adjust our tactics. I have been part of the leadership that has campaigned for a Sovereign National Conference. Our first attempt to organise a mini-conference at the National Arts Theatre Iganmu in 1990 was aborted by the State. Before then, another conference, of a limited nature, on the state of the economy, was equally aborted at the Nigerian Labour Congress (NLC) Headquarters, Lagos.

I must say that all those efforts had a twinge of naivety surrounding them. First, there was lack of proper grasp of the nature of power struggle and the place of a Sovereign National Conference in that

* The Imo Memorandum was compiled by six people including my enable self
struggle. The idea that such a Conference would signal the emergence of a Sovereign Authority and an imminent overthrow of the existing one, was never considered in any serious manner. It was taken up as a game of agitation; period. In his inaugural address, Abacha alluded to his intention to surrender power through a peaceful and orderly process. Therefore, he insisted that in that context there could be no two Sovereign entities in the country.

It was obvious at that point in time that we could not stop the government from organizing its proposed conference. And despite the opposition, such a conference would go ahead and we would be bound by its outcome.

Therefore, it was better to take part rather than abandon such an arena of struggle to conservative forces alone. I reasoned that even if the only thing we could gain from such an exercise was a basic restructuring of the Federation that could weaken or eliminate the forces of stagnation and retrogression, it was worth participating. We need a democratic environment in Nigeria to build a just, united and prosperous country which is the aspiration of most of our people. We must do all we can to remove the greatest obstacle to its attainment, i.e., ethnicity and the hegemony of the conservative forces who exploit geo-political advantages deriving from a distorted federal structure and monopoly of military power.

Before I finally decided to go ahead with the Conference and seek the mandate of my people to attend, I consulted my political and ideological associates, old and young. We in Uhuru Research Council debated the matter and agreed that I should contest the election and if I won, to participate as a representative of the people. We agreed that a Conference of Nigerian people was imperative at that historical juncture. But what type of Conference? That was the question.

We were of the view that what was critical and important for the proposed Constitutional Conference were the following:

- The participants, how they were to be chosen and the interests they represented.
- Who determined the Agenda of the Conference? and
- The authority of the Conference, how constituent?

If the delegates to the proposed Conference were elected by the people and they, the delegates themselves, drew up the agenda of the
Conference without any external interference; and if the decisions of the Conference were made binding on both the government and the people, then such a Conference was Sovereign to that extent. At least, it could be said to have that much of a Constituent Authority.

There was also the fact that the conditions in other African countries where Sovereign National Conferences had somehow successfully taken place did not exist in Nigeria. The democratic forces in such countries had greater national cohesion, organisational and programmatic resources and strength than their counter-parts in Nigeria. The Nigerian democratic movement had no clear-cut constituency within the military nor did it have an outside military wing. The emergence of NADECO was ad hoc. Its viability at that point was in question as it was more of a media outfit like other pro-democracy organisations, with little or no grassroots base.

A Sovereign National Conference means a Convocation of a Supreme Conference of the people which assumes all legislative and executive authority. It proceeds to set up a government or executive authority, promulgates a new constitution and defines a new direction for the country. As a result, any existing government is, ipso facto, dissolved as there cannot be two parallel governments within a country without spelling anarchy and civil war. A Sovereign National Conference is like a civilian coup. Thus, once Abacha agreed to a National Conference his regime would elapse. It was the hope of those who trusted and called on him to take over that he could be the instrumentality for such a revolutionary political transition. Those who did not trust Abacha called on the civil society to intervene directly to actualise this coup. Unfortunately, the naivety of the trusting group was marched by the romanticism of those who urged for a civilian coup when the alignment of forces were not in favour of such a civilian coup.

Under these conditions the possibility of a Sovereign National Conference in Nigeria at that material time was very remote. These considerations forced us to abandon the course of naivety and political romanticism to seek a more realistic option, i.e. to attend the proposed Constitutional Conference. Given the political conditions and alignment of forces in Nigeria, what was important for the credibility and acceptability of such a conference (to genuine democrats within and outside Nigeria as well as the entire people of Nigeria) was the autonomy of the Conference in the above sense as shown by our analysis.
The Abacha regime, we reasoned, is aware of the burden of credibility which it carries. It must also be aware of the dangers facing Nigeria if we do not peacefully resolve our problems. If the situation was allowed to degenerate into civil war, such a conflict would consume both the regime and others too. We, therefore, had to assume that the regime was serious about a Constitutional Conference to provide Nigerians an opportunity to resolve their problems without any imposition.

General Abacha, in his maiden broadcast when he assumed power, gave the assurance that he would convene a National Constitutional Conference with "full constituent powers". He went on to organise such a Conference. Even though we opposed the nomination by government of some of the delegates, we sequenced in the knowledge that the large majority of the delegates were elected. Furthermore, if that was the condition for the military regime to feel obliged to honour the outcome of the Conference, then the unselected delegates could be seen to represent its interest at the Conference.

The Decree setting up the Conference (Decree No. 3 of 1994) stipulated that the NCC, would among other things, "Propose a New Constitution which shall be promulgated into law by the Provisional Ruling Council."

Although this provision did not really conform with the expected Constituent Authority of the Conference, we believed that the implication of the provision of the NCC Decree was that the decisions of the NCC would not be tampered with before its promulgation into law.

Political situations and actions have an open-endedness as far as results are concerned. Prediction is never certain in politics. No reasonable and mature politician should assume that the steps taken by the other side guarantee absolute victory in their favour. So why bother, so to say? Such a stance, which is common within the circles of Nigerian opposition, is certainly naive. Politics is struggle and we must always meet the other side on the political battle field. No matter how hard they have prepared - we must never surrender because they are in full control of the situation. And I believe in the lesson of history that in a struggle you do not abandon any platform to the enemy. Nothing demonstrates the ephemerality of power than the experience of Jesus Christ who was hailed today, but shortly after it was "crucify him! crucify him!!" Where is the dictator Ibrahim Babangida today? The same
could be the lot of anyone else. The proposed conference was a historical platform and it was totally wrong and absurd to abandon it.

When the conference started, we were presented with an agenda—prepared by the National Constitutional Conference Commission (NCCC). We were also assured that the NCC was free to modify that agenda. The agenda itself looked comprehensive enough. When the issue of June 12 was raised as missing in the agenda, we were told by the NCC Chairman that the Committee on the Sanctity of Elections and Electoral Processes would take up that, which in fact it did; although some of us wanted it to be placed as a separate item on the Agenda. Those developments were fairly encouraging.

What we could not divine or guarantee was what would ultimately happen to the outcome (Decisions, Resolutions, Draft Constitution) of the Conference. Would they be upheld according to General Abacha’s promise during his maiden broadcast that the conference would have full constituent powers? Or, again, would the Draft Constitution proposed by the Conference be promulgated into law without tampering according to Decree No. 3 of 1994? Would they rather be tampered with to suit the desire and plans of the ruling circles?

We had to wait until the outcome of the Conference. Judging from the past, there was no basis to trust the regime according to its critics. So why believe it on this occasion? Certainly, we would struggle to make the outcome suit our objective. We may not believe the regime. All we needed was to fight hard to force it to fulfil its verbal promises, either fully or partially.

Furthermore, whether the regime tampered with the outcome of the conference or not, the decisions of the conference, would at least serve as a basis to further the cause of the struggle against military dictatorship. A negative outcome of the Conference would certainly heighten local and foreign pressures against it. But we have to be there to make the outcome a worthwhile document.

Yes indeed! We were aware that what was offered was different from the popular call for a Sovereign National Conference. But we were convinced that the National Constitutional Conference was pregnant with a lot of possibilities. Such possibilities included laying a basic foundation for the increasing democratisation of our society.

We were and we still remain convinced that in the absence of any revolutionary or radical overthrow of the status quo, a basic restructuring of the political and power equations in Nigeria was possible. Such a
Restructuring could pave the way for the political overcoming of hegemony and military dictatorship. Once these two are negated, the way is, therefore, paved for the evolution of democracy. Honest, hardworking dynamic Nigerians, and true patriots can only survive in a democratic environment. Dictatorship and hegemonism, such as we have been experiencing in Nigeria, stifle creativity, enterprise, freedom and social progress. Democracy promotes them.
Chapter Two

Previous Constitutional Conferences in Nigeria

The course of the political and constitutional development of Nigeria since the colonial period has been charted largely through series of Constitutional Conferences.

The Colonial Governor, Sir Lord Lugard, was the sole author of the first three constitutional instruments designed for Nigeria. These instruments led to the amalgamation of the Northern and Southern Protectorates into one Protectorate, known as Nigeria in 1914. Executive Power was vested entirely in the Governor, while an Advisory Deliberative Council was set up to merely advise him. Out of the 30 members of that Council only six were Nigerians. The rest were British.

Other Constitutions designed for Nigeria by the British with little input by Nigerians include:

1. The Clifford Constitution of 1922

The Pre-Independence Constitutions from 1951 to 1960 came as a result of Constitutional Conferences organised by the British colonial authority. The famous Ibadan Conference of 1951 was the first time that Nigerians had the opportunity to be involved in deciding the political and constitutional basis of their country. It was that Ibadan Conference that resulted in the 1951 Macpherson Constitution.

The Lyttleton Constitution of 1954 was preceded by two Constitutional Conferences, namely:

1. The London Constitutional Conference of 1953, and
The main participants in those Conferences were representatives of the three major political parties that were in existence at the time. These were:

1. The National Council of Nigeria and the Cameroons (NCNC)
2. The Action Group (AG), and
3. The Northern Peoples Congress (NPC).

The 1953 and 1954 Conferences marked the evolution of a Federal Constitution with three Regions as the federating units. Elected Legislative Houses were set up - the House of Representatives at the Centre and a House of Assembly for each Region.

In 1957, another Constitutional Conference was held. This led to the achievement of self-government by the Eastern and Western Regions on August 8, 1957. The North followed later on March 15, 1959 with its own self-government. On September 2, 1957, Sir Abubakar Tafawa Balewa was appointed Nigeria's first Prime Minister.

The Constitutional Conference of 1958 was historically very significant in several respects. It set the date for Nigeria's independence for October 1, 1960. Major decisions on revenue allocation, creation of new regions, and boundary adjustments were taken. A list of fundamental rights were enshrined in the Constitution to prevent arbitrary use of power by Government or its agents. The Conference also led to the exercise, by October 1960, of full autonomy over both the internal and external affairs of the country by Nigerians themselves.

However, Nigeria still retained what was called Dominion Status as the Queen remained Head of State and the Governor-General of Nigeria was still her representative. Under this Constitutional status, executive authority was vested in Her Majesty, the Queen of England, as represented by the Governor-General of the Federation and/or the Governors of the regions.

The Lagos Constitutional Review Conference of July 1963 gave birth to The Constitution of the First Republic. By that development, the last vestige of colonial rule (i.e. the Dominion Status) was removed. Dr Nnamdi Azikiwe, who was the First African Governor-General, became the First President and Head of State of the Federal Republic of Nigeria. Sir Abubakar T. Balewa still remained the Prime Minister and Head of Government. At the same time, the Supreme Court of Nigeria became the highest appellate court in the country, thereby replacing the Privy
Council based in London. Under this arrangement, the President was a nominal Head of State while the Prime Minister and his cabinet exercised executive authority over the governance of the country. This Conference was mainly a review one to see to the adaptation of the political system from a dominion status to a fully autonomous parliamentary system.

Between 1962 and 1965, the nation faced series of political crisis, among which were the disputes over the census of 1962-64, the election crises of 1964 and the resultant disagreement between the President and the Prime Minister. There were also Action Group crises of 1962, the treason trial of Chief Obafemi Awolowo and his lieutenants, the crises and civil violence over the Western Regional Election of 1965, etc. These crises eventually led to the Fall of the First Republic, following the Military Coup of January 15, 1966, led by Major Chukwuma Kaduna Nzeogwu.

Major-General Aguiyi Ironsi, the Commander of the army assumed power following the defeat of the coup, and the hand-over of power to the army by the civilian government. Ironsi sought to prevent break-up of the country and to enhance its unity by abolishing the Federal system and establishing a unitary system of Government through his controversial Decree 34. By that Decree, the country was divided into provinces. The regions were abolished as they became known as Groups of Provinces. General Ironsi believed that the rivalry among the regions were the source of the nation's problems, hence the need to do away with them. The counter-coup of July 1966, brought Lt. Col. (later General) Yakubu Gowon to power. He abolished Decree 34 and replaced it with Decree 9 of 1966. This latter Decree restored the Federal system, though it functioned under a centralised military command structure.

In the heat of the national crisis of 1966, an Ad Hoc Constitutional Conference was convened, but it was unable to take off because of the tension in the country. One of the memoranda submitted for consideration of the Ad Hoc Conference proposed a Confederated system, a collegiate Executive Council in which chairmanship would rotate and the right of secession. This submission came from the Northern delegation to the aborted Constitutional Conference of 1966. The Conference was later overtaken by the ABURI ACCORD. Disagreements over the implementation of the Aburi Accord and the massacre of Easterners in the North further heightened political tension. The assumption of full Executive and Legislative Authority by the

* In 1967 the Nigerian military met at Akosombo, Ghana and reached a number of decisions on how to resolve the crisis.
Supreme Military Council headed by Lt. Col Yakubu Gowon, the sub-
division of the country into 12 states and the general state of insecurity
of Easterners following these developments led to the birth of the
Republic of Biafra and the subsequent 30-month civil war which ended
in the military defeat of a poorly armed Biafra.

In 1975, Gowon was removed from power in a military coup. With
the overthrow of Gowon's regime by Murtala Mohammed, the process
of producing a new Constitution was again set in motion. A Constitution
Drafting Committee was set up in 1975 with the specific task of
producing a Constitution for a Federal System as well as an Executive
Presidential System of government. This Committee produced a Draft
Constitution after one year. It was followed by a Constituent Assembly
which again sat for another year deliberating on the Draft Constitution.
From this process, the 1979 Constitution was born.

The 1979 Constitution was in turn made moribund by the 1984 over-
throw of the civilian regime of President Shehu Shagari by General
Buhari. Then came Ibrahim Babangida who replaced Buhari after a
palace coup in 1985. He, in turn, set a new process in motion for the
production of yet another Constitution - the 1989 Constitution. Beginning
with a national debate on the future political system for Nigeria supervised by a Political Bureau, he set up a Constitution Review
Committee (CRC) in 1988, followed by a Constituent Assembly to
deliberate on the CRC recommendations.

The 1989 Constitution was implemented piecemeal through various
decrees in a rather winding expensive and manipulated transition
programme. But its fate was finally sealed by the annulment of the
Presidential election of June 12, 1993 by General Ibrahim Babangida.
The ensuing political crisis led to the fall of both Babangida's regime and
the Ernest Shonekan Interim National Government, that replaced it.

General Abacha's regime thus came into power in the midst of a
protracted national crisis which became accentuated following the
annulment of June 12, 1993 Presidential Election. The nation had
ever become disenchanted with Military regimes. Indeed Babangida's regime
was considered by many to be the worst tragic regime in Nigeria's
history. It marked an era when the nation's economic, political and
social crises and suffering reached unprecedented heights. It inaugurated
the worst form of dictatorship, a corrupt, cunning, manipulative and
brutal one. Workers and students never had it so bad. Workers earnings
were reduced to naught with, for instance, a university Professor who
was earning $1,800 per month in 1983, earning less than $100 in 1992. The nightmare of the average worker down the line can be imagined.

His notorious SAP programme ruined our social services, destroyed all welfare programmes adding to the hardship faced by students, workers and the masses. Inflation was horrendously high and productivity abysmally low, with malnutrition, hunger, disease and increased mortality rate.

Illegal arrests and detention of human rights activists and journalists and closure of independent media houses were the order of the day. Before the annulment of June 12 Presidential Election believed to have been won by Moshood Abiola, some people in the South did not pay attention to the talk of a Northern, indeed a Hausa-Fulani, domination. June 12 changed it all. The obvious interpretation of the annulment was Babangida's unwillingness to handover power to a Southerner.

On the other hand, there were those who felt that the annulment was a coup against the forces of democracy in Nigeria. These people firmly believe that if a Northern radical or democrat had won the election, Babangida would have equally annulled its result. Those who believe that it was an assault against Constitutionalism and democracy in Nigeria, believe that Babangida would have annulled the result of the election even if Alhaji Tofa, the NRC candidate, had won.
The Genesis of the 1994-95 National Constitutional Conference

To many Africans, and indeed to most blacks in the African diaspora, Nigeria is a classical case of 'a hope betrayed'. As the most populous country in the entire black world with vast human and natural resources, she is expected to provide leadership to both the African continent and the entire black world, in their struggle against racism, colonialism, and neo-colonialism, as well as for social, economic, and political emancipation. Her achievement of independence through a peaceful transfer of power was expected to lead to a peaceful social and democratic transformation.

Unfortunately, these hopes soon faded as the country went from one crisis to another a few years after independence. The structure bequeathed by the British Colonial power proved incapable of welding the multi-ethnic society into a viable nation. The federal system which the British fashioned became unworkable because power was effectively left in the hands of a dominant region which was almost the size of the rest of the federated regions in land mass. Ethnic rivalries, corruption and graft became the rule of the day. With the entry of the military into the political arena in 1966, the situation was compounded. The resultant civil war merely weakened one of the major competing ethnic groups - the Igbos. But it left political and military power in the hands of the Hausa-Fulani ethnic group, while economic and bureaucratic power was left in the hands of the Yoruba ethnic group.

Nor did the creation of 30 states help matters because political and military power still remained in the hands of one section of the country. As the Nigerian military regimes became more autocratic, abuse of power and denial of human rights became so rampant and a common
feature of the society. This inevitably led to the emergence of human rights and pro-democracy organisations.

The idea of a Conference on the state of the Nation was first muted by pro-democracy organisations and activists. They called for a review of the Nation's mode of governance, with particular reference to:

- its power-structure, which promotes monopoly of political and military power by the North and its resultant domination of the South;
- the plight of ethnic minorities;
- inequitable resource allocation and the deprivation of the oil-producing states;
- various forms of injustices within the system;
- long reign of the military and its attendant dictatorship, the absence of democratic culture and rule of law, etc.

The pro-democracy and other social, cultural and political groups called for a Sovereign National Conference with unfettered powers to deliberate and take decisions on the future of the nation.

Central on the agenda of such a proposed Conference is the National Question. Many Nigerians were questioning the justification of a situation where some section of the country claims monopoly of power and treats others as second-class citizens. Alhaji Maitama Sule, for example, was credited with the view that God had given the Hausa-Fulani in Nigeria the gift of rulership while the Igbos and Yorubas were gifted with trade/commerce and diplomacy respectively. The Igbos, the Southern Minorities and the Yorubas have, therefore, found themselves unjustly treated and abused by the ruling circles in the North. The military has been a major instrument of the oligarchs (i.e. those Northerners interested in preserving by all means the unstable polity and the monopoly of power that has kept the South out and alienated).

But there is no reason to suppose that the North who, since the Lugard and Richard Constitutions has had, for reasons best known to the British, an uncommonly free access to power, was given a gift of unconditional rulership to the exclusion of the South. There are, no doubt, some northern democrats who believe in equality of all Nigerians in the exercise of political power. Aminu Kano of blessed memory was one, Chris Abashi of the NCC is another. There are many more.
The June 12 annulment led to increased agitation for an end to military rule and the eventual downfall of the Babangida-led junta, as well as the downfall of the lame-duck Interim National Government headed by Ernest Shonekan. The crises intensified with Abacha's coup of November 17, 1993. The demand for a Sovereign National Conference to address the National Question was indeed a demand for equity, justice and democracy. Reactions to the perceived injustices range from calls for secession or Confederation, to calls for a return to true Federalism, if Nigeria should remain as one country. Nigeria thus found herself at the cross-roads. The question was indeed "to be or not to be?" Many feared that if Nigeria were to break-up, such a break-up could hardly be peaceful because counter-territorial and asset claims would surely bring about armed conflict. In that case, the country would disintegrate into hostile and warring entities such as in Yugoslavia. There was indeed an urgent necessity to collectively and freely determine under what conditions her different peoples would continue to live together if she were to remain as one country.

The challenge of the period was clear: namely, to rebuild Nigeria as a nation of multi-ethnic, multi-religious but equal partners. To do this, there was need for a restructuring and re-organization of the political structures in the country in order to eliminate the status quo in which one section dominates the other, and in which some believe and act as if they are destined to rule the rest. Indeed a return to true federalism was imperative.

Since Nigeria's independence, the North has ruled the country for 33 years out of 37 years. Most of these have been under military regimes led by Generals from the North:

<table>
<thead>
<tr>
<th>Name</th>
<th>Years</th>
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<tbody>
<tr>
<td>Sir Abubakar Tafawa Balewa</td>
<td>1960-65</td>
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<tr>
<td>General Gowon</td>
<td>1966-75</td>
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<tr>
<td>General Murtala Mohammed</td>
<td>1975-79</td>
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<tr>
<td>Alhaji Shehu Shagari</td>
<td>1979-83</td>
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<tr>
<td>General Mohammed Babangida</td>
<td>1984-85</td>
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<tr>
<td>General Ibrahim Babangida</td>
<td>1985-93</td>
</tr>
<tr>
<td>General Sani Abacha</td>
<td>1993-</td>
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</tbody>
</table>

(Civilian Prime Minister)
(Civilian Executive President)
Only General Aguiyi Ironsi (6 months) and General Olusegun Obasanjo (3 years) were Southerners. Both were given power by default. In the case of Ironsi, the January 1966 Coup led by Major Chukwuma Kaduna Nzeogwu was unsuccessful and the civilian regime handed power over to General Ironsi who was then head of the Nigerian army. But in the case of Obasanjo, he assumed power, following the assassination of General Murtala Mohammed by Col. Bunka. As the next in command, he was asked to assume power.

There were some well-meaning Nigerians who had hoped that in the absence of a "revolutionary overthrow" of the status quo, the National Question and the inherent economic, social and political crises and instability in the society, could be resolved through an unfettered democratic process. The annulment of June 12, 1993 elections showed clearly that the status quo was not only anti-South but anti-democracy. In that case, as pointed out above, it is suspected that even if Abiola was a Northern democrat or Christian, he would have equally been prevented from assuming the Presidency. It was on this premise that many democrats from all over the country, including the North, joined the battle for the actualisation of June 12 elections.

Emergence of Sani Abacha's Regime

When General Ibrahim Babangida was leaving office following a mass popular opposition, he retired along with all his Army Chiefs, except General Abacha who was at that time Minister of Defense. He left Abacha as the Vice-Chairman and Secretary (Minister) of Defense of the Interim National Government (ING) headed by Ernest Shonekan. The Interim National Government itself was ill-fated, despised and rejected by the majority of Nigerians. The courts declared it illegal. When eventually Abacha overthrew Ernest Shonekan, many believed that it was all preplanned in the interim arrangement and that the new regime was going to be "business as usual". Abacha's regime was born in the midst of this state of national political malaise, economic hardship, social decay, and international rejection and scorn. It faced the crises of legitimacy, trust and authority.

Controversies abound as to the justification of Abacha's military intervention. Abacha's claim is that he was invited by the politicians, including M.K.O. Abiola, Gani Fawehinmi, Dr. Beko Ransome Kuti,
Prof. Bolaji Akinyemi, to take over and that without his intervention, the nation would have disintegrated. There is no doubt that at the point in time the nation was on the brink of violent break-up.

His critics saw his intervention as pre-planned so that he would succeed Babangida, either for personal lust for power or to continue the control of power by the North and the Conservative forces in the country.

Whatever may be the reason for his intervention, the fact remains that, by the logic of events, it was meant to be a short-term intervention. It was obvious, at that point in time, that the nation and the international community had become very impatient with military regimes. The nation came to see the military as an occupation army that lacked any patriotic or moral credential. His promise to convene a National Constitutional Conference, within a month of the take-over, to enable the Nigerian leaders to meet and, through a peaceful dialogue, resolve the crisis in the country and chart a new course for its future, was seen as a further indication that he meant to vacate power in the shortest possible time.

What is more, he promised that the tenure of his regime would be determined by the decisions of the National Constitutional Conference. This declaration is understandable in the context of his argument that he was invited to take-over by the politicians. If he was invited by the politicians, then the politicians should be able to tell him when to hand-over. There is, certainly, no other legitimate body or organ that could do that except the National Constitutional Conference made up of the representatives of the people and even representatives of the government itself.

By the time Abacha carried out his coup against Shonekan, Nigeria was already suffering from the harsh effects of the limited economic and political sanctions imposed by the international community during the time of Babangida, following the annulment of June 12 election. International reaction to Abacha’s intervention was even harsher. It was under such conditions that he promised to vacate power very soon. The convening of the Constitutional Conference helped to relax the pressure against his regime. It was hoped that the Conference itself would be brief and positive and thus pave the way for a quick return to democratic governance of the country.

In short, the acquiescence to Abacha’s regime by both the people of Nigeria and the international community was mainly because of the National Constitutional Conference which he had convened. It is in this
sense that the Conference gave his regime a credibility it, otherwise, would utterly lack.

It is pertinent to point out here that the various peoples who constitute the Nigerian nation have never had the opportunity to freely say if and how they are to live together as people of one country. The British brought them together in 1914. All the pre-independence Conferences held on the political and economic structures of Nigeria, as we saw above, were held under the control and guidance of the British, whose imperial interests overrode the interests of the peoples themselves.

All we have had since independence are Constitutional Committees whose participants have been Government appointees. The input by Constitutional Assemblies partly elected to ratify such drafts by Government appointees are often jettisoned by the military authorities. The regime in power has generally re-written such constitutional document before pronouncing it the supreme law of the land. This was the case with both the 1979 and the 1989 Constitutions. Nigeria has been all this while indeed an artificial creation. In spite of this historic fact, we have managed to live together by both necessity and force, but not by a Sovereign will. So it was felt that no other authority could rescue the nation, since the military has failed, except the Sovereign Authority of the people. Hence, the demand at the historic juncture, of a National Conference with full Sovereign and Constitutional Powers.

Sovereign National Conference or National Constitutional Conference?

Those who wish to maintain the status quo with its in-built economic and political structures did not want a conference that would alter the existing unequal balance of power and relations. They wished to either abort the Constitutional Conference promised by Abacha or to gear it towards an end that would not radically alter the status quo. If it is in this wise that many suspected that a Constitutional Conference rather than a Sovereign National Conference was being forced down the throat of Nigerians, and that it might end up being a talk-shop, a jamboree or, at best, a rubber-stamp.

There is no doubt that at the end of any successful Sovereign National Conference, a Constitutional document embodying the decisions of the
Conference, will have to be produced. The issue at stake is not whether we have a good constitution, or whether the existing one is being faithfully implemented. The issues are larger and more fundamental than a mere constitutional document.

The 1979 Constitution, for example, provides a good legal framework for operating the status quo. So is the 1989 Federal Constitution. However, the point is that the structure of the Nation, presently constituted (i.e. the status quo) is under question. It is unjust and sustains the domination of the country by one section. It promotes what Alhaji Maitama Sule described as "the rulership of the North", meaning, as we now know better, the rulership of the northern oligarchy.

This is the crux of the matter. When Dr. Umaru Dikko from his fugitive base in Britain enjoined "the north" not to allow the presidency to slip from their hands, he simply meant that the oligarchy in the north must not give up power. The alienation that results from this situation reached its boiling point with the annulment of June 12 election and its explosive repercussions. It is in this sense that some believe that June 12 annulment gave rise to the National Constitutional Conference of 1994 - 95.

Many people in the northern sections of the country are victims of the same domination too in spite of the fact that they are made to believe that a government controlled by the northern politicians or military officers is their government. Northern democrats like Alhaji Barabe Musa believe that the annulment of June 12 election was to prevent the victory of the democratic forces in Nigeria. In that sense it was not simply an act against the South but an act against the cause of democracy in Nigeria.

Significance of June 12th Election

The election of the June 12, 1993 was a landmark in Nigeria's electoral history. The result of that election clearly had M.K.O. Abiola as the acclaimed winner. Support for him cut across ethnic and religious barriers. It even ironically cut across ideological barriers.

First, it was an all-Muslim ticket: Alhaji M.K.O. Abiola, the Presidential candidate, and Alhaji Babagana Kingibe as his running mate. Their ticket won in both the largely Christian south and largely Muslim north. Second, Abiola, a Yoruba Southerner won in many Igbo States as well as many northern states, beating even his rival

20
Alhaji Bashir Tofa in his own native state of Kano. Tofa running mate was a prominent Igbo politician, Dr. Sylvester Ugo.

The greatest irony was that Abiola, the acclaimed conservative was paraded by the presumed progressive SDP and he won in the name of progressivism. Even the most radical elements of the left were ready to die defending “the progressive mandate” given to a conservative. It is true many stood for the actualisation of his mandate but they did so and continue to do so in the name of justice and in defence of democracy.

The result of June 12 election also shifted the balance of forces in favour of democrats. In the context of Nigeria’s geo-politics, the North is said to be the base of conservatism while the south is the base of democratic forces. However, both the conservatives and democrats (or progressives), are found in every part of Nigeria. The Social Democratic Party had come to symbolise a democratic platform and at the time of the election, they had an electoral advantage over the other party, National Republican Convention (NRC). Indeed, it can be legitimately claimed that anyone who won SDP’s primary could have won the election since they were in the majority.

It can thus be seen that the annulment of June 12 1993 presidential election was the immediate cause for a National Constitutional Conference. But the remote and general cause is the struggle of the Nigerian people, for democracy for equity and for justice. It is a struggle to end all forms of military dictatorship and hegemony of a section of the country. It is indeed a struggle to ensure equitable distribution of power and resources; a struggle for the actualisation of true federalism, local autonomy and initiative.
Establishment of the National Constitutional Conference

Appointment of Constitutional Conference Commission

In January 1994, the National Constitutional Conference Commission (NCCC) was established under Decree 1 of 1994 and given authority to organise the Constitutional Conference, serve as its Secretariat, collect Memoranda on the agenda of the Conference, collate documents and sample memoranda and submit same to the Conference. The responsibilities of the NCCC include recommendations on the modalities for election or separation at the Conference as well as setting out the time-table for the Conference.

A nineteen-member Commission was appointed with Justice Saidu Kawu (Rtd), CON, as Chairman and Chief Akande, SAN, as Secretary. Other members of the Commission were:

1. Alhaji Shina Mai Buni, OFR
2. Chief Ayo Oshin, OFR
3. Dr. Wole Omagbemi
4. Prof. B.I.C. Jienii
5. Amb. Yahaya Kwande
6. Dr. Babatunde Karo
7. Chief Jim Nwando
8. Dr. Joseph Waya
9. Mr. Adebayo Alade
10. Dr. Yusef Onosike
11. Mrs. Maimaiti Aliya

Other members of the Commission were:

12. Chief Ayo Oshin, OFR
13. Dr. Walter Onagbemi
14. Prof. B.L.C. Jienii
15. Amb. Yahaya Kwande
16. Major General I.B.M. Hasanu
17. Dr. Ibrahim Tahir
18. Alhaji Ali Chiroma
19. Chief C.A. Abeke

Chief Obote Akande, SAN, later resigned from the Commission in protest alleging that he was being marginalised as Secretary.

Public reactions to these appointments were very contemptuous. Not
only was the integrity of most of the members questioned, many people were disappointed that some of the leading human rights activists who had been campaigning for a Sovereign National Conference were not appointed into the Commission. Besides, many felt that there was not enough consultation with different strata of the society before appointments were made. The idea of a Commission set up entirely by Government to midwife such an important historic exercise did not go well with many.

However, as soon as the Commission was inaugurated, a series of nationwide pre-Conference discussions/seminars/workshops took place in several parts of the country. Various institutions including the National Orientation Agency (NOA) and interest groups (ethnic, geo-political, ideological, etc) organised one Conference or the other to articulate conceptions of such a Conference, its modalities, representation, agenda and powers. There was a general demand that such a Conference should have constituent powers. These pre-Conferences became occasions to review the major problems of the country and to proffer solutions to them. Several memoranda to the NCCC emanated from such Conferences. I took part in some of such pre-Conference meetings, including the National Orientation Agency Conference at the Multi-Purpose Hall Owerri, a Seminar organised at the Federal University of Technology, FUTO, Owerri and the Inlo Consultative Forum at Owerri. I also took part in drafting the Inlo position which eventually was incorporated into the Memorandum of the Igbo-speaking peoples to the NCCC.

In all, the NCCC received over one thousand memoranda out of which it sifted a twenty-nine item Agenda which it presented to the Conference when it convened on June 27, 1994.

National Constitutional Conference Election Committee

By Decree No. 2 of 27th April 1994, a Constitutional Conference Election Committee was established. It was made up of a Chairman and fifteen other members, charged with the conduct of the elections. It had Mr. B.A. Mbah, as Chairman.

Apart from the boycott of the election and the unfortunate disqualification of some candidates, the election was hitch-free. Though, efforts were made by some candidates and their supporters to influence
Few expected such a collegial system of election to be free from the dangers of corruption and monetary inducement. This is true in view of the small number of people who would determine the outcome of such a democratic choice. It was because of these that many people opposed the electoral college system of voting, preferring instead the option A4. It was because of these that many people opposed the electoral college system of voting, preferring instead the option A4. The option A4 system (of open balloting) eliminated rigging during the voting, because it was easy to see and count all those who stood behind a candidate and thereby voted for him. But monetary and other forms of inducement may have influenced people's choice before the election.

Election of Delegates to the National Constitutional Conference

On May 28, 1994, elections were held nationwide to elect 273 delegates to the Conference. Though the election was boycotted by many people, the boycott was mainly effective in the south-west where no election took place in some constituencies. Generally, the turnout was very low, throughout the country, partly because of the boycott, but mainly because of a loss of faith in a military midwifed election, especially since the announcement of June 12 election. In addition, Government appointed 96 people meant to represent certain interest groups. As it turned out, no such discernable interest groups were evident, except one representative each for the Nigerian Labour Congress (NLC), the Nigerian Union of Teachers (NUT), the National Union of Nigerian Students (NANS) and six traditional rulers. Both the NLC and NANS representatives failed to turn up for the Conference. When the NLC representative turned up much later, the NLC was in crisis and so the Chairman of Conference did not allow him to take his seat.

The Decree Establishing the NCC

The Decree establishing the National Constitutional Conference i.e. Decree No. 3 of 1994 was published on April 30 and its details were not known until mid-May, 1994.
The Decree empowered the Conference to:

a. pass resolutions and conclusions which shall form the framework for the good governance of Nigeria to:
   • guarantee freedom and equality, equity and justice and even-handed opportunities for social, political, educational and economic participation and enjoyment.
   • establishment of a system of Government reflecting the general consensus of Nigerians with due regard for our national expectations and aspirations as a united indivisible Federal entity.
   • preserve the unity and territorial integrity of the Nigerian State within an equitable framework.
   • guarantee the promotion of social, economic and political cohesion of Nigeria
   • promote good government, accountability and probity in public affairs
   • identify areas and proffer solutions to public maladministration at any tier of government.
   • promote love, understanding and mutual respect among the citizenry.
   • acknowledge and encourage the harnessing of individual and collective initiatives aimed at the overall growth and development of the country; and
   b. propose a new Constitution which shall be promulgated into law by the Provisional Ruling Council.

For the management of the Conference, Government appointed Hon. Justice Adolphous G. Karibi-Whyte, a member of the International Court of Justice at the Hague, as Chairman, with Hon. Justice Mamman Nasir, a retired President of the Appeal Court, as Deputy Chairman. Adamu Fika was appointed clerk of the Conference. The NCCC was designated as the Secretariat of the Conference.

The Decree was, however, later modified. Both the Decree and these appointments became subject of intense criticism and fuelled further opposition to the Conference which was seen as a Government contrived rubber-stamp. Many felt that both the Decree and appointments had set the stage for the manipulation of the entire process as well as the outcome of the Conference. The criticism centred mainly on
the appointment by Government of Chairman (and Deputy) with wide powers, making the Conference look like a Committee of Government.

The setting up by Government of a Secretariat (and appointment of its personnel) with powers over documentation and preparation of the Draft Constitution.

The appointment of Deputy Chairman (Justice Mamman Nasir) who is head of the Northern Elders Forum, a body widely believed to be the representative organ of the Northern Oligarchy and conservatism, was very much criticised.

With the Deputy Chairman, Clerk of the Conference and Chairman of the NCCC being Northerners, the Government was said to have given the Northern interest an undue advantage.

The stipulation of Simple Majority as the basis of decision-taking was seen as giving the North a further undue advantage. The measure is considered against the background that successive military rulers, who were mainly Northerners had put the North at an advantage with more states than the South. This has shifted the balance from a North: South ratio of 1:3 (Regions), to 6:6 (12-State structure), to 10:9 (nineteen state structure), to 16:14 (30 state structure) and finally to 19:17 (36 state structure) With Abuja making it 20:17, the North has clearly a structural advantage in any decision or power-sharing based on the number of states.

Since representation to the NCC was on State basis, the North obviously had an in-built majority. In actual fact, the North had a total of 201 delegates as against the South's 168. Many of the people appointed by Government were regarded by critics as agents of Government. In addition, the strong boycott of the Conference by many in the South, particularly in the South-West, made it possible for some Southerners sponsored by Northern interests to win election to the Conference. Thus, the South faced obvious disadvantages at the Conference.

Most Government nominees to the Conference did not seem to represent any genuine and positive group interests except the oligarchy and Government. Unfortunately, many of these people happen to be known stalwarts of the defunct National Party of Nigeria (NPN). The most controversial among them was the nomination of Alhaji Dr. Umaru Dikko who was at the time of his appointment in
self-exile as a political fugitive. It was re-called that the Government of General Buhari had made efforts to repatriate him to face charges of corruption following the overthrow of the Government of Alhaji Shehu Shagari in December 1993. Many progressives of the Second and Third Republics suspected that the appointment of Dr. Dikko showed Government's deference to the interests of the oligarchy of which Dr. Dikko is seen as a great symbol. According to them, it further showed Government's lack of interest in genuine reforms in our social order, the fight against corruption and non-accountability in the system.

To appoint and rehabilitate Dr. Dikko and all those who are believed to have made a mockery of our political and social order was seen as indicative of lack of commitment to change on the part of Government.

- Government was further criticised for failing to involve genuine interest groups such as labour, Women, the Youth, democratic and human rights organisations in the planning and management of the Conference. The popular view was that participation of these groups should be through representatives chosen specifically for the purpose by them and not appointed by Government. Labour and NANS had, on this account, objected to Government appointing their representative for them.

It must, however, be pointed out that many of these groups and organisations had rejected the idea of a Constitutional Conference and went on to boycott the elections. Some of them were tacitly glued to the idea of "a Sovereign National Conference or nothing".

- There were serious doubts about the status or authority of the Conference. Were its decisions and resolutions final, not subject to the amendment/annulment by the military regime? Many critics, especially NADECO leadership, felt the Conference was going to be a ruse and could, therefore, not go against the intentions and agenda of the Government. The Government, they insisted, would veto anything that did not suit the interest of the oligarchy and the military leadership. Although the Section 2 (b) of the Decree stipulated that conclusions and resolutions of the Conference shall be promulgated into law by the Provisional Ruling Council (PRC), doubts still persisted.
The Agenda of the Conference, prepared by NCC as stipulated by the Decree was also a source of great concern to the delegates. It tended to limit their freedom of action and deliberation. It was under these conditions of tension, doubt, uncertainty and criticism that the NCC took of.
PART II

A NATION IN CRISIS
Chapter Five

The General State of Crisis in Nigeria

The general state of crisis in the country reached a new crescendo with the annulment of June 12 election adjudged to be the freest in our electoral history. It did not abate with the overthrow of the illegal regime of Ernest Shonekan’s Interim National Government (ING) and the assumption of power by General Sani Abacha.

Rather pro-democracy agitations and public pressure intensified, focusing on such demands as the following:

1. Immediate termination of military rule and enthronement of democratic governance.
2. The actualisation of June 12 through announcement of the full election results and the installation of the presumed winner (ie Chief M.K.O. Abiola) as President.
3. The formation of a Government of National Unity headed by Abiola
4. The holding of a Sovereign National Conference to discuss the National Question and the state of the nation, and charting a new course for the country’s unity and development.

It was in the light of the above that Abacha’s offer for the National Constitutional Conference was rejected. What was being demanded was a Sovereign National Conference, free of government influence and control and with full constituent powers. The military could only participate as an interest group and not as the mid-wife of such a Conference.

General Abacha’s Government ignored public opinion and pressure and went ahead putting a machinery in motion (i.e. the NCCC) to organise the proposed Conference. The 19-man National Constitutional
Conference Commission (NCCC) was empowered to receive memoranda and collate relevant data, advise on the modalities for selection and election of delegates to the Conference, as well as prepare its agenda. A Conference Electoral Commission was established to delineate the country into wards and districts and to organise the ward and district elections.

The Government directed the National Orientation Agency (NOA) to organise seminars and pre-conference talks in various communities and states across the country to enable groups to prepare positions and mandates for their delegates. Several institutions, agencies and organisation, communities and states took the initiative to organise such pre-conference talks.

NADECO, CD and other pro-democracy groups and Human Rights organisations maintained their opposition to the NCC. They called on Nigerians to boycott the election and the Conference. Anti-Conference litigations were filed in several courts.

It was in the midst of these series of opposition that the Constitutional Conference delegates elections were held on May 23rd, 1994 at ward and later at district levels on May 28, 1994. The turn-out was, however, poor and, in some cases, no elections were held especially in the South-Western districts due to the massive boycott. By-elections were, however, later held in some of those districts that had earlier boycotted the elections. In some districts in the East (Such as mine) and in the Northern parts of the country, the turn out was appreciable. As the NCC was about to be inaugurated, there were further litigations in courts challenging its legitimacy.

Government later named its 96 nominees to the NCC and on June 27th 1994, the NCC was formally inaugurated. But cynicism and criticism continued unabated. They focused mainly on the electoral college system, the poor turn-out, the quality and character of both elected and nominated delegates and the heavy presence of discredited politicians at the NCC.

Pascal Bafyau, President of the NLC and one of those nominated by Government said he would not attend as Government nominee to the Confab until the NLC’s Central Working Committee decided on the matter. Mr. Dennis Etim Inyang, President of NANS went to Court to challenge his nomination by the Government.

Shortly before the inauguration of the Conference, precisely on June 11th 1994, Chief M.K.O. Abiola, the presumed winner of June 12, 1993
election declared himself President and Commander-in-Chief of the Federal Republic of Nigeria. He announced that he was forming a Government of National Unity and would restore all democratic structures dissolved by Abacha. To that end, he called upon all former Governors, Federal and State legislators to resume their functions. He immediately went into hiding after that declaration. A list of Cabinet members in an Abiola Cabinet was found in circulation, though it was later described as fake. In response, Abacha’s Government declared him wanted and put N50,000 as ransom for information leading to his whereabouts.

On June 23rd 1994, Chief Abiola re-appeared. He addressed a large crowd of over 20,000 people and rode in an open roof car through Ikorodu road amidst cheers from the crowd. The following day he was arrested in his house and detained. This action sent the barometer of the political crisis to a feverish pitch.

The months of June, July and August became the most critical and uncertain in the year as nobody could predict the outcome of the ongoing crisis as there was a general breakdown of law and order in the wake of riots, arson, demonstrations, tankers and general mayhem. While tension mounted outside its confines, the NCC continued to operate as if all was well. Yet it was obvious that the nation was indeed bleeding. Many leading members of NADECO including Chiefs Enahoro and Bola Ige, and Commodore Dan Suleman (rtd) were arrested and detained.

In June 1994, intense violent resistance against the regime of General Abacha erupted. Rioters attacked the residences of General Obasanjo, Mr. Oludi and the home of deposed Head of the ING, Chief Ernest Shonekan. Further violent demonstrations also erupted in July at Ibadan, Lagos and other parts of the South-West. These later spread to Edo and the East (Emugu and Awka were affected).

Anti-delegates hit-squads went on the prowl, attacking delegates’ homes and their families. The pressure was particularly very strong on Yoruba delegates who were asked to withdraw by their people. Terrorists threatened them with elimination and having their homes and property destroyed. Yoruba ministers and all those suspected of Government sympathy were made immediate targets.

Several elected and nominated delegates and NCCC members withdrew from the Confab, as a result of the pressure from the opposition. Among those who did so were Dr. Oladipo Fawore (Osun)
Alhaji Yekini Alabi (Kwara), Chief Bayo Akinola (Ondo), Chief Olagunju, Rasheed Ladoja and Senator Ayo Fasanmi. Chief Debo Akande (SAN) resigned as a member of the NCCC when he was removed as Secretary and replaced with Mr. Adamu Fika.

Anti-Government protests and riots continued and on July 17, 1994 several Human Rights and pro-democracy organisations took to a 20-kilometre protest walk demanding the release of Abiola and actualisation of June 12. The Nigerian Bar Association (NBA) Lagos Branch, traders and market women and school children also joined the protest marches. It was during this protest march that Dr. Tai Solarin, a popular social critic, collapsed and died. About 18 people were said to have been shot and killed by security men during riots at Benin and Ekpoma as students and others joined in the violent demonstrations. Area boys (lumpen proletariat) took to lawlessness attacking traders and innocent people who refused to close their shops and join the protests marches within Lagos.

On July 20, Abiola was brought to an Abuja High Court. Several journalists who came to cover the event were manhandled, arrested and their equipments seized by security agents.

Earlier, on July 4th, the General Secretary of the National Union of Petroleum and Natural Gas Workers (NUPENG), Mr. Frank Kokori called his members out on strike. He was demanding higher pay for the workers and protesting the continued hold on to power by the military. After that, Mr. Kokori went into hiding and was later arrested and detained by security agents. The Petroleum and Natural Gas Association of Senior Staff of Nigeria, (PENGASSAN) gave the Government a seven-day ultimatum to resolve a number of issues affecting the oil industry and the society. Later they joined the strike. The effects of these strikes were immediately devastating as cost of fuel increased astronomically and the scarcity affected transportation and domestic use.

In early August, the Nigerian Labour Congress declared a strike action to press for the release of Abiola and all political detainees. The Academic Staff Union of Universities (ASUU) threatened to go on strike for largely similar political demands. Just while the NLC called off its strike a few days after take-off, at that point, ASUU strike was yet to take off. Those of NUPENG and PENGASSAN continued. According to the NLC, during its meeting with Chief M.K.O. Abiola and Government, there were assurances of Abiola being released to the NLC leadership.

Some legislators of the aborted Third Republic started agitation for
actualisation of June 12 and the restoration of the dissolved political structures. It was in this vein that the President of the dissolved Senate, Anne Ebute, and six other Senators tried to reconvene the dissolved Senate.

Also the former speakers of the dissolved Houses of Assembly in Cross River, Osun, Lagos, Ondo and Ogun states attempted to reconvene their dissolved Houses of Assembly.

The six Senators, among whom were Senators Ame Ebute, Polycap Nwite, Onyeka Okoroafor, Abu Ibrahim, etc., were arrested and detained. The regime embarked on a wave of arrests and intensified its crackdown of opposition leaders, journalists, publishers and labour leaders.

The atmosphere around the NCC became very tense forcing the delegates to pass the following motion moved by the chairman of the Business Committee, Dr. Olusola Saraki.

Motion

The National Constitutional Conference presently meeting at Abuja notes with great concern the present state of our beloved nation particularly with regard to reports of loss of lives and properties in some parts of the country as a result of the current unrest.

The Conference equally notes the present situation which points to the possibility of a breakdown of law and order in some parts of the country if steps are not taken to arrest the situation.

The National Constitutional Conference has observed that the on-going trial of some political detainees and the posture of labour leaders are the issues leading to the present tense atmosphere.

The Conference wishes to identify with, and place on record its appreciation of the role of traditional rulers, concerned individuals, and delegates to the on-going Constitutional Conference for their concern for the speedy resolution of the crises.

The Conference therefore appeals to the Federal Military Government, all the Labour Unions and other people involved to please adopt a positive posture in the overall interest of the Nation, and take urgent steps in order to move the country forward in the path of unity, peace, tranquility and progress.

Long live the Federal Republic of Nigeria.

On August 18, General Sani Abacha, the Head of the Military Government made a broadcast in which he announced the dissolution of the National Constitutional Conference. Minutes of Proceedings, Abuja, August 01, 1994.
the National Executive of the NLC, NUPENG and PENGASSAN. The offices of these unions were sealed, some of their leaders arrested or declared wanted and sole Administrators appointed for the unions. He announced the proscription of several media houses including: The Guardian Newspapers, African Guardian Weekly Magazine, The Concord Newspapers and African Concord Weekly Magazine; and The Punch Newspapers. Earlier in June, both the Concord and Punch Houses were occupied by Security men. The Guardian was also occupied shortly after the end of June. Court orders for the police to vacate those media houses were ignored by Government agents. Instead, a decree proscribing these media houses was immediately promulgated.

For the first time, the military regime which had given the impression that it came to power through a peaceful hand-over, now acknowledged it came to power via a coup. In its Decree 12 of August 18, 1994, it declared its birth as a “military revolution” and assumed supreme authority, ousting any legal or political challenge to its authority and its laws. This decree divested the law courts of any jurisdiction in all matters concerning the authority of the Federal Government. Another Decree, No. 11 empowered the Chief of General Staff and the Inspector-General of police to detain any persons without trial for up to 3 months in the first instance. In short, Nigeria was once more under a full dictatorship. And what is a “military revolution”? 

The Federal Minister of Justice, Mr. Olu Onagoruwa, condemned and disowned the new decrees as illegal and unconstitutional. He said they were promulgated outside his knowledge as Justice Minister and Attorney-General of the Federation. Commentators attributed the authorship to Professor Awalu Yadudu of Bayero University who later became the legal adviser to General Sani Abacha. Following this disagreement, Mr. Onagoruwa was removed as Justice Minister. These developments immediately aroused the concern of the International Community over the Nigerian situation. Prospects for restoration of democracy appeared dim under such conditions. The
European Union, the British Government, United Kingdom Trade Union Congress and the American Government, all condemned the action of the Military Government in shutting down media houses, arresting journalists, and the proscription of the newspapers and magazines, dissolution of trade unions, arrest and detention of several trade union leaders, politicians, and pro-democracy activists. As part of their reaction, the United States and United Kingdom Governments placed restrictions on travel of Nigerian government officials to their respective countries.

In the wake of the strike action of NUPENG and PENGASSAN there was sabotage of oil installations. With the consequent break down of refineries, fuel scarcity became extremely acute, prices of petrol and kerosine reached unprecedented heights. A gallon of fuel was sold at over N200 in some instances. The cost of transportation and hence of food rose astronomically, making life most unbearable to most Nigerians.

By August 1994, the naira had fallen in value to N80 per dollar, as against N40 per dollar as at January 1993. With this, the average income of the ordinary worker was less than half between those two periods. Between August 1985 when General Babangida came to power and the material time, the naira went from 1:1.4 to 1:23.2:1. That is a fall of 12,320%. Thus, a professor's salary was badly reduced in value from N1,800 per month in 1983 to barely N90.00 per month in 1995. What a miserable existence for him and his family! Then, think of the plight of other Nigerian workers.

The suffering of the ordinary Nigerians at this time reached such an extent that those in civil-war-ravaged Bosnia and Somalia could not have fared worse. Heart attack and stroke due to hypertensive conditions as well as kwashiorkor due to malnutrition became so common among many Nigerian especially the workers and the ordinary people. The death toll rose sky-high.

Armed personnel eventually took over the management of petroleum products establishments including depots and refineries. Army barracks became selling dump for fuel. And, of course, car owners were subjected to brutal assault and extortion by soldiers manning those dumps.

The situation became worse when in October 1994, the military Government raised the price of petroleum products by as much as over 300%. The NCC was moved to condemn this action as a serious
complication of the already bad social and economic suffering of the people. The economic package by way of buses, some increase in transport and housing allowances for workers could not in any significant manner ameliorate the situation. Nor could the use to which the huge income earned by the increase in fuel prices and managed by the Petroleum (Special) Trust Fund (PTF) was put in any way abate the economic and social cost of the increase.

Mass demonstrations, protests, strikes and riots were intensified throughout many cities in the South. More unions went on strike. The National Union of Banks, Insurance and Financial Institutions Employees (NUBIFE) and Senior Staff Association of Universities, Teaching Hospitals and Research Institutions (SSAUTHRAD), ASUU and many state branches of the NLC in Lagos, Oyo, Ondo, Edo, Ogun, declared industrial action demanding release of M.K.O. Abiola and other political detainees and an end to military rule in Nigeria.

The situation became more complicated as waves of terrorism continued to sweep through the country affecting both Government supporters and opposition leaders. In late August, the offices and homes of Chief Gani Fawehinmi, Commodore Dan Suleman (rd), Tinubu, Vice-Admiral Ndubuisi Kanu, (rd), G.O.K. Ajayi (Abiola’s lawyer), chief Segun Osoba and several other politicians were attacked by people suspected to be pro-government terrorists.

Similarly, in late August and September, many people suspected to be supporters of the military regime were attacked by terrorists. Dr. Umaru Dikko escaped but his wife was attacked to Kaduna. The homes of Dr. Sola Saraki, Augustus Aikhomu, the former military Vice-President, some serving ministers (Laibi Jakande, Ebenezer Babatope, Brigadier O. Ogbemudia) were attacked. A delegate to the NCC, Dr. Oladimeji from Osun State had a wing of his flat at the Legislators Quarters in Abuja blown off by a bomb blast.

The crisis was registered at the top level of the military hierarchy, when, what many suspected to be power struggle, led to the dramatic removal of the Chief of Navy Staff, Rear-Admiral Allison Madueke, and Chief of Army Staff, Major-General Chris Ali.

Mazi S.G. Ioku, a nominated delegate to the NCC and Engr. Egwuenuwu Kula, both from Abia, independently addressed the press raising alarm concerning what they called the USA plot against Nigeria and plans to overthrow the military regime. Hon. Engr. Egwuenuwu and Hon. Dr. Kahir Suleiman Chafe also addressed what they called a World
Press Conference on 31st August 1994 in the name of Committee of Concerned Delegates. The American Embassy reacted sharply and described their charges as baseless.

Meanwhile, security was tightened at the international Conference Centre at Abuja. Delegates began to feel the heat of the tension in the country despite the cozy environment at Abuja. Earlier attempts to discuss the political tension in the country by the Conference were resisted by hardliners. The situation became so frustrating to me. On September 8th 1994, I issued the following Statement captioned:

"We must Show Commitment to Peace and Unity"

"The on-going National Constitutional Conference is meant to seriously address the crises in our body-politic which threaten Nigeria's unity, to pave the way for the return of peace and restore the democratic governance of our country. The Delegates in this Conference have been charged "to bear the burden of our country's regeneration", by laying a new foundation that will bring peace and unity to Nigeria.

We cannot bring peace and unity to Nigeria when we maintain an inflexible stand and refuse to recognize both the legitimacy of political descent and government's responsibility to be responsive.

One must say quite boldly that Government's attitude to the present political logjam lacks the responsiveness demanded at this historical juncture. The refusal to release all political detainees and the clampdown on labor and the press, in addition to the promulgation of ouster clauses can only exacerbate the political tension and prolong the state of suffering and misery of our people.

This situation is aggravated by the insistence of hardliners at the Constitution Conference to sustain the status quo. In a similar vein, self-serving hawks around Government circles are promoting the gospel of prolongation of military rule in one form or the other. They are encouraging an inflexible militaristic stance by the Government. Such a stance will only endanger peace and unity of the country.

I wish, therefore, to appeal to General Abacha to demonstrate more clearly and firmly that he means to promote peace and democracy in Nigeria.

He should demonstrate this by releasing all political detainees, de-proscribing affected newspaper houses, restoring the leadership of the trade unions and encouraging the National Constitutional Conference to decide the fate of June 12, 1993 election."
On the other hand, if the尼克·奥德姆和 other pro-democracy forces to enter into a meaningful dialogue with the government once it is obvious it is prepared to do so. Delegates to the National Constitutional Conference must show greater initiative in approaching and resolving the sensitive issues of June 12 and the programme of transition to civilian rule in the shortest time possible.

Handliners and hoaks in the Constitutional Conference and those around Aso Rock should please give peace and unity of the country a chance to materialise. General Abacha should realize that history will not blame their self-serving handliners and hoaks, but himself, if the unity of the country is destroyed in his time."

In November, the Constitutional Conference held a special session to receive a visiting 5-man delegation of American Congressmen, led by Dr. Harry Johnston, Chairman of U.S.A. Congressional Subcommittee on Africa. Earlier, the black politician and civil rights activist, Jesse Jackson, visited Nigeria as President Clinton's special envoy. During the visit, he met with General Abacha and Chief M.K.O. Abiola. He endorsed the use of the Constitutional Conference to resolve the Nigerian crisis provided June 12, 1993 election issue was made a priority of the conflict.

Within the Conference itself tension mounted as Southern Delegates attended a National Press Conference on September 26, 1994, by which the Conference was in danger of failing to achieve its purpose. They stated a unanimous position which must obtain for them to endorse the result of the Conference (See App. II).

At a Conference of Leaders of the seven Eastern states held at the International Airport Hotel, Port Harcourt on 30th September 1994, the participants decided, among other things, to endorse the resolutions of the Southern Delegates (see App. IV). Two things took the heat off the Government at this time. The activities of the on-going National Constitutional Conference (NCC) which continued to receive wide publicity both externally and internally. The Government continued to insist that the NCC was the only legitimate platform to resolve the lingering political crises. The outcome of the Conference, it said, would determine its final disengagement programme. Consequently, the heat of opposition was directed against the NCC. Meanwhile, certain decisions of the NCC such as those on Rotational Presidency, Revenue Allocation, terminal date (of January 1996) for military disengagement, as well as its resolution on the unconditional
release of Abiola and other political detainees were receiving favourable comments from the media and the public. The tide, however, changed as soon as the NCC annulled its own decision on January 01, 1996 deadline.

The other shield for the regime was the partial political activities that were allowed, as announced in the August 17, 1995 broadcast. As soon as this announcement came, politicians, both in and outside the Conference, began to devote so much of their time organising political associations. Media attention was, of course, naturally diverted to those activities. Such diversion provided but temporary relief.

The new year, 1995, did not bring much relief as tension continued to mount. On 11th January, 1995, Delegates from Igbo-Speaking Areas gave an International Press Conference drawing attention to a catalogue of dehumanisation, victimisation and oppression to which Igbo citizens were being subjected (see App. III).

In March, the regime announced that it had uncovered a coup attempt against it. Over 50 people were arrested including one of leading Conference delegates and former Chief of Staff, Supreme Headquarters, Major-General Shehu Yar’Adua (rtd) and his former boss and ex-Head of State, General Olusegun Obasanjo. Rather than win sympathy for the government, the coup story fuelled public scepticism and criticism. Even the video account of the trial did not help matters as the secret trials were treated with suspicion.

The announcement of the coup coincided with the period when Nigeria was expected to host the FIFA Under-17 World Cup. At the last minute, after several millions of dollars had been spent on preparations, FIFA cancelled the holding of the tournament in Nigeria. It gave reasons ranging from the existence of epidemic in Nigeria to inadequate security because of the Nigerian crisis. Some attributed FIFA’s action to its respect for the incarcerated Chief Abiola who is one of the greatest pillars of Sports in Africa.

The coup trials and verdict precipitated national and international concern, condemnations as well as pleas for clemency. When eventually the death sentences were commuted and jail terms reduced there was a sigh of relief even though many felt that a greater measures of clemency was necessary.

A Military regime is, by its nature, a dictatorship and, hence, an aberration. The human rights record of Nigerian military regimes bear evidence to this fact. They come to power by force and try to maintain
power by force. In fact, Nigerian military regimes spend half of the nation's annual revenue in maintaining and managing power rather than in protecting the people and in improving their national and social conditions. Hence, the crisis of confidence and legitimacy which dog all Nigerian military regimes. What they fail to recognise is that legitimacy derives from good governance and not from the barrel of the gun. Power may be conquered through the barrel of the gun, it may be sustained by the same force, but it can never acquire legitimacy by the same means.
Chapter Six

Critical Reflections on the Nigerian Pro-Democracy Movement

No discussion on the origin of the National Constitutional Conference is complete without showing how the agitations of the pro-democracy movement gave rise to its conceptualisation. For it was in response to their agitations for a Sovereign National Conference to discuss the National Question that General Abacha conceived the idea of the NCC.

In the absence of the mainstream political organisations (which were banned by the military) the radical organisations of which the pro-democracy movement is a baby, constitute the main political opposition. It is therefore logical to argue that the strengths and weaknesses of the entire political opposition in Nigeria reflects the strengths and weaknesses of the programme, tactics and organisation of the radical movement in the country.

Both the radical forces and the pro-democracy movement they have nurtured are offshoots of the anti-colonial struggles in Nigeria. The latter began with the Nigerian Youth Movement (NYM) and broadened into a radical nationalist front, the National Council of Nigeria and the Cameroons (NCNC). The NCNC and its leadership were known for their sharp anti-colonial rhetoric and mass-oriented activities. The party and its leadership infused radical ideas in the Nigerian Youth and the masses in general. It championed a radical but liberal programme of struggles against colonialism.

The NCNC was ideologically broad-based. It forged an alliance of many social forces and organisations - workers, nationalists, intellectuals, women, youth and even religious leaders and some traditional rulers. It
had within its fold marxists, socialists, christian democrats, patriotic labour leaders as well as traditionalists.

The influence of the party and its leader, Dr Nnamdi Azikwe, led to the formation of a radical and militant youth wing known as the Zikist Movement. Chief Anthony Enaharo and Mokwugo Okoye of the present NADECO were among the radical youths of the nationalist movement who were influenced by Zik.

But, because Dr Nnamdi Azikiwe (Zik) who inspired the Zikist Movement could not keep pace with the degree of radicalism and militancy of the Zikists, he had to break ranks with them. With this, the Zikists became vulnerable and easily exposed to colonial harassment, intimidation and eventual destruction as an organisation. As a result, they were forced to seek political refuge as members in the more liberal parties, particularly the NCNC itself, the Action Group (AG) and the Northern Elements Progressive Union (NEPU). The last two were born in early fifties.

The Action Group that emerged was also ideologically broad-based in spite of its cultural and ethnic origins. Its membership included the marxists, socialists, liberals, democrats, conservatives and feudalists. However, its programme was said to be socialist-oriented and it called its ideology, Democratic Socialism. The NCNC later christened its own ideology, Pragmatic Socialism. This was in response to the world-wide popularity of socialist ideology at that historic juncture.

The United Middle Belt Congress of Nigeria (UMBC) was basically a radical liberation movement. It was locked in martial combat with the more conservative Northern Peoples Congress (NPC). As a political party, the NPC did not hide its feudal and anti-radical orientation.

The Northern Elements Progressive Union (NEPU) waged anti-feudal struggles in the North, also in opposition to the NPC. Its programme was humanistic and socialist-oriented. It drew within its fold many radical scholars and young politicians from the North.

The Zikist Movement was the most prominent and most effective national, anti-colonial and pro-democracy radical organisation that flourished during the colonial era. Its demise was indeed a major loss for the cause of popular democracy in Nigeria.

Dissatisfaction with the ideological vacillations of the leading nationalists, coupled with the influence of the surging world-wide marxist movement after the Second World War, led to the emergence of marxist

* Zik himself was a liberal democrat and not a radical in the revolutionary sense.
political organisations in Nigeria. The Labour Party and the Socialist Workers and Farmers Party (SWAFP) were the earliest to emerge. But (SWAFP) was more visible in the political arena, most prominent in the late fifties and early sixties. It contested elections and exerted great influence and control over labour and student movements. Dr. Tunji Ogegbeye, Uche Omoh and the present Justice Nwokedi were among its leaders.

The alliance of SWAFP with Labour and Students and their opposition prevented the realisation of the Anglo-Nigerian Defence Pact which could have given the British a military base in Nigeria. The influence and patriotism of the radical movements spread even to the military. The first coup was led by such radicals in the military.

Within the traditional political parties, a left and a right (or a progressive and a conservative) ideological polarisation emerged and became visible during the First Republic. We had the Nigerian National Alliance (NNA) as conservative while the United Progressive Grand Alliance (UPGA) was seen as a progressive formations

When the military came to power in January 1966, all political and ethnic organisations including the radical ones were banned. Radicals in the social and political scene were, consequently, confined to the labour and the student movements and their motivating radical marxist formations.

Political parties were again legalised at the beginning of the Second Republic in 1979. With that several radical and liberal organisations sought registration. The most prominent ones were the Peoples Redemption Party (PRP) and the National Advance Party (NAP). The Unity Party of Nigeria (UPN) which was a metamorphosis of the Action Group (AG), still retained a radical but ideologically broad-based character. In terms of social reformation and advancement, the UPN had ‘the strongest influence in the development of a liberal welfarism in the Second Republic. Its influence in the South was complemented by the influence of the PRP in the North. The PRP itself metamorphosed from the NEPU of the First Republic.

Among the several small socialist and Marxist organisations during the Second Republic, the most prominent ones were the Socialist and Working Peoples Party (SWPP), the Socialist Party of Workers, Farmers and Youth (SPWFY), the Socialist Forum, etc. The Labour Movement (NLC) remained under radical influence. So did the Student Movement (NANS). Also this period saw the emergence of the Academic Staff
Union of Universities (ASUU), which became a platform for radical trade unionism and democratic struggles in Nigeria. Its influence spread among students, young radicals, the labour movement and the mass media.

Another ban on political activities at the inception of the Buhari coup of December, 1983 affected the registered parties. Several of the radical organisations continued to operate, albeit more underground than overground.

Between the seventies and eighties ideological debate became more public. The public debate on the 1976 Draft Constitution witnessed, for the first time, when a Government media involved radicals in its public fora and opened its pages for the propagation of Socialist and Radical ideas. That paper was THE DAILY TIMES OF NIGERIA NEWSPAPER. The Record of this is found in THE GREAT DEBATE which it published at the end of that nation-wide debate. It is interesting to compare this development with the ban on Marxist literature by the Federal Government in the fifties. It is noteworthy also to recall that this period saw another coming together of a radical wing of the military and radical students, intellectuals and labour. They found a common cause in the progressive and anti-imperialist foreign policy of the Murtala era that resonated in the great support which Nigeria gave to the liberation struggles in Angola, Rhodesia, Zimbabwe, South Africa, Mozambique and Namibia.

But the Newspaper which has most encouraged the spread of radical and patriotic ideas and used the services of radicals is the Nigerian Guardian and its sister publications. It can be said that the eighties saw an unprecedented level of radicalisation of the Nigerian press. Hitherto, radical ideas were propagated mainly through Socialist magazines, in-house publications and pamphleteering by the radicals. Prominent among these were The Advance Newspaper, The New Horizon, The Comrade, The Socialist Forum, The Analyst, etc.

Other phenomena which encouraged the spread of radical ideas were the IMF Debate and the Political Debate organised by the Babangida administration. These debates were essentially dominated by the Socialists to the extent that the Political Bureau which supervised that*

The present writer was largely responsible for the birth of modern ASUU. As its Executive General Secretary in 1980-82, he helped to transform ASUU into a major social force in our society. Dr. Biodun Jeyifo and Dr. Mahmud Tukur were among other key actors in the making of modern ASUU.
Debate concluded that majority of Nigerians were in favour of a Socialist system in the country.

When Babangida decreed the existence of two parties based on two different ideological colourations (a little-to-the-right and a little-to-the-left), he was acting to full recognition of the existence of two broad ideological trends in the country loosely termed the progressives and the conservatives. The NNA, the NPN and the NRC were seen as alliances of the conservatives, while the UPGA, the PPA and SPD were seen as those of the progressives.

All along this process, those radicals, not interested in electoral politics remained active in the trade unions, mass media, academia and radical socialist-marxist formations. With the collapse of the Communist International and Communist regimes in most East European countries, particularly the USSR, Nigeria's radicals embraced the struggle for democracy while playing down the struggle for socialism. The late eighties, therefore, saw a shift of emphasis from Socialist Revolution to Democratic Revolution. Consequently, there began to emerge human rights organisations. The most prominent were the Civil Liberties Organisation (CLO) and the Committee for the Defence of Human Rights (CDHR). Not content with a purely human rights role, pro-democracy organisations began to proliferate singly and in broad alliances in response to the increasing violations of human rights and the existence of military dictatorship unwilling to relinquish power to a democratically elected civil regime. From this point, The Campaign for Democracy (CD) became the first broad alliance which embraced CLO, CDHR, GhanI Fawehinmi Association (GFA), Uhuru Research Center (URC), Association of Patriotic Lawyers (APL), Women in Nigeria (WIN), etc. While the human rights programme was carried out mainly through legal battles, pamphleteering, petitions, newspaper adverts, etc, the activities of the pro-democracy organisations were extended to include mass demonstrations. strikes, and civil disobedience. When the lumpen forces get themselves involved in the action it may involve an element of violence. The violence associated with student demonstrations are at times due to the role of the lumpen and dissatisfied citizens.

The activities of the human rights and pro-democracy groups increased as the state became more and more repressive. With the worsening of the social, economic, political and human rights situation and the near-perpetuation of military rule, pro-democracy groups began
to articulate a programme of struggle to include economic, social and political emancipation of the people.

They received inspiration from the series of Sovereign National Conferences taking place or being demanded in countries like Republic of Benin, Togo, Central African Republic and Zaire. Further influences came from the world-wide upsurge of Western democracy which was anti-military and waged international campaign against certain dictatorships.

The nature and character of the regime of Ibrahim Babangida made the flowering of the pro-democracy movement in Nigeria inevitable. Military dictatorship reached its high-water-mark under this self-declared President. Abuse of human rights, physical torture and elimination of political opponents, arrest and detention of critics without trial, various forms of corruption including conversion of state treasury into indiscriminate personal use, alleged cocaine pushing, etc, nothing was thought to be beyond that regime.

The unending transition programme, the manipulation and dribbling of the people, the elimination of the entire social fabric of the nation, ruining of the economy and reduction of most of the citizens to the status of beggars, elimination of the middle class through the disastrous Structural Adjustment Programme (SAP) etc, all these added to a hopeless national existence and a bleak future for most Nigerian citizens.

Internationally, the reputation of Nigeria sank to its lowest ebb ever. Many of her citizens were forced to migrate abroad, resorting to doing menial jobs such as car-washing, street cleaning, security guards, in order to exist. Some others took to crime and drug pushing.

Those from whose soil the wealth of the country are derived, particularly its oil wealth, were subjected to all types of suffering. Their soil and environment were devastated through oil prospecting and pollution. Violence was soon to erupt in those areas in protest against their neglect and suffering. The most celebrated was the emergence of the Movement for the Survival of Ogoni People (MOSOP), the resultant violence, detention, trial and later tragic execution of the writer and human rights activist, Ken Saro-Wiwa, and nine others.

This terrible state of human rights abuses provoked a more resistant and militant struggle by human rights organisations and pro-democracy movements.

Given the intractable and lingering political and socio-economic crises, popular discontent continued to rise. Calls for a Sovereign
National Conference heightened as Nigerians continued to draw a parallel between their country and its neighbours, especially Republic of Benin, Central African Republic, Zaïre and Togo where, as said above, such Conferences were being held or demanded. The most celebrated of such conferences was that of Republic of Benin which led to the fall of the regime of Matthew Kerekou and the return of a democratically elected Government to that country. What does a Sovereign National Conference import and why has it not materialised in the case of Nigeria? This is an important question to pose in order to understand the exact character of our political predicament.

Nigeria, as we have tried to show, has a long history of democratic struggles dating back to the colonial days. Unfortunately, the country has not been able to overcome a vicious circle of dictatorship perhaps due to inherent weaknesses of the democratic movements in the country. No where is this weakness more clearly than in the struggle to actualise a Sovereign National Conference. For example, it does seem to me that we lack clarity about the nature and character of the struggle for a Sovereign National Conference. We have failed to measure up to the practical strategies to the demands of the struggle for such a historical act. We have not, in practice, shown that understanding of the life-and-death struggle involved in the battle to actualise a Sovereign National Conference. Rather, we have behaved as if it is merely an intellectual confrontation with the military and the ruling circles in Nigeria.

The Campaign for Democracy (CD), as a coalition of human rights and pro-democracy organisations in Nigeria originated the agitation for such a Conference. CD is, as we know, the fore-runner of the National Democratic Alliance, NADECO. According to a CD document of January 18, 1994, captioned Setting the Records Straight: The Nature and Substance of the Crisis Within the Campaign for Democracy (CD), we are told that

"The SNC (Sovereign National Conference) was not conceived as one that would be supervised by the military or whose resolutions will be handed in as recommendations to a military regime to implement. Rather, the SNC was conceived as one that would, once convoked, become an alternative authority to the incumbent military dictatorship. It would elect a National Government of Democratic Forces to which the military would hand over and which would run the affairs of the country during the period of the SNC and supervise free and fair multiparty elections within a specified period..."
Hence, the SAC, as advocated by CD, was a platform for the intensification of the struggle against military rule, not one to give justification to military intervention or provide a life line to military rule. As the promised Constitutional Conference is turning out to be... From the above, one could indeed see that the struggle for a Sovereign National Conference is a serious business indeed. It is tantamount to a coup or a forced-surrender of power of an incumbent military regime by a civilian-led force. It is a popular movement in which all democratic forces are involved. In our own case, what came close to the configuration of forces that could give rise to such a civilian-led coup are the concatenation of events and forces which forced Babangida out of power. At that historic point in time, however, there was a spontaneous alliance embracing many civilian politicians, pro-democracy and human rights groups, labour unions, some patriotic and disaffected soldiers (including some of his top echelon), the mass media, various nationality groups, religious organisations, business class and leaders and several mass cultural organisations—all demanding the exit of General Babangida. Perhaps if such a temporary alignment of forces had been consolidated, and a formal nationally-accepted political leadership had emerged to lead that struggle, such a force could have ultimately taken over the reins of power and it would then proceed to organise the needed Sovereign National Conference to usher in a democratic civil rule. That opportunity was tragically lost!

The struggle against the Interim National Government (ING) contrived by the ousted military dictator and his supporters, including some political leaders personally opposed to Abiola's presidency, became atrophied. The political class became divided along ethnic and party lines. Their opportunism took sway and the ship of state floundered without a leader.

The labour movement, the pro-democracy and human rights groups continued to maintain parallel command structures in their programme of struggle. The suspicion and lack of unity among them was not resolved nor addressed. It was like the crowd building the tower of Babel. The demand for a Sovereign National Conference was well-intentioned but such a wish must be grounded on realities and guided by correct tactics. Unfortunately, few people bothered to do concrete analysis or ask...
"Given the condition in our country and the alignment of forces, could the pro-democracy forces achieve a civilian-led vehicle in what a Sovereign National Conference is all about? Could we initiate a parallel Government that could face the military out of power? If not, could we not, therefore, take over a platform that was established to intensify the struggle for democracy?"

Given this line of reasoning, it was indeed a serious political error to have absolutely rejected any participation in the NCG when we had no alternative and when we could not even stop it.

If the pro-democracy organisations had effectively mobilised both for the election and for the Conference, there would have been a stronger presence of democratic forces at the Conference. The result of the Conference would have been much more radical. That would have put the regime in a more serious plight. The outcome of the entire exercise would have given us a stronger base from which to continue the struggle for a genuine democracy.

NADECO drew into the struggle veterans of popular democratic struggle in Nigeria, including the erstwhile Zikists. In our political history, the Zikist Movement at the anti-colonial days still remains an epitome of a serious, solid, and grass-roots-oriented popular democratic movement. The entry of those veterans into the struggle, to some extent, gave NADECO a popular mass base. Unfortunately, the theoretical and propaganda aspects of the struggle were left to the younger elements and the press. The younger generation of activists include many who are given to newspaper headline fancy, in which sloganeering and newspaper appearance is all that is needed to be a hero in the struggle in Nigeria. To them another credential is police arrest and detention.

Unfortunately, too, NADECO failed to achieve a cohesive nationally-acceptable leadership. It narrowed the whole struggle to the actualisation of June 12, 1993 Presidential Election. The broader political demands which is an immediate end to military rule was played down instead of being placed at the centre of the struggle. The hope raised in the minds of many democrats when the National Democratic Alliance (NADECO) emerged as a broader popular democratic platform to unite labour, existing pro-democracy groups and certain patriotic politicians began to wane.

Mobilisation of popular support for the actualisation of June 12 election was narrowed mainly to the South-West. This was perhaps because, in a country where ethnic politics is still very strong, it was...
easy to convince the ordinary Yoruba-man that the annulment of June 12 was an injustice to the Yorubas. Even some eminent politicians talked about the annulment as a "Northern Conspiracy". Logically, some Northern politicians who were pro-June 12 became somewhat alienated.

The regime has cashed in on this error. It has campaigned to narrow the base and focus of the struggle. It has turned its propaganda arsenal on the East. It is said the whole matter was a Yoruba affair. The East was reminded that the Yorubas had often betrayed them in the past. That it was in their bid to help the democratic forces in the West in 1964-5 that they suffered pogrom and the ruins of civil war and its after effects, only to be abandoned by the Yorubas. Matters were not helped by the increasing narrowing of NADECO's influence to the South-West. It was even worse when finally Afenifere, a Pan-Yoruba politico-cultural organisation effectively replaced NADECO as the main organ of the pro-democracy movement in Nigeria.

Yes indeed, the boycott of the Abacha initiated Constitutional Conference was an error in tactics, because an opportunity to intensify the struggle against military dictatorship was almost lost.

Worried about this development and wrong tactics of our pro-democracy movement, I issued the following statement before proceeding to Abuja for the inauguration of the NCC.

Press Statement on the Present Tension in the Country

"Every patriotic Nigerian is aware that the present tension in the country is the result of the undemocratic and inequitable system of governance in Nigeria. Nigerians desire and deserve a change. Victims of the present status quo as well as all democratic-minded persons and forces are determined to have a change.

But we must pursue the struggle for change in a manner in which we can carry the bulk of our people and the major political forces along. The struggle cannot be waged over the pages of newspapers nor could it be waged above the head of the people. In fact, it cannot be waged by only a section of the people without risking an unnecessary civil strife.

NADECO and similar democratic coalitions and forces are well-meaning democratic forces. Their aspirations are not out of tune with the aspirations of other patriots and the mass of our people. In the absence of genuine
democratically elected bodies, such popular democratic organisations become the mouthpiece of the masses. They demand democratic institutions and democratic governance.

The call for Sovereign National Conference to address the most undemocratic and inequitable system of governance in Nigeria as well as the call for the restoration of the mandate of June 12 are made in the same spirit.

In the long period of our struggle against military dictatorship and the pursuance of these goals all we have been able to achieve is a National Constitutional Conference which is about to zake off. For all its defects, a body has been elected representing various sections of the country. It is the only institutionalised democratic platform on the ground at the moment.

In the light of the prevailing state of affairs, the National Constitutional Delegates Conference represents the only democratic body capable of addressing the issues raised by NADECO and all democratic forces - issues such as the National Question, the Democratization of the Society, June 12, Revenue Allocation, Hegemonism, the Role of the Military, etc.

The Stalinist Virus

Yes, indeed, we owe our a failure to actualise a democratic revolution in Nigeria to some of the weaknesses pointed out above. There is another side to our problem. It is what I may call the Stalinist Virus which has negatively conditioned our ideological grounding of the struggle for change. The left in Nigeria have been most vocal and active in the struggle for radical change. They have exerted the greatest influence on the radical youth, the radical political movements and the radical wing of labour.

But, unfortunately, a certain dogmatism, both in conception and practice, has bedeviled the movement. Creative politics has consequently eluded us. That same weakness was carried over when the world historical situation shifted our focus from struggle for classical socialist transformation to struggle for popular democracy.

I had two occasions to chide the emergent pro-democracy movement of its weaknesses. The first time was during the 1989 Workshop organised by the NLC at Calabar. In my capacity as President of one of the pro-democracy organisations - Uhuru Research Centre - I presented
The Calabar Conference was convened by the NLC to determine the form of political organization or party that would best serve to organize, unite and lead the workers, the rest of the oppressed classes and the democratic forces to win political power. At that point, the argument was between those who dogmatically adhered to the stalinist party formula and those who were leaning towards a popular democratic platform.

During that debate, we witnessed a classical manifestation of the virus of Stalinist ideas which has had such negative effect on the practice and struggle for democracy in Nigeria. By its definition, none of the finest elements we have within the pro-democracy movement in Nigeria today would have been avoided by our "thoroughbred stalinists" as "class-enemies".

During that debate, the viewpoint favouring the stalinist-type of formation was entrenched in the phrase "Marxist-Leninist Party". Its main advocates were the late Comrade Wahab Goodluck, late Comrade Dapo Fasuyi, Prof. Busari Toyi, Comrade Ola Oni and Professor Olorode.

According to late Comrade Wahab Goodluck,

"Workers must go into alliance with their alien - the peasants and petit-bourgeois - to form a strong working class party on the basis of Marxism-Leninism."

Late Dapo Fasuyi, on his own part, called for

"...thorough-going socialist workers party", and cautioned against "the reification with the workers" party of narrow class-struggle class-collaboration ideology."

Professor Olorode also called for a Workers' Party, formed on the basis of Marxism-Leninism ... on the principle of class struggle, with a leadership which gives revolutionary integrity, without class collaboration."

In his own word, he said:

"A true Workers' movement will be anti-imperialist, explicitly anti-imperialist, anti-imperialist struggle."
The views of these men - Goodluck, Patogun, Olorode, Eskor Toyo, Ola Oni, etc., are found in the socialist magazine, New Horizon V4.9; section 2 of February 1989. This magazine was the megaphone of socialism in Nigeria.

Nothing retarded the progress of the struggle of the Nigerian left more than such mechanistic, abstract and doctrinaire phrase-mongering by those who claimed to be leaders of the revolution in Nigeria. Our full criticism of this viewpoint as contained in the publication referred to above is as follows:

"We make bold to assert that this formula (stalinist conception) is mechanical and practically useless and irrelevant in our present struggles. It is not based on a concrete analysis of the past and the present, and so cannot help us to find our way into the future. It tells us nothing about the objective and subjective realities - the acute socio-economic contradictions, the popular daily struggles of the masses both organized and unorganized, the alignment of forces and the class situation.

For example, radical democratic forces have emerged among the trade unions, the student movement, professional organizations of the academics, the lawyers, the medical people, musicians, journalists, women organizations, peasant movements, human rights organizations, etc. Even within the armed forces there are radical elements; even among the clergy, radical and liberation theologians are emerging. All these are popular democratic forces that have some (so-called) petty-bourgeois people within their ranks. Even within the trade unions and among intellectuals there are people with petty-bourgeois tendencies, who, nonetheless will support a programme of struggle against crime and corruption, against denial of human rights, against SAP and devaluation of the Naira, against wage freeze, in defence of the rights of free education, free medical care, adequate housing, equality and rights of women, genuine programme of rural and urban development, self-reliance and economic autonomy.

All these are concrete elements in a popular democratic struggle. They are also vital ingredients in a concrete programme of socialist struggles. When Professor Olorode says that the workers party must be anti-imperialist, he knows that the national bourgeoisie can and do sometimes support a programme of anti-imperialism. Their collaboration with imperialist multinationals occur when they lack capital and sufficient technical knowledge. The middle class (generally petty-bourgeois) can and do support an anti-imperialist line. Some sectors of the military could support such a..."
All these are various dimensions of the socialist struggle and it is possible to have a good measure of class collaboration, not permanently, but no matter how temporary. But as the struggle intensifies and a programme of corresponding quality emerges, some elements are likely to go over to the other side. Some of them surely will grow in their ideological and political orientation and will fully join the ranks of the Socialists.

Thus, the slogan of "no class collaboration" is empty and dangerous, unless it is situated within a concrete analysis and practice. So is the notion of "irreconcilability of working-class interests and those of the bourgeoisie". The correct position is that the interests of both classes are ultimately reconcilable, but the point of that reconcilability is the point of revolutionary transformation of power and the economic infrastructure, and the point when both class interests clash. Both classes, i.e. antagonistic classes, can jointly support certain basic social, economic and political issues opposed to the policies of a regime. For example, in Nigeria today, the bulk of the national bourgeoisie, including some of their ideologues, are opposed to SAP. Many of them are generally opposed to the present military junta. From a humanitarian point of view, some members of the ruling class support reform programmes that will ameliorate the plight and suffering of the masses. The Church has recently spoken against certain policies of the present regime that aggravate the social and economic crisis in Nigeria.

When this position, which became popularly known as Popular Democratic Front (PDF), was presented, it sparked off the most malicious attack from our Stalinist comrades. In spite of public attack, the position was secretly adopted by our critics because of its freshness. It was popular among the workers and labour leaders. Some perceptive commentators called it "a class piece and the best they have ever read from the Nigerian left".

Eventually, the labour leadership adopted our position as a theoretical guideline for its proposed Labour Party. It, therefore, rejected the Stalinist mode of party organisation in favour of the PDF model. With the defeat of the Stalinist perspective and armed with the popular democratic strategy, the labour party easily entered the Social Democratic Party (SDP) hoping it would enable them advance the struggle against the forces of reaction and conservatism in Nigeria. This made Abiola's
victory possible and thus paved the way for a heightened resistance against military dictatorship.

Incidentally, those opposed to electoral politics decided to form a pro-democracy alliance based on the same popular democratic principles and programme. Its original name was Popular Democratic Front (PDF) before it was later given the name Campaign for Democracy (CD). Our publication gave it its ideological bearing, hence, its initial name. The Labour Party formed by the NLC was meant to embrace within its fold, workers, peasants, progressive intellectuals, students, women, business men and politicians. It was a popular democratic organisation but with electoral ambitions. The CD embraced the same constituency but without immediate electoral aims.

The one critic at the Calabar Labour Workshop I felt disappointed with was my friend Edy Madunagu. He had written a piece on Popular Democracy a few months earlier. I thought he was then writing out of commitment.

Edy was fully aware of what three of us had done in the early eighties to give birth to modern ASUU. As the sacrificial lamb for that project, I faithfully articulated and carried into practical effect our collective vision to build ASUU as a popular democratic force and as a major force in the democratic transformation of our society. We creatively blended an organisation which has embraced the most reactionary intellectuals and the extreme radical ones. They have since the early eighties fought under a common banner in the name of ASUU. The ASUU programme of struggle conceived in the early eighties remains a classical prototype for popular democratic programme though limited to a profession in membership. The three dimensional programme - University Funding, Academic Freedom and Conditions of Service - has remained a guide for all subsequent ASUU struggles. Its leadership has remained as dedicated, following in the footsteps we established. What I doubt is whether the stalinist virus lurking somewhere does not negatively affect the approach of the younger generation of its leadership to the question of tactics.

When I left Nsukka to take up that project, trade unionism was not very popular among the bulk of university dons. I was also at that time called a renegade for “going into bourgeois trade Unionist”. But alas! before the end of the ASUU Strike of 1981-82, I had become their great hero. ASUU itself had become a popular platform. But its most debilitating weaknesses are its lack of flexible objective tactics, its
amateurism, lack of constitutional structure and lack of internal democracy. It was such weaknesses in tactics and organisation that also led to the failure of the enlarged pro-democracy organisation, the National Democratic Coalition, NADECO, to consolidate the “August 26th 1993 Revolution” that ousted General Ibrahim Babangida from power. If Abiola had formed a Governments of National Unity on that day or shortly after, the civilian-led coup would have materialised. Such a move, of course, presupposes that the necessary linkages would have been established with all the supportive forces both local and international. Instead of doing that, the pro-democracy leaders invited General Abacha to take-over. They thus played into the hands of the military which was already packing its bag and baggage to quit the political stage. How naive was it to invite a soldier, used to the vainglory and realities of political power, to take over political power. That was God-sent opportunity for the discredited civilian allies of military politicians to stage a come-back.

By the time Abiola returned to Nigeria, he still had the support of the popular forces that led to the ouster of Babangida, although the unprincipled politicians were in disarray. He could have equally done what he failed to do immediately following Babangida’s fall from power on August 26th, i.e., set up a National Government. Instead, he allowed the upsurge of popular and real support for him to wane. He went into negotiations for an Abacha-led coup, hoping the later would hand over to him. At a most unusual time, when the alignment of forces were no longer on his side, he declared himself President. Because there was no serious preparation for such a civilian-coup, and indeed such a declaration of war against a military dictatorship he had put in place, he disappeared into hiding after the declaration. The whole thing seemed like a soap opera. But it was not fun for the long-suffering masses anxious for a return to normal life and an end to military dictatorship. The whole saga seemed to them like a hope betrayed. The anti-climax came when they saw Abiola alight from a black Maria in hand-cuff going in for a trial. Indeed, what a hope lost!
Chapter Seven

The Role of the Trade Unions

Anyone who is conversant with the history and role of trade unionism in the social and political development of Nigeria would not be surprised by the involvement of trade unions in the recent political crises in Nigeria. They have been involved right from the anti-colonial struggles as a major force in its own right and also as part of the first Pan-Nigerian political organisation, the NCNC, and to the more recent times when they were part of the Social Democratic Party (SDP). They joined the SDP when the party they formed - The Labour Party - was not registered.

The Nigerian workers were a very significant force in the struggle for our independence. Their most prominent leader, Michael Imoudu, was both a labour leader and a political leader in his own right. They fought side by side with students and radical organisations to prevent the Anglo-Nigeria Defence Pact which would have given Britain a military base in Nigeria. After independence, they fought the national Government of Abubakar Tafawa Balewa over the rigged election of 1964. They fought General Gowon when he became reluctant to hand over power. It was the series of industrial actions against his Government despite Government ban on industrial actions that crippled Gowon's regime and made it easy for the Murtala Mohammed coup of 1975.

The strike actions of the Academic Staff Union of Universities (ASUU), the Nigerian Medical Association (NMA) and, later, of the NLC severely weakened President Shehu Shagari's regime and made it easy for the military intervention of December 1983. General Babangida made it a policy to encourage crises within the labour movement so as to weaken their opposition to his regime. Yet, labour's entry into the coalition against his regime eventually led to the down-fall of that regime.

The main political and ideological trend in the Nigerian Labour Movement has been on the radical side even though it has often been
bogged down by an intense ideological divide between the pro-socialist and radical elements, on the one hand, and the pro-capitalist and conservative elements, on the other. The battle between Hassan Sunmonu and David Ojieli as well as that between Ciroma and Shamang had ideological colourations. With the end of the cold war, the Nigerian labour movement assumed a social democratic platform.

Many are aware that the Nigerian Labour Movement has been active in the fight against general abuse of power and dictatorship; it has also been defending human rights of its members and the Nigerian citizens.

Labour's argument for wanting more direct involvement in power struggle is that it is labour that creates the wealth of the nation and, further, that it is its membership - the mass of Nigerian workers, their families and the general citizenry that suffer from economic and political mismanagement. Consequently, they believe it is wrong for them to remain aloof or to confine themselves to merely making demands on insensitive, inefficient, corrupt and autocratic regimes such as we have often had in Nigeria.

In 1989, the Nigerian workers under the leadership of the NLC, floated the Labour Party, it failed to be registered when Babangida preferred to impose only two parties on Nigerians. Consequently, the Labour Party had to fuse into the left-leaning Social Democratic Party (SDP). It was this party that fielded Chief M.K.O. Abiola as its Presidential candidate. The annulment of June 12 election was, therefore, seen as an affront against the Nigerian Labour Movement. It helped to fuel its agitation for an end to military rule, since the Nigerian military has continued to manifest itself as the greatest obstacle to the cause of democracy in Nigeria.

The 1994 labour-government face-off followed in the heels of the annulment of the June 12, 1993 Presidential election and the arrest, detention and trial of Abiola and other political and labour activists. The NLC lent its support to the raging pro-democracy campaign in the country, with an ultimatum given on July 9th, 1994 that Chief Abiola, other political and labour leaders in detention be released before July 19, 1994. The NLC ultimatum coincided with the outcry by Kokori's family expressing anxiety over the purported detention of Kokori in an unknown location but this later turned out to be a hoax, "a blackmail" against the government as Kokori himself described it. Kokori actually went underground, to the knowledge of his wife and few NUPENG officials.

NLC made its first statement on June 28, 1994 at the outset of the
crisis. On Friday, 8th July, 1994, the NLC wrote a letter to the Head of State, General Sani Abacha, pleading for the stoppage of the on-going trials of all political detainees and their immediate and unconditional release from detention. It cautioned the Federal Government that "the detention and on-going trials of political activists is fuelling tension and exacerbating political crisis". It went on to express the hope that the Head of State would "graciously accede" to the request. However, it cautioned, that it would find it "extremely difficult" to contain the reaction of Nigerian Workers if the political detainees were not released. On the 4th of July, 1994, Kokori called NUPENG workers out on a strike to press for higher pay and to protest continued military stay in power thereby holding the public to ransom. To meet the effects of the strike, Government made attempts to supply petroleum products as economic activities were slowed down considerably. Transport fares sky-rocketed, forcing citizens to trek long distances. 

On the 7th of July, Kokori was arrested by SSS operatives. Abiola was by this time docked at a Federal High Court in Abuja over a four-count charge of treason, amidst calls for sit-in protest by NADECO and a peaceful protest staged by over 1,000 lawyers of the Ikeja and Lagos branches of the NBA on Thursday, 7th July. The protesting lawyers were demanding the resignation of the Justice Minister, Dr Olu Onagoruwa, for allegedly failing to obey court order directing him to produce Abiola in Court. Market women were also reported to have sympathised with the NADECO and NBA action. 

In what looked like a reunion of dissenting camps, the NLC presented a united front. Through its president, Pascal Bafyau, it addressed a Press Conference on the 9th of July, 1994, handing down a six-point demand which government must meet or face "an appropriate trade Union action after 12 days". Bafyau also said that his participation in the Constitutional Conference would be dependent on the decision of the Congress, taken through a democratic process. NLC summoned the National Executive Council (NEC) of the Congress on July 18 and 19, 1994, to determine the strike threat and how to douse this unnecessary tension which has been deliberately inflicted on our people by the ruling class. The Central Working Committee (CWC) of the NLC firmly insisted that government should meet their six-point demands, namely:

- Halt all political arrests, detentions and trials.
- Release without conditions, Chief Moshood Abiola (the widely
acclaimed winner of the last presidential election);
- Drop all charges against all political detainees;
- Release unconditionally Franke Ovie Kokori, General Secretary of NUPENG (the petroleum workers' union which has been on strike since Monday, 4 July, 1994);
- Stop further arrests and harassment of labour leaders;
- Re-open all shut media houses.

While describing the annulment of June 12 election as unprecedented and insisting on its six resolutions, the Congress also expressed its conviction that the on-going strategies in resolving the political and economic crises in the country were not producing desired results; and that for the international community, 'to take Nigeria seriously, therefore, will require a drastic and immediate elimination of mounting tension by bringing the country back to normalcy.'

PENGASSAN also directed its members to begin an indefinite strike on July 12, 1994, following the expiration, on July 10, of its own 7-day ultimatum issued to government to address the workers' 8-point demand. In a communiqué issued by the National Executive Council of PENGASSAN in Benin and signed by Chef Milton Dabbi, General Secretary, and endorsed by 48 other officials of affiliate unions, they talked about unresolved issues in the oil industry and the society which necessitated the action. They further stated that the members' travails in the oil industry and the nation in general were closely tied to the political situation. Government, they said, must resolve the crises by respecting the democratic and sovereign will and aspirations of the people as expressed in the last presidential election; restoration of all dissolved democratic structures and release of all political and labour detainees.

Earlier on 8th of July, Lagos workers, including the Lagos Branch of the NUJ also gave a 72-hour ultimatum which expired on July 11. But by Saturday, 9 July, Warri refinery and nine other oil depots were shut. On Monday, July 11, the Lagos and Kwara branches of NLC directed their members to begin an indefinite sit-at-home strike from 12 July. The Warri depot was shut by unidentified persons who switched off power supply to the 110,000 barrel per-day capacity plant, to underscore the determination of oil workers in their on-going crusade to secure industrial and political concessions from Abacha's Government. There was also fears that the Port Harcourt refinery, the most reliable of Nigeria's four refineries, may be the next target of the aggrieved
workers. This led to the sacking of all workers of the Warri Refinery Petroleum Company (WRPC) by the management. The workers' move was apparently to stall a contingency plan by government to sustain fuel supply despite NUPENG's strike. Don Etiebet, the then Minister of Petroleum and Mineral Resources, expressed shock at the workers' insistence on an industrial action since, according to him, most of their demands had been met, while the few outstanding issues could have been resolved through dialogue with the NNPC management.

The National Union of Air Transport Services Employees (NUATSE) later joined the strike. NUATSE has 90% of the nation's Aviation Workers as its members. Its strike action, it said, was an expression of its solidarity with the NUPENG, National Union of Local Government Employees (NULGE) and other industrial Unions to press for the exit of the military from the nation's political scene.

In a directive on the strike, the Union wrote:

"To realize our objective aimed at restoring people's democracy in Nigeria, the National Secretariat of NUATSE, on behalf of CEC/NEC, hereby directs all NUATSE members nation wide to observe the NLC directive of stay-at-home order if within the 7-day ultimatum given to government, our demands are not met."

Their demand included release of Frank Kokori from detention.

National Association of Nurses and Midwives (NANMW) and the NULGE had been on strike before NUPENG, demanding improved working conditions. Seventeen (17) affiliates of the NLC met also and issued a communique noting the prevailing social, economic and political climate in Nigeria, characterised by mass poverty, misery, hyper-inflation, mass unemployment, widespread retrenchment, factory closure, political instability and general insecurity in "a situation of super-affluence by a few Nigerians and widespread corruption in both private and public life."

These situations, they said, "should logically and rationally attract trade union's massive protest and collective actions".

Talks between Government and NUPENG and PENGASSAN started on the 22nd of July, but it was stalled by uncertainties about the whereabouts of Frank Kokori. The Minister of State for Petroleum and Mineral Resources, Alhaji Umaru Baba, led the government team which included Brig-General Adedeji Oresanya, Chairman, Military Task Force on Petroleum Distribution. While NUPENG insisted that a decision to call off the strike could only be made by the union's NEC,
they warned that the strike might continue unless Mr Kokori was produced.

PENGASSAN boycotted the meeting because, according to it, the union was not formally invited. Even if invited, it argued, it would not have participated unless Kokori was produced. The mounting socio-economic and political crisis left commercial and social activities grinding to a halt especially in the South-Western part of Nigeria.

On Saturday, July 23, 1994, Kokori reappeared, raising hope for an end to the strike. When questioned, Kokori denied ever being arrested at all. Government representatives and NUPENG leaders then met on Monday, July 25, to iron out other areas of differences.

The effect of the strike was so severe and excruciating that Lagos residents used aviation fuel and sawdust to cook. As the situation became more intolerable Dr Olu Sola Saraki moved his motion on the floor of the Constitutional Conference asking all parties to the crisis to take the path of dialogue in order to move the country forward. Conference, as we saw earlier, adopted the motion.

On Wednesday, 3 August, 1994, NLC began its strike, NURTW Lagos branch and other unions directed their members to comply with NLC directives. At this point Government expressed willingness to release Abiola and other detainees to NLC. With that indication, on Friday, August 5, 1994, NLC called off (suspended) the strike. But this action caused serious split and dissatisfaction in its Executive Council and among the various state chapters of the NLC. Bafayi and Ag. General Secretary of the NLC, Mr Morgan Anigbo, at the end of an emergency meeting of its CWC, directed all workers in a communiqué to report to their places of work as from August 5, “to enable the Congress and the Federal Government have fruitful negotiation scheduled for Abuja.”

On Thursday, 4 August, the CWC of the NLC received and deliberated on the report of the Congress negotiating committee with the Federal Government. It noted the positive disposition of the government to NLC’s demands, and agreed to the request of the Federal Government to suspend the strike to allow for further negotiations under a free and fair atmosphere. They noted that this would be the second time it was suspending its action on basis of trust, while unfortunately, as they noted, government had failed to reciprocate. It set Friday, August 5, as day for final negotiation while its CWC would reconvene on Saturday, 6th August, to take final decision.

However, the Lagos State Council of NLC dissociated itself from the
National body because, according to its Chairman, Mr Ayodele Elesho, "as the NLC is the meeting point of political activity in the country and, consequently, it has the responsibility to protect the interest of our members in any decision (it) takes". Col. Oluwaseye Oyinola, the Lagos State Military Administrator, in a radio broadcast, pleaded that workers on essential services in the State be allowed to function without hinderance to minimise hardship and prevent outbreak of epidemic. In spite of the NLC strike, he pleaded that essential services like water production and distribution, fire and emergencies in hospitals, mortuary and cemetery services, waste collection, and skeletal services at the Randle and Onikan health centres, should run unhindered.

At this point the NLC was engulfed in an internal crisis. It was split over Congress President Bafyau’s handling of the political situation, especially on the issues of unconditional release of Abiola and re-opening of shut media houses. Bafyau’s press conference on Tuesday, 9 August, was boycotted by some of the national executive members including his two deputies. They were protesting over the NLC President’s style with the help of a cabal in the congress in favour of government. In his press briefing, Bafyau gave progress report on the peace efforts to resolve the crisis. Lagos State Council of NUJ rejected his decision to call off the strike when none of the Congress’s six point demands had been met. They described his action as a betrayal of the collective wish of Nigerians who want an early resolution of the crisis. Bafyau’s appeal to workers to accept the conditional release granted Abiola was also rejected.

With the central labour movement in apparent disarray, Government moved in for a quick kill. In a nationally televised broadcast on Wednesday, 17 August, 1994, General Abacha dissolved the National Executives of NLC, NUPENG and PENGASSAN, and appointed administrators to oversee the affairs of the oil workers as well as the NLC.

Armed policemen sealed off the National Headquarters of the NLC, NUPENG and PENGASSAN, early on Thursday, August 18, 1994. This action provoked widespread condemnation. Chairman of Niger State Council condemned the government’s action as illegal and provocative, but blamed the leadership of NLC for inconsistency in most of its actions. As police occupied their offices, the leaders went underground to plan legal action. Government also announced partial lift of ban on political activities which was roundly criticised as having been
designed as a carrot for Nigerian politicians with a view to diverting attention from the legitimate pursuit which is June 12. The dissolution of labour executives was seen as another instance of the annulment syndrome and assault on democratic institutions introduced into the country by the military regime of General Ibrahim Babangida. It was condemned as unwarranted assault on the legitimate right of Nigerian workers to decide who should lead them and for what period of time.

Thus, for the second time in a decade, the Nigerian Labour Congress (NLC) leadership was dissolved by Government through a nationally televised broadcast. The first proscription was in February 1988 when the military regime of Babangida dissolved the NLC leadership following what many believed was government-instigated or, at least, government-encouraged intra-union crisis which rocked the labour Congress in a leadership tussle between Ali Ciroma and Shamanga. The regime appointed Mr Michael Ogunkoya as the NLC Sole Administrator who later conducted the election that saw to the 'unopposed' emergence of Paschal Baliyan. This time Mr Ason Bue was appointed as Sole Administrator of the NLC.

NUPENG dissolution was also the second within a decade. It was first dissolved in 1989 also by Babangida regime following an intra-union conflict which split the Union into two factions. Government appointed Mr OlorunlumBa Sonubi as Administrator who conducted the election that produced Chief Frank Ovie Kokori as Secretary-General.

PENGASSAN and NUPENG went to court to challenge Abacha's government's sacking of their leadership, vowing to continue the strike and urging their branches to ignore instructions from appointed administrators.

Britain and the U.S. deplored the arrest of some politicians and labour leaders by security agents, insisting that dialogue was the only way out of the lingering political crisis. The CLO and other human rights groups also criticised the spate of clampdown. British Foreign and Commonwealth Office deplored the arrest of "a cross-section of prominent civilian pro-democracy campaigners including Chief Anthony Enahoro, saying that "the repressive acts will not help to resolve the current political crisis." According to its statement, "jailing advocates of democracy, denying freedom of association, blocking association members rights to choose their leaders are totally inconsistent with a democratic process". Nigeria, it argued, is a signatory to International Conventions which guarantee workers' rights and freedom. The
American government urged Nigerians to engage in "an open-minded search for the means to return to the path of democratisation within a united Nigeria."

Following the court action instituted by NUPENG, Judge of the Federal High Court in Lagos, Justice Mamman Kolo, on Tuesday, August 23, restrained Messrs Ahmed Jalingo and E. Okon from functioning as Sole Administrator and Secretary respectively for the NUPENG. This was six days after government had appointed Sole Administrators for NUPENG, NLC and PENGASSAN. The court also granted leave to detained Chief Enahoro, Chief Cornellus Adebayo, Chief F. Kokori and Mr Fred Eni (personal aide to Chief Abiola) for the enforcement of their fundamental rights. Kokori was arrested in Lagos on Friday night, 19 August. Also arrested were the chairman of Lagos Island Local Government, Prince Ademola Adeedeji-Adele. The Lagos State-Council of the NLC met and declared:

"We are meeting to map out a common resistance to this dissolution fever, because, if it is not checked, we will all become victims".

Soon after the dissolution of the executive committees of NUPENG and PENGASSAN as part of the regime’s efforts to crush the strikes, Brigadier Ogbemudia, the Minister of Labour and Productivity, directed all workers to go back to work before 25 August. He also asked ex-workers in the field, and graduates of chemical and petroleum energy and related disciplines to register with labour directorates in their States of residence. This, as Etiebet, Minister of Petroleum and Mineral Resources said, was to fill vacancies that may arise from any refusal of the workers to resume duties.

On Monday, September 5, 1994, striking oil workers, in consideration of the crippling effects of the strike to the Nigerian economy, and pressure from their own people, ended the strike, as government promulgated decree 9 of 1994 to give legal backing to the dissolution of the NLC and other unions.

With labour in disarray, the only remaining platform for the resolution of the June 12 problem and the political crises in the country was the NCC. This placed greater burden on the patriots within the Conference. It is obvious that only a just, united and democratic political order could save the nation from this quagmire of political existence.
PART III

THE CONSTITUTIONAL CONFERENCE IN SESSION
Chapter Eight

Inauguration and the First Plenary Session

When we arrived Abuja on Saturday June 25th 1994 for the official inauguration of the Conference, there were a lot of anxieties and uncertainties. The Decree establishing the Conference was the main talk among delegates. It had just been made available to them even though its publication was dated April 30, 1994. Many delegates felt disappointed by its provisions saying that if they knew about its contents they would have boycotted the election.

As we noted in the previous chapter, the Decree had been severely criticised by the public and media. The delegates complained about the fact that Government had appointed all the officials of the Conference, thereby ensuring it has full control of the management of the Conference. The same was true of the agenda prepared by the NCCC and the stipulation of simple majority. There were also doubts about the outcome of the Conference.

General Abacha referred to their anxieties in his inaugural speech. But in trying to reassure the delegates, he created more confusion. According to him, the Government was merely a facilitator and the Conference had before it a comprehensive agenda. He urged the delegates not to have any apprehension as to the nature of the freedom of the proceedings of the Conference. In his words, "... no fear should be entertained that anyone will lightly set aside your decisions and conclusions."

The expression, "... will lightly set aside ...", rather than reassuring delegates heightened their fears that Government might find one reason or another to over-ride Conference decisions. The imperativeness implied in the decree appeared diluted by General Abacha’s speech. The decree empowered the Conference to "propose a new constitution which shall be promulgated into law". And many understood the phrase, "shall be promulgated into law", in its legal sense as imperative and binding.

66
Another issue that caused anxiety among the people and the delegates was the issue of the time-table for handover of power by the military regime. Sceptics saw the Conference as a ploy by General Abacha to prolong his stay in power. However, in his inaugural speech, he linked the terminal date for military rule to the outcome of the Conference, and further declared the commitment of his regime to peaceful disengagement from office.

The inaugural speech of General Abacha was very comprehensive and touched almost on every item on the 29-item Agenda prepared by the NCCC. Although the inauguration took place amidst tension in the country, the ceremony was very colourful. It was attended by some of the former leaders, ministers, members of the diplomatic corps, traditional rulers, delegates and their friends and wives.

On their arrival, the delegates were quartered at the Sheraton Hotel. Thereafter, they were to move to the Legislators’ Quarters at Apo Village. By Tuesday, June 28, 1994 when the full plenary session was expected to resume, the houses meant for the delegates were not ready, and the basic working materials for the Conference were not in place. Consequently, after the swearing-in and oath-taking, an adjournment was taken to enable the Government put things in place. The delegates were asked to return by July 11, 1994.

Plenary Session


The initial business of the Conference was setting up of two committees, Standing Orders Committee and Business Committee. A total of 16 members were to be elected in addition to the Conference Chairman and his Deputy. While this was going on, a question arose as to how to allocate the 16 places to the two committees to the 30 states and Abuja. A motion by Dr. Sola Saraki proposed that the 30 states should be paired and Abuja added to one of the pairs. This had support from several delegates. A counter motion by Chief Dr. Alex I. Ekwueme that the 18 places be distributed among the six geo-political zones or regions of the country was defeated. Thereby Saraki’s motion was passed.

It was suspected that Chief Dr. Ekwueme’s motion was defeated because of the mention of the word “Region”. At that time it had been known that the Southern Delegates had a strong proposal for
restructuring the country into six regions for purposes of promoting a fairer system of power and resource-sharing. On the other hand, many Northern delegates were very hostile to the idea of regionalism or even zoning.

It was also known that the proposal in Dr. Saraki's motion had been agreed upon at a meeting summoned in the name of a certain "Committee for National Consensus" to which about five delegates from each state were invited. After the meeting Dr. Saraki's motion was discussed with the Chairman of Conference ostensibly as a proposal to help facilitate the work of the Conference. That Committee for National Consensus later became an organised forum influencing the course of events at the Conference. It eventually became one of the political associations formed at the Constitutional Conference.

When the Business Committee was set up, Dr. Sola Saraki emerged as its Chairman, while Hon. Senator John Wash Pam from Plateau State was the Deputy with Hon. Umaru Dahiru as Secretary. Contrary to the decision to merge Abuja with Bauchi and Niger in the allocation of Committee places according to Saraki's motion, the three ended up having two representatives. That gave the North nine members in the Committees as against seven for the South. Unfortunately, the Chairman of Conference ignored this anomaly when it was raised.

The process for setting up other committees then followed. A proposal for appointment of Chairmen of Committees submitted by Justice Karibi Wylie was rejected by the House, which also directed that the Business Committee should liaise with the Conference Chairman to tidy up the issue. It was eventually agreed that the previously agreed pairing of states should be used in appointing Chairmen of Committees.

The Chairman of Conference was to complete the appointment by considering special interest groups such as Women and Traditional Rulers. Finally, the following were appointed Chairmen of the various Committees:

- Political Structures and Framework of the Constitution
- Judiciary
- Fundamental Rights and Directives Principles of State Policy and Press Freedom
- Law and Order
- National Defence
- Revenue Allocation

Here again, the North had twelve Chairmen of Committees while the South had only nine. The Northern delegates also controlled the key Committees, namely:

- Political Structures and Framework of the Constitution
- Judiciary
- Fundamental Rights and Directives Principles of State Policy and Press Freedom
- Law and Order
- National Defence
- Revenue Allocation
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<th>S/No</th>
<th>CHAIRMAN</th>
<th>STATE</th>
<th>COMMITTEE</th>
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<td>1</td>
<td>Hon. Prof. Musa Yakubu</td>
<td>Adamawa</td>
<td>Committee on Political Structures and Framework of the Constitution.</td>
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<td>2</td>
<td>Hon. Chris Nnanzikwe</td>
<td>Enugu</td>
<td>Committee on the Executive</td>
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<td>3</td>
<td>Hon. W.O. Inah</td>
<td>Cross River</td>
<td>Committee on Legislature and Legislative List</td>
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<td>4</td>
<td>Hon. Alhaji Mamman Daura</td>
<td>Katsina</td>
<td>Committee on Judiciary</td>
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<td>5</td>
<td>Hon. Dr. G. Laraba Abdullahi</td>
<td>Borno</td>
<td>Committee on Fundamental Rights and Directive Principles of State Policy and Press Freedom</td>
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<td>6</td>
<td>Hon. Major General A.B. Mamman</td>
<td>F.C.T.</td>
<td>Committee on Law and Order</td>
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<td>7</td>
<td>Hon. Brig. Abba Kyari</td>
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<td>Committee on National Defence</td>
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<td>8</td>
<td>Hon. Chief Launtbert Nnucha</td>
<td>Abia</td>
<td>Committee on Economy and Revenue Generation</td>
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<td>Hon. Arc. G.Y. Adikwu</td>
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<td>Hon. Prof. F.A. Igbude</td>
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<td>Hon. Chief Tele Onokoya</td>
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<td>12</td>
<td>Hon. Dr. Duro Famojoro</td>
<td>Osun</td>
<td>Committee on Elections and Electoral Process</td>
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<td>13</td>
<td>Hon. H.R.H. Abi. S.Y. Abarchi</td>
<td>Emir of Yausi</td>
<td>Committee on National Values and Lingua Franca</td>
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<td>14</td>
<td>Hon. Dr. Mrs. Simi Johnson</td>
<td>Lagos</td>
<td>Committee on Social Welfare</td>
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<td>15</td>
<td>Hon. Alhaji Jibril Yelwa</td>
<td>Kebbi</td>
<td>Committee on civil Service and Parastatals</td>
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<td>16</td>
<td>Hon. Ansh. Biitu Yusuf</td>
<td>Jigawa</td>
<td>Committee on Forestry, Policy</td>
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<td>17</td>
<td>Hon. Dr. Peer Odili</td>
<td>Rivers</td>
<td>Committee on Creation of States and Local Governments</td>
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<td>18</td>
<td>Hon. Engr. Baranbas Gweade</td>
<td>Benue</td>
<td>Committee on Political Transition</td>
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<td>19</td>
<td>Hon. Justice M. Nasir</td>
<td>Katsina</td>
<td>Constitution Drafting Committee</td>
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<td>20</td>
<td>Hon. Senator Sola Saraki</td>
<td>Kwara</td>
<td>Business Committee</td>
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<td>21</td>
<td>Hon. Justice A.G. Karibi-Whyte</td>
<td>Kwara</td>
<td>Standing Orders Committee</td>
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The Course of Debate at Plenary Session

The Chairman and the Conference agreed that the delegates should each speak for about 10 minutes. For this purpose he drew up the list for each day. The first plenary session enabled each delegate to state in broad terms his mandate, how he perceived the task before the Conference, the source of the nation’s problems and possible solutions. Almost all delegates spoke on the key issue of the corporate existence of Nigeria. While nearly everyone affirmed his belief in the continued corporate existence of the country, many warned that for Nigeria to remain united, its unity must be based on the foundations of justice, equity and democracy. The broad focus of the speech of Southern delegates was on Marginalisation and Justice. My humble contribution (of which time did not allow its full presentation) is contained in (App. V).

Many delegates from the North were generally very tough talking and boldly defending the status quo. They also spoke about their own marginalisation in certain areas of the power equation, especially in the bureaucracy, economy and media. It was this dogmatic defence of the status quo that provoked Mallam Ahmadu Abubakar from Plateau state to call on the North to relinquish power by allowing the Presidency to go to the South this time around.

Several documents and memoranda on various issues flooded the Conference. The major focus was on the issues of National Unity, Peace, Justice, Equality, Structural Reforms, Forms of governance, Presidential system (French or American Models), Parliamentary System, "Authentic African Model", Tiers of government, Need for return to true federalism, Calls for regionalism, Confederation, Devolution of power, Power and resource sharing arrangements to end marginalisation and domination, Rotation of power, Zoning, New revenue allocation formula, economic reform, Problems of corruption, Early return to democracy and quick end to military rule in Nigeria. Proposals for ending the prevailing political crises, Calls for an Emergency National Government, Release of all political detainees including Chief M.K.O. Abiola, The issue of June 12, etc, etc.

The Controversy over H.R.H. Oba Dr. Adedapo Tejuoso’s Speech

On Tuesday, July 19th, 1994, Oba Tejuoso made his own speech. He
was unduly and rudely interrupted by heckling delegates mostly from the North. This led to a walk-out by Yoruba delegates.

The Oba's speech began with his remarks that the source of the country's problems is that "we have forgotten God in all aspects of our life" and "we have not given respect to the elders", and the traditional rulers. Then he went on to condemn the protocol list which puts the Traditional Rulers after Governors, Commissioners, Directors-General, Local Government Chairmen and Councillors and he urged that this be rectified. As a medical Practitioner, he also lamented the marginalisation of the Medical Practitioners in the affairs of Nigeria, recalling that the Chief Medical Officer was once the second in command to the Governor-General.

After condemning the Land Use Decree, the Oba went on to dwell on the need to enshrine in the new Constitution, the principle of equality and the right of every Nigerian to aspire to the highest post of the land. He then went on to declare, "It is only equitable that June 12, 1993 be revisited and justice done". Its principles and issues, he said, must be upheld. At this point, the heckling began.

The Oba then gave notice that he might be overstaying the ten minutes by asking for "injury time".

Still on the June 12 issue, the Oba spoke frankly, saying:

"The good thing about Nigeria and the Nigerians is that we forgive and forget so easily, otherwise most of us will not be entitled to be here seated today. What indeed has Abiola done that has not been done by some or all of us here present? What makes his offence so great as to warrant such an annulment after he had been cleared for election? What makes de-annulment impossible? These issues are serious issues yet to be answered publicly. These answers should come now."

While acknowledging that there had been other injustices perpetrated in our political history, the Oba called for the revisiting of June 12 and the immediate release of all political detainees including Chief M.K.O. Abiola. June 12, he emphasised, was the main reason for the Constitutional Conference.

At this point the heckling became unbearable. Some delegates felt that the reference to those who should not be at the Conference because of their past was a reference to Dr. Umaru Dikko whose nomination to the Conference by the Government had sparked off much controversy. Again, the reference to June 12 election and Abiola had always been...
treated as an anathema by some vocal conservative delegates, especially from the North.

Despite the spirited effort by the presiding Deputy Chairman, Hon. Justice Mumman Nasir, to control the interrupting delegates, the Oba concluded his speech but without the delegates knowing what indeed he was saying. But for the Hansard we would not know what he said because of the noise by the hecklers.

At the end of his speech, the Oba left the hall and was followed by all Yoruba delegates. Subsequently, the proceedings of the Conference were abruptly halted amidst general confusion and anger on the part of Southern delegates and their liberal Northern colleagues. Through the timely intervention of some key delegates like General Shehu Yar’adua, Dr. Alex I. Ekwueme, Chief Sam Mbakwe, Dr. Saraki and others, the delegates who had worked out returned to the Conference. The Oba walked in first, followed by the others. As he sat down, each Yoruba delegate approached him, knelt and bowed before him and then proceeded to his seat. It was a show of great affection, solidarity and respect of tradition.

At the end of this, the Deputy Chairman addressed the delegates urging them to "give the Traditional rulers the dignity they deserve". He then called on the Oba to address the Conference again.

In response, Oba Tejuoso decried the way things were going in Nigeria, especially the manifest injustices and inequalities. He expressed fear for the country’s unity as well as his disappointment over the reluctance of people to address the discontent and grievances of a section of the country.

The Oba said there was a manifestation of a great divide between the North and the South. For example, he said about seven traditional rulers from the North and eight from the South had gone to see General Abacha the previous day. At that meeting, he said, while the Northern traditional rulers spoke with one voice in the negative over the issues of June 12 and the release of Abiola, the Southern traditional rulers spoke with one voice in favour of revisiting June 12 and release of Abiola.

He decried the treatment which he received earlier in the day, pointing out that what happened to him could not have happened to an Emir.

In his reply, the Deputy Chairman expressed apologies to the Oba and decried the intolerance and lack of decorum on the part of those delegates who interrupted him. Certainly, heckling was a common feature of the
Conference proceedings. The Southern delegates occasionally applied it but not to any particular Northern leader.

This episode was preceded by an informal meeting held at Sheraton Hotel at the instance of the Yoruba delegates. During the meeting the delegates spoke with tears in their eyes and appealed to their colleagues at the Conference to show understanding and sympathy for their plight and help to ensure that June 12 was discussed and resolved. They called for the release of Abiola from detention. Indeed, it was a moving and sorrowful spectacle to see some of them literally in tears.

More pathetic and irksome were the strictures against the late Chief Obafemi Awolowo whom one speaker accused of being the architect of the plight of the Yorubas through the propagation of what he called a negative Yoruba nationalism. The scene provoked a distressful response from Southern delegates including Chief Emeka Odumegwu Ojukwu. Chief Ojukwu appealed to those present to respond positively to the appeal from their Yoruba colleagues to demonstrate goodwill and that we mean to live together.

On the 20th of July, Dr. Alex I. Ekwueme circulated a memorandum in which he called for the release of Abiola and the setting up of an Emergency National Government and suggested that such a Government should be led by Abiola as a gesture of national reconciliation.

At the end of that meeting a fifteen-man committee was set up to make recommendations on the issue of June 12 and the release of M.K.O. Abiola.

As the meeting was winding up, Alhaji Mahmud Atta accused one of those on the high table of having asked him (Mahmud Atta) to tell General Ibrahim Babangida to annul the June 12 election when it was clear that Abiola had won. No discussion was held on this accusation which came in as an outburst when Alhaji Atta was initially not allowed to speak by Dr. Saraki.

The fifteen-man committee eventually met and recommended as follows:
1. That Chief M.K.O. Abiola and other political detainees be released unconditionally.
2. That steps should be taken to resolve the issue of the annulled election in the spirit of national reconciliation.
3. That Abiola and the other detainees should co-operate.
4. A delegation to be sent to the Head of State, General Abacha, on the position of Conference delegates.
Members of this committee eventually went as a delegation to convey these recommendations to General Abacha. The members included Dr. Alex I. Ekwueme, Major-General Shehu Yar’adua (rtd.), Dr. Sola Saraki, etc. Unfortunately, no further meeting was called to receive report of this committee. Apparently its recommendations were opposed by some landliners especially from the North.

The delegation did convey the message, but unfortunately a member of the delegation spoke against those recommendations and asked General Abacha not to intervene by releasing Abiola but rather to leave the Courts to handle the issue because it was a criminal matter.

This move culminated in the aborted release of Chief Abiola after an Abuja High Court had granted him bail. The ripples from this process caused tension within the High Command and led to the eventual retirement of Vice-Admiral Allison Madueke, Chief of Naval Staff and Major-General Chris Ali, Chief of Army Staff.
Chapter Nine

The Committee Stage and Second Plenary Session

Between August 4th and September 23rd 1994, 18 out of the 19 Committees met. They deliberated on the various issues in their terms of reference and forwarded their recommendations to the Conference. The Conference then met from September 28, 1994 as Committee of the whole Conference or what may be considered its Second Plenary Session and took final decisions on the committee recommendations. The most contentious issues raged in the committee and later surfaced in the Second Plenary Session.

Committee on Political Structures and Framework of the Constitution

The Committee on Political Structures and Framework of the Constitution had the task of recommending ways of political restructuring to restore true federalism and eliminate sectional domination. The main issues in its agenda were, therefore, the unity of the country, form and system of Government, tiers of Government, how to return the country to the path of true federalism; appropriate structures for power-sharing, zoning and rotation of offices.

The Committee unanimously recommended that Nigeria should remain as one united, just and democratic country, with a federal and three-tier system of government. But due to the lapses in the present system, the committee felt there was need to devise a structure for equitable sharing of power and resources, and at the same time promote a just and democratic social order. The Committee identified factors that militate against the unity of Nigeria, such as
corruption and nepotism
manipulation of the political system on the basis of religion and ethnicity
tendency of state institutions to operate against the norms and wishes of society and laws
manipulation of electoral laws to suit the interest of the government;
frequent interruption of the political process by military takeover of the democratic governments;
over-centralisation of functions and powers at the federal level.

The tendency of frequent military takeover and over-centralisation of functions led to the distortion of the federal character of Nigeria. In recommending the continuation of the federal system, the committee recommended the application of the principles of true federalism, using K.C. Wheare's definition as a guide. According to Mr. Wheare

"... a federal government exists, where the power of government for a community are divided substantially, according to the principle that there is a simple independent authority for the whole area in respect of some matters and there are independent regional authorities, for other matters; each set of authorities being co-ordinate and not subordinate to the others within its prescribed sphere."

Regionalism, based on a four-tier system (Centre-Region-State-LGA), was vigorously canvassed by most Southern Delegates led by Chief Dr. Alex I. Ekwueme. It was strongly rejected by mainly Northern delegates with enthusiastic support from Mazi S.G. Ikoku. Ikoku referred to the Igbo demand for a Regional Structure as a plan for "Secession in Stages". The demand for regionalism was based on the need to have viable federating units whose powers could not easily be eroded by the Centre. The over-centralisation of power at the Centre is due mainly to the fact that the states as presently composed are too weak not only to defend their interests but to discharge their functions. This situation is made worse by the erosion of democratic culture in the social, economic and political life of the people.

In the advocacy of this structure at the Committee stage, we used as our reference, a position paper circulated by Hon. Reginald Wilcox, another member of the Committee. In that memo, Hon. Wilcox lent support to the six zonal structure as advocated by the Southern delegates.

The Northern opposition to both regionalism and zonal structures was
led by Major General Shehu Yar'adua, Dr. Umuru Dikko and Wantaregh Paul Unongo. The controversial work of the Committee culminated in the famous Minority Supplementary Report which seven of us in that Committee sponsored. It also led to the famous consensus on a two-zonal Rotatory Presidency and finally to the Provisional Ruling Council's (PRC's) decision endorsing Rotatory Presidency, albeit for a given period and the six zonal structure as originally conceived by us.

The debate in this committee was very heated and at times nearly degenerated into physical exchanges. Anyone seeing my friend Wantaregh Paul Unongo, and myself holding hands in a photography taken on the day of the hand-in of the Draft Constitution, would not believe that both of us almost came to blows and held ourselves by the neck in one of those heated and sharp exchanges. Today we are friends. That is politics without bitterness.

Committee on Revenue Allocation

This Committee was bogged down on the question of the percentage to be assigned to Derivation. Members, however, easily reached agreement on most other issues including the principles of vertical revenue allocation among the three tiers of Government and horizontal allocation among the various sections of the country. The actual figures are to be determined by the National Revenue Mobilisation, Allocation and Fiscal Commission (NRMAFC). NRMAFC is to be composed of one representative from each state, and its recommendations are to be sent to the National Assembly. To avoid a situation whereby government maintained separate and secret accounts, the Committee recommended that there should be only one Federation Account into which all monies of the Federation, except independent revenues of the Governments, should be paid. Any amount standing to the credit of the Federation Account shall be distributed among the Federal Government, State Governments, Local Governments and Special Funds after the application of the principle of Derivation. Furthermore, no transactions should be made in respect of the Revenue of the Federation outside the Federation Account.

On the percentage accruing to derivation, the Committee could not reach any agreement. While the Southern delegates were demanding 50% for derivation as was the case in 1963 Constitution, the Northern
delegates were conceding only 6% to include the percentage for OMPADEC. The issue was, therefore, brought to the Conference in plenary for determination.

A consensus Committee headed by Major General Shehu Yar'adua (rtd) was appointed to resolve the matter, which it did in favour of 13% to be assigned to derivation. A more detailed discussion on the subject of Revenue Allocation at the Conference is found in the chapter on Revenue Allocation.

Committee on Political Transition

The main issue here was the issue of deadline which we have extensively discussed in the chapter on Terminal Date for Military Rule. The NCC ruled against the committee's proposal to involve it in a transition government.

Committee on Creation of States and Local Governments

Naturally, most delegates were interested in the issues of creation of new States and Local Governments. The task of satisfying the several demands and of evolving an acceptable criteria was not easy.

Since independence, the country has evolved from three regions to four regions, from 12 states to 19 states, to 30 states and now to 36 states plus the Federal Capital Territory, Abuja. There are also at the present 593 local governments areas in the country plus an additionally 182 local governments created by the last exercise in 1996.

The continued demand for creation of States and Local Governments in Nigeria is due to the need to spread development to the grass roots and to meet ethnic and sub-ethnic aspirations for local autonomy and self-actualization in the spheres of cultural, economic, social and political life.

When the Committee on the Creation of States and Local Governments, headed by Dr. Peter Odili, presented its Report on December 8, 1994, it met with severe criticisms, particularly from those whose demands were not met. The proposal of the Committee for the creation of about three new States from the present Rivers State did not help matters. Some thought the chairman used his position to recommend the new States for his State - Rivers State.

Consequently, the Conference rejected the criteria recommended by
the Committee and set up another 31-member Committee headed by Hon. Wantaregh Paul Unongo. This Committee was asked to recommend an acceptable criteria for the creation of new States and Local Governments in Nigeria.

On the invitation of the Conference Chairman, Hon. Unongo proceeded to present the Report of the new Committee. But when he came to the criteria of population and said that his Committee recommended that the minimum population for the creation of a new State should be 1.5m, the Conference went into an uncontrollable uproar. Members became agitated.

Incidentally, one of the most popular demands for a new State was Apa state by the Idomas in Benue State. Their case was based on extreme cases of documented marginalisation, to which, they claim, the majority ethnic group, the Tiv, have subjected them. Wantaregh Paul Unongo is himself a Tiv man.

The population of the proposed APA State happens to be only 800,000. It was, therefore, easy to argue that the Chairman of the Committee, being a Tiv, had manipulated the criteria to eliminate the creation of Apa State. But one of the evidences which the advocates of Apa State adduced was the fact that the Tiv majority in Benue State House of Assembly had attempted to excise them from the State through legislation. So why would they not let them go on and have their own State? Nobody reasoned thus. Everybody was carried away by the legitimate strong sympathy for Apa State.

Thus as soon as the population limit was mentioned, the delegates began to shout,

No! No! No! No!, No! No! No! No!

Then they went on to sing:

"We want Apa State!
We want APA State!"

From this, the song became,

"Paul Unongo has failed!
Paul Unongo has failed!
Wantaregh Unongo has failed! ..."
Poor Wantaregh, his voice was drowned in that sea of opposing voices. But he managed to render his report to the end, calm and unroughened.

Eventually, the Usongo Committee Report was rejected. The Conference, finally decided to compile a list of all requests and forward them to the Provisional Ruling Council (PRC). The PRC was asked to set up the processes for proper evaluation of the requests based on the criteria stipulated in the 1979 and 1989 Constitutions of the Federal Republic of Nigeria.

The compilation of the Report of this Committee was equally not easy as it was not clear whether there should be a deadline for receipt of the requests or that requests should be entertained until the end of the NCC work. In the end, the chairman of Conference ruled that only requests received by the Peter Odili Committee and listed before the end of that Committee’s work should be entertained. Consequently, what was submitted to the PRC was Peter Odili’s Report and this list.

An important recommendation of that Committee which the Conference endorsed is the need for a balance in the number of States between the North and the South. A related decision was taken while considering the Report of the Committee on the Legislative and Legislative list. The Conference decided to place the creation of LGA’s on the State legislative list, as in the 1989 constitution. The implication of this is that LGAs will henceforth be seen as units of development rather than units of political representation in the legislature. States are therefore free to create as many local governments as their local needs, conditions and resources warrant. Their number will not be used as the basis for allocation of grants to a State. Rather, other criteria such as Population, Derivation, Equality of State, Internal Revenue Factors, Land Mass and Terrain, Population Density, etc., would be used for purposes of revenue allocation.

Committee on Power-sharing

This was one of the critical Committees charged with the responsibility of devising modalities to make it possible for all sections of the country to have equal access to power and thus eliminate the problem of domination of one section or a combination of sections by another or others. The Committee was asked also to look at and

80
recommend ways of ensuring an equitable power-sharing arrangement to ensure a sense of belonging to all Nigerians.

Among the specific items referred to the Committee for deliberation and recommendations were the issues of rotational presidency, rotation of Chief Executive at regional, state, and local government levels; zoning of posts generally; general review of issues of power-sharing; domination at federal, state, and local government levels; federal character; problem of democracy in Nigeria; etc.

In its Report, the Committee recommended devolution of power in order to reduce the excessive and unco-ordinated functions of the Federal Government. But the Committee was deadlocked on whether rotational presidency should be a transitional measure and whether it should be enshrined in the new Constitution. By the time its Report was taken, the Conference had already taken a decision by consensus that Rotational Presidency should be adopted and enshrined in the Constitution as a permanent measure, subject to amendment like any other clause in the Constitution.

To broaden the base of participation in the presidency, the Conference endorsed the Committee's recommendation of multiple Vice-Presidents. Similarly, the policy of winner-takes-all in government by which the party that wins majority in the legislative seats takes all the executive positions, is to be abandoned in favour of proportional representation at all levels of government. This is to evolve what may be called a Government of national unity.

One significant aspect of the Committee's Report is the endorsement of a more extended concept of power to include political, economic, military, bureaucratic, media, intellectual and class elements in the society's configuration of power. These are also facets of domination, although political power is the main determinant in the context of the nation state.

Committee on the Executive

This Committee considered the issues of the form of Government - Presidential, Parliamentary or Advocacy), qualifications for Executive offices (President, Governor, LGA Chairman), tenure of office, appointment of Ministers and duration and time of elections.

The Committee rejected the French Model of the Presidential System,
the Parliamentary System as well as the system called Afrocracy. It recommended a modified form of the Presidential System of Government enunciated in the 1979 Constitution. The modifications include Age Qualification. The Committee recommended and the Conference, after a most controversial debate, accepted the following:

<table>
<thead>
<tr>
<th>Office</th>
<th>Existing Age</th>
<th>New Age Qualification</th>
</tr>
</thead>
<tbody>
<tr>
<td>President</td>
<td>35</td>
<td>45</td>
</tr>
<tr>
<td>Vice-President</td>
<td>35</td>
<td>45</td>
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<tr>
<td>Governor</td>
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<td>40</td>
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<tr>
<td>Deputy Governor</td>
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<td>Chairman</td>
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<tr>
<td>Vice-Chairman</td>
<td>25</td>
<td>35</td>
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Table II

Naturally, this became one of the most unpopular decisions of the NCC. It was strongly criticized by a group of delegates who formed an association called The New Generation. Outside the Conference, the media and the public condemned the decision. It was pointed out by the critics that most of those who had ruled this country did so at a much younger age. General Gowon was 29 when he became Head of State, General Murtala Mohammed, General Obasanjo, General Buhari and even Buharis were each less than 40 when they assumed leadership of the country. Elsewhere, younger people have ruled other countries successfully and creditably. There is evidence that good governance is not totally a function of age, through a certain amount of experience is necessary.

I personally felt very unhappy with this decision. There was absolutely nothing wrong with the existing age requirements.

One of the most interesting decisions of the Committee and the Conference was to place a limit to the terms of office of President, Governor and Chairman of Local Government Area to two terms, without self-succession in each term. The President and Governors are to serve for 5 years in each term. Each could be re-elected for one more term in a future election, but not at the election following the end of his tenure of office. Chairmen of Councils are similarly entitled to two terms of 3 years each without self-succession in any of the terms.

82
Committee on the Economy, Population and Revenue Generation

Apart from political instability, Nigeria's most acute problem is economic. The state of the economy is anaemic and degenerate due to a continuous state of mismanagement and institutionalised corruption. The regulatory institutions and instruments have long been in a chaotic state. The financial institutions are inefficient and mismanaged. There is no rational monetary policy as we go from one policy to another as frequently as anyone can imagine. The Central Bank is run like the private bank and purse of the man at the head. Hard-earned foreign currency is squandered with reckless abandon. Local Currency was printed at will by the former Head of State. The revenue generating economic institutions like the NNPC, Ports Authority, Customs, NITEL, etc., are corrupt and poorly managed. Public corporations are in ruins due to the same factors. Huge inflated contracts are awarded, reviewed, and at times re-awarded as avenues for siphoning funds from the state treasury. The wealth of the country is carted abroad into private bank accounts and investments.

All social and infrastructural institutions such as Health and Educational institutions, roads, railways, communication, etc., are all in a chaotic state and decay.

Foreign investment is neither encouraged by the chaotic and corrupt state of the economy, political instability nor by continuous existence of military juntas and absence of democratic culture.

Agriculture which should be the mainstay of our economy is neglected.

The most critical aspect of this situation is that the economy is managed or mismanaged to the benefit of some sections of the country and to the detriment of others. The worst victims of our chaotic and mismanaged economy and inequitable distribution of our resources are the oil-producing areas and the entire Eastern Zones of the country.

It is in the light of the above that the NCC spent a good deal of time to propose certain measures that could salvage our economy and put it on the correct path. Based on the Report of this Committee the NCC took the following decisions.

1. Agriculture should be the cornerstone of the nation’s industrial development.
2. The country should operate a free market economy guided by the following fundamental objectives:

- The promotion of a planned, balanced economic development including the diversification of industries and prudent dispersal of industrial projects and infrastructure facilities throughout the Federation;

- That the material resources of the State are harnessed and distributed equitably and judiciously to serve the common good of the people;

- That the economic system is not operated in such a manner as to concentrate wealth or the means of production and exchange in the hands of few individuals or of a group;

- That the economic system is operated in such a manner as to guarantee adequate shelter, food, water supply, reasonable minimum living wage, old age care and pensions, employment and sick benefits and welfare for the disabled are provided for all citizens;

- That the cause of an agrarian revolution by ensuring food self-sufficiency and making agriculture the corner stone of Nigeria's industrial development;

- Promotion of exports of both finished goods and all agricultural products for earning the necessary foreign exchange;

- That economic integration in Africa is pursued in such a manner as to promote an efficient use of our resources and to quicken the pace of sustainable economic development.

3. Two per cent (2%) of the National Budget is to be spent on funding of Research and Development Institutes and Universities.

4. Decentralisation and zoning of financial institutions and economic infrastructures.

5. On the Regulation of the Economy, the Conference decided that:
   a. a limit of 10% is to be placed on deficits spending. This is to check inflation, reckless spending and mismanagement.
   b. That the Central Bank of Nigeria (CBN) should be responsible for monetary policy to the exclusion of any other body or person.
   c. The governor and members of the Board of the Central Bank of Nigeria shall be appointed by the President with the approval of the Senate for a period of five years. The Governor can be removed from office for failure to discharge his responsibilities by the President acting on an address supported by two-thirds of the Senate.

(b) and (c) are means to give the Central Bank the necessary


84
autonomy and protect it from the whims and caprices of those in power.

6. On the controversial 1991 Census, the Conference decided that it should be cancelled and that projections of 1963 Census should be used for every section of the country. This was another controversial issue as most memoranda to the NCC called for the cancellation of the 1991 Census. A number of Courts had earlier given judgment cancelling the figures for certain districts and local governments.

7. Delegates condemned the hike in fuel prices which the Federal Government imposed during the course of the Conference. In a further reaction to that and in defence of the interest of the people, Conference decided that the pump price of petroleum products consumed locally should be as follows:

- PMS - ₦7 per litre
-AGO - ₦6.50 per litre
- Fuel Oil - ₦4.50 per litre
- Kerosine - ₦3.00 per litre.

8. In order to diversify the nation's revenue base and to exploit the rich mineral resources of the country, Conference decided that a new Ministry should be established to be known as Ministry of Solid Minerals.

9. An amendment proposed by Hon. Ekeng Anam-Ndu from Akwa Ibom State led to the decision by Conference for the establishment of a Tribunal for the Recovery of ill-gotten wealth. We have given an extended discussion on this decision in Chapter Seventeen.

One of the critical developments during the deliberation on the work of the Committee was the accusation against the Chairman and members of the Committee. They were accused of demanding money and contracts from officials of Oil Mineral Producing Areas Development Council (OMPADEC). The delegates were disturbed by this accusation because it cast serious aspersions on the integrity of the delegates and the entire Conference.

A Special Committee headed by the Deputy Chairman, Hon. Justice Mamman Nasir, was set up by the Conference to investigate the charges. Their report proved the accusations as baseless and unfounded.
Committee on Political Parties

The major controversy here was over the issue of the party system. Many politicians who claimed to belong to the progressive fold came to the Conference to defend the two-party system. Somehow, they believed that the victory of the Social Democratic Party in the aborted Third Republic was due to the fact that the progressives were able to find themselves in one party. Such a possibility can only occur if they were compelled to stick together. Ordinarily, there is the belief that the conservatives unite more easily than the progressives. Thus, given a multi-party system the conservatives would form the dominant party because the progressives would find themselves in separate hostile camps.

The only way for them to ensure future victory is to stick together and a constitutionally decreed two-party arrangement can help them do so. This was the reasoning of many delegates in the progressive camp.

The conservatives, on the other hand, blame their poor showing during the same period on the two-party system. They believe that in the absence of a state financed party system, they would easily carry the day because of their financial power.

The Committee on Political Parties had a heated debate over the number of parties to be recommended. By a vote of 17 for and 10 against, it recommended the adoption of a multi-party system. It justified this decision by stating the following as advantages of the Multi-party system.

- Allows for the different shades of interests and ideologies.
- Necessary incentive for evolutionary partism.
- Based on the twin democratic principles of freedom of association and expression.
- Promotes national aggregation and articulation.
- Promotes political stability by not suppressing dissent and thus obliging the weak to seek extra-constitutional methods to press their case.

When the Committee's Report was presented the Conference became charged. The issue of Party-System indeed generated as much heat as the issue of Rotational Presidency. But this time, it was not based on a North-South Opposition, nor was it even on a clear Conservative-Progressive divide. It was a Yar’adua versus anti-Yar’adua opposition.
No doubt, the supporters of General Yar'Adua led the argument in favour of a two-party system. They were part of the Social Democratic Party (SDP) which, as said above, was a beneficiary of the two-party system. Carrying the banner of the Progressives in the debate, they urged them to unite and defend the two-party system in their collective interest. They further argued that a two-party system was best suited for a multi-ethnic society like Nigeria. It would lead to the evolution of a genuine national party that could cut across ethnic and religious loyalties. They drew attention to the last annulled Presidential election whose result showed a clear disregard by Nigerians for religious and ethnic affiliations. Christians massively voted for an outright Moslem ticket of Chief Moshood Abiola and Babagana Kingibe. Many Moslems, on the other hand, voted massively for a Moslem-Christian ticket of Alhaji Tofa and Dr. Silvester Ugo.

To the later argument, the other side argued that a two-party structure could naturally emerge without being decreed; for example, there was already evolving a two-party system both during the First and the Second Republics. In the first Republic two giant parties had emerged:

1. The NNA (Nigerian National Alliance) which comprised The Northern Peoples Congress (NPC), The Nigerian Democratic Party (NDP) and others.
2. The UPGA (The United Progressive Grand Alliance) comprising The National Council of Nigerian Citizens (NCNC), The Action Group (AG), the Northern Elements Progressive Union (NEPU), The United Middle Belt Congress (UMBC), etc.

They, therefore, argued that a forced two-party system is undemocratic. It forces people into an artificial unity, and leaves voters with restricted choice. It is based on political expediency of winning the next election and is vulnerable to intra-party feud, etc.

What actually influenced delegates was not so much the force of these arguments. Rather, it was the propaganda that the campaign for a two-party system was master-minded by General Shehu Yar’adua. They said, he wanted to have a constitutionally decreed two-party system, so that he could buy one of the parties with his massive wealth in order to satisfy his Presidential ambitions. Ironically, the campaign was spear-headed and ferociously waged by Northern Conservatives.

Because of the ferocity of this campaign and the personalisation of the
issues, many democrats who came to the Conference with a two-party mandate were shy to defend that mandate. Anyone who spoke in favour of the two-party system was accused of taking money from Yar'adua. I had come to the Conference with a contradictory mandate. Majority of the people in my District and my supporters wanted a two-party system. On the other hand, the Igbo leadership was in favour of a Multi-party system. This was contained in the Igbo Agenda. The Southern Solidarity Forum (SSF), whose Secretary I was, did not have a definite position on the party system. So the Igbo agenda became paramount and as Secretary of Igbo Delegates Forum I was bound by it.

The campaign and debate on the party system raged for days. The amendment which sparked the debate on the floor of the Conference was moved by Dr. Ekeng Anam-Ndu. (Etinam Nisit Ibo) and co-sponsored by chief Anthony A. Adeniyi, Hon Olufemi Okan, Dr. Rabin Musa, Chief Bayo Bankole, Prof. P.A. Igbafe, Clement Ben Edo Osagie, Chief Ray Injie, Prof. Musa G. Yakuba, Chief Csidi Ubani, Alhaji Tyjani M. Tumsah, Prof A. Aidesina, Chief Dayo Abatan, Chief Brendan Ugwu, Chief John Okja, Dr. Ugwu, Edward G. (JP), Chief Tade Ifadeola, Dr. I.S. Martyns-Yellowe, Major General A.B. Mamman, Dr. Kabir S. Chafe, Alhaji Shehu Kwatalo and several others. In all, 31 delegates co-sponsored the amendment.

The motion simply sought to delete the words in the Committees Report “Multi-Party” and to insert in its place “Two Party”. As soon as Dr. Anam-Ndu got up to move his motion, Dr. Kabir S. Chafe raised a point of corrections. He complained that his name was put among the sponsors of the motion without consulting him. He called for deletion of his name and demanded an apology, for, according to him,

"...if there is any one issue which Sokoto State (He represented Sokoto East “A”) is so strong about, it is against the two-party system. In fact, the last minute I was to come here they insisted that we shall never be a party to a request for a two-party system for this country".

To this Chief Dayo Abatan, (Nominated), one of the co-sponsors of the motion, called on the Chairman to use his powers to set up a body of inquiry to look into how the name of the honourable delegate from Sokoto State got into the list. He further stated

"...we have cause to say and suspect that his name was deliberately put there with the purpose of embarrassing us because he is not really one
Dr. Ekeng Anam-Ndu offered an explanation to the effect that he did not put anyone's name in the amendment paper he submitted and offered to surrender a photocopy of the original submission of the amendment.

He then went on to move the motion amidst applause from the supporters and interruption from the other side. The Committee members were at this point seen congregating around the seat of the Chairman of the Committee on Political Parties, Chief Tele Olukoya (Nominated). This sparked off several indiscriminate points of order. In his usual sarcastic humour, the Chairman remarked amidst laughter:

"Actually, I do not understand that you can talk among your selves without referring to anybody. He knows that I was not even paying attention. You should have allowed me to direct whatever you wanted me to do. When you keep on talking to yourselves, you did not expect me to take part..."

Without any further reference to those objections and points of order, he turned to Dr. Ekeng Anam-Ndu, saying:

"Mr Ekeng Anam-Ndu have you finished your contribution?" Hon. Anam-Ndu went on to complete his submission. There was wide applause from the supporters of the motion. There were Speakers on both sides. Each speaker received wide ovation from each side of the divide, depending on what he said.

It was clear at this stage that the Conference was near equally divided on the matter. But in the voice vote taken, the Chairman ruled that the motion to amend the multi-party system as recommended by the Committee had been defeated. That ruling led to protests which disrupted the Conference and forced a sudden adjournment for the day.

By the next day the controversy continued but the Chairman refused to allow any re-opening of the matter.
Chapter Ten

The Constitution Drafting Committee (CDC)

Undoubtedly, the Constitution Drafting Committee (CDC) was the most strategic Committee. Faithful reflections of the Conference decisions depended on it and on those few delegates who took their work seriously and therefore could follow the contents of the draft meticulously to identify errors and omissions.

Decisions of the Conference fall into two categories: Those that are of constitutional nature and those that are not. The latter were embodied in volume II while the former were contained in the Draft Constitution numbered as Volume I. These form the two parts of the NCC assignment as contained in its Decree No. 3 of 1994.

The CDC was set up along with other Eighteen committees. Each state was to be represented in the CDC but only 24 States were actually represented. Adamawa, Bauchi, Delta, Jigawa, Kebbi, Plateau and Federal Capital Territory (FCT) had no representatives in the CDC.

Five States had each an additional member in the bid to accommodate lawyers who had expressed interest in serving in the CDC. For example, I was the official representative of Imo State in the CDC but my friend Barrister Maxwell Onyeukwu was also there. Benue, Kogi, Rivers and Yobe states had each an additional member because of such volunteers.

There were four representatives of the NCCC and a legal Draftsman, Hon. Justice Obafemi Aina in attendance. The NCCC representatives included Hon. Dr. Bashir A. Ikara; Hon. Alh. Dr. Shehu Musa, CFR; Hon. Chief Oladipo Jimilehin and Hon. Dr. Walter Ofonagoro.

The CDC membership included the following:
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<th>Hon. Justice Mamman Nasir, GCON - Katsina, Chairman</th>
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<tr>
<td>2</td>
<td>Hon. Chief (Senator) Donald Etiebet - Akwa Ibom, Member</td>
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<td>3</td>
<td>Hon. Barr. S.N. Onyeama - Abia, Member</td>
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<td>4</td>
<td>Hon. Barr. Reuben Ochi - Enugu, Member</td>
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<td>5</td>
<td>Hon. Chief J.O.A. Shittu (deceased) - Kwara, Member</td>
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<td>6</td>
<td>Hon. Barr. Eddy E. Okpiahelhe - Edo, Member</td>
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<td>7</td>
<td>Hon. Senator A.A. Ali, Fss: CON - Kogi, Member</td>
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<td>8</td>
<td>Hon. Dr. Umaru Dikko (Barrister) - Kaduna, Member</td>
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<td>9</td>
<td>Hon. Dayo Abatan - Ogun, Member</td>
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<td>10</td>
<td>Hon. Yemi Kayode Adegbesi - Osun, Member</td>
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<td>11</td>
<td>Hon. Chief Abayomi A. Akintona - Oyo, Member</td>
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<td>12</td>
<td>Hon. Orumba Bola Ademusi - Lagos, Member</td>
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<td>13</td>
<td>Hon. Dr. Walter G. Oflor - Rivers, Member</td>
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<td>14</td>
<td>Hon. Ibrahim Isiyaku - Niger, Member</td>
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<td>15</td>
<td>Hon. Balarabe Bello - Kano, Member</td>
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<td>16</td>
<td>Hon. Kassim Gaidam - Yobe, Member</td>
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<td>17</td>
<td>Hon. Umare Dahiru - Sokoto, Member</td>
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<td>18</td>
<td>Hon. Dr. T. Uzodimma Nwa - Imo, Member</td>
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<td>19</td>
<td>Hon. Dr. Saleh Abubakar - Taraba, Member</td>
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<td>20</td>
<td>Hon. Chief Agbo Madaki - Benue, Member</td>
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<td>21</td>
<td>Hon. C.O. Akpangho (SAN) - Anambra, Member</td>
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<td>22</td>
<td>Hon. Barr. (Prince) A.S. Abimbola - Kogi, Member</td>
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<td>23</td>
<td>Hon. F. Ita-Giwa - Cross-River, Member</td>
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<td>24</td>
<td>Hon. D.G. Vembhe - Bense, Member</td>
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<td>25</td>
<td>Hon. Barr. Maxeli Onyeukwu - Imo, Member</td>
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<td>26</td>
<td>Hon. Mohammed Jidda - Borno, Member</td>
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<td>27</td>
<td>Hon. Dr. Bode Olajumoke - Ondo, Member</td>
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<td>28</td>
<td>Hon. Dr. Dominic U. Amuka - Rivers, Member</td>
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<td>29</td>
<td>Hon. Mohammed Barde (Deceased) - Yobe, Member</td>
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**ii. CHIEF LEGAL DRAFTMAN**

Hon. Mr. Justice Obafemi Aita

iii. IN ATTENDANCE

Hon. Dr. Bashir A. Ikara (National Constitutional Conference
Commission)
Hon. Alh. Dr. Shehu A. Musa CFR
Hon. Chief Oladipo Jimilehin
Hon. Dr. Walter I. Ofonagoro

By the end of the Conference two members namely, Hon. Mohammed
Barde and Hon. Chief J.O. Shitu were deceased.

The work of the CDC was indeed a very difficult one. Members had
to go through all Conference documents especially the Verbatim records
of its proceedings (ie the *Hansard*), the Minutes of its meetings and also
a faulty summary of its key decisions. All previous Federal
Constitutions were made available, among which were the 1963, 1979
and 1989 Constitutions. Also made available were the constitutions of
the USA, Britain, Switzerland, India and South Africa. Members of the
Committee had to study all these documents.

The most important and tasking aspect of the work was having to read
all Committee recommendations and all records of Conference
deliberations to ensure that no decisions of a Constitutional nature were
left out in the draft. At the same time, members had to ensure that all
other non-constitutional decisions were accurately reflected in the Report
(ie, volume II).

Although each member or a pair of them was given a Committee
Report to study and summarise conference decisions on their
recommendations, it was also necessary for every conscientious members
to study all the reports. Because of the geo-political struggles that
bedevil our politics, conscientious delegates were not only concerned
about those decisions of national importance, but also those that affect
the interests of their respective zones in the political struggles that raged at
the Conference.

Southern delegates were aware of the fact that the Chairman of the
CDC, Hon. Justice Mamman Nasir was an experienced and a brilliant
jurist, who was known for a long time to be a champion of Northern
interests. In that kind of situation, they had to be extra vigilant to ensure
that decisions vital to the Southern quest for de-marginalization were not
left out or erroneously reflected in the Draft or in the Report.

Occasionally there were shouting marches between the Chairman of the
CDC and some delegates and also between the delegates themselves on
issues of a geo-political nature. Many a time it was not easy to effectively overcome Justice Nasir's authoritative character. When that happened, the matter was taken to the floor. At times too, a Conference decision, no matter how distasteful, was so clear that neither Nasir nor any other colleague could doctor or remove it. In that case too, those opposed to it would raise it again on the floor seeking to overturn it.

The firm stand of the Conference Chairman against re-visiting or reopening any issues in which the Conference had taken a decision prevented the anarchy which could have wrecked the Conference. Unfortunately, though, that stand was compromised on the issue of terminal date for military disengagement.

The work of the CDC was not without its own controversies. First, there was criticism about the duration of its work. The CDC was initially given one month, December 9th to January 9th, 1994, to produce a new Draft Constitution and a separate volume of Report based on the decisions of the Conference. However, by that deadline it had not completed its assignment despite the fact that the members enjoyed no Christmas and New Year holidays. What the Committee presented to the NCC in its Second Plenary Session on 9th January 1995 was a Progress Report. There were those who saw the Academy of the CDC in completing its work as part of the delay tactics to prolong military rule. But when one considers the matter from the point of view of an insider as well as the fact that the CDC of 1975-76 and the Constitution Review Committee (CRC) of 1988, each spent one year to produce a Draft Constitution, then the charge of deliberate delay by the CDC at the point could be seen as baseless.

After the presentation of the Progress Report, a major controversy arose, over how much extra time to give the CDC to finish its work. Since the Conference would have nothing doing while the CDC was still at work, the Conference would then go on break. In its Progress Report, the CDC indicated that it would hand in completed Draft Constitution on 23rd January 1995 and the Report on 31st January 1995. On the basis of this, Hon. Chief Tony Anenih, supported by Hon. Chief Tele Ojukoya, proposed an adjournment of the Conference until first week of February 1995. A counter motion moved by Hon. Ibrahim Aliu, however, proposed an adjournment until first week in March, 1995. Some members even preferred that the CDC be given no deadline rather, they said, the Conference should adjourn indefinitely and be reconvened whenever the CDC was ready.
What those delegates who preferred a definite but shorter break feared was an accusation from the public and the press that they had been settled to delay the work of the Conference. It was the fear that provoked the heated debate. In view of the fact that the CDC had indicated that it would complete its work by January 31st, the proposal for an adjournment until first week of February was the most appropriate and reasonable. But those who wanted a longer adjournment argued that the month of February would be taken up by Moslem religious duties such as Ramadhan fast and lesser Hajj.

In the end, through a voice vote, the Conference decided to adjourn until first week of March 1995. Many delegates condemned the manner in which that decision was taken. The actual motion voted for was whether to adjourn till the first week in March. The Chairman ruled that the voice in favour of that date (ie, the Ayes) had it as against those against (ie the Nos). But some delegates felt otherwise and started to interrupt the Conference, thereby provoking stern rebuke from the Chairman. The atmosphere led to adjournment of the NCC till the next day, thereby skipping the afternoon session.

It is important to again observe that the CDC was not quite ready with its Report when the NCC reconvened on March, 1995. This was because the time available was really too short for the volume of work.

The next controversy was over about five issues for which the Chairman of the CDC, the Hon Justice Mamman Nasir, had sought direction from the Conference. These issues included:

1. The merger of the post of Secretary to the Government and that of the Head of Service: Whether the two should be merged or not.
2. Whether the Rotatory Presidency between the North and the South is permanent or transitional.
3. Whether the provision of membership of the Cabinet of any political party with 10% or more members in the legislature is permanent or transitional.
4. Who should be the accounting officer of the Ministry: the Minister or the Permanent Secretary?
5. Whether the Supreme Court rather than the Constitutional Court should have exclusively original jurisdiction in respect of disputes between the Federation and the States or between the States.

When these issues came up for discussion the next day, the Conference
Chairman ruled that they had been settled and there was no need reopening them again. For example, he cited the question of the Permanency of Rotatory presidency. He said that this had been settled. The office of the Secretary to the Government and that of Head of Service have been merged by the NCC. The Permanent Secretary is the Accounting officer of the Ministry, and the Constitutional Court has original jurisdiction in respect of disputes between all tiers of Government. Similarly, membership of any political party with 10% in the Cabinet has also been settled. Conference decided on these matters, he said, were unambiguous and there was no need reopening them.

It must be pointed out that this was one of three occasions when Conference noticed a sharp difference of opinion between the Chairman of Conference and his deputy. When, in the Caring of these matters, the Conference chairman “advised delegates to shun ethnic allegiance and described them as Ambassadors Plenipotentiary mandated to speak on behalf of the country and not their ethnic groups”, the reference was quite obvious.

At the CDC itself the decision on Rotational Presidency provoked a lot of tension. The issue as to whether rotation is to be made a permanent or transitional provision in the Constitution was raised again and again. Often there were sharp exchanges between the CDC Chairman and some members, especially from the South.

Another matter that raised a lot of dust was the issue of Government involvement in the funding of pilgrimages. The Committee on National Values and Lingua Franca, under the Chairmanship of Hon. Alhaji S.Y. Abashiri, Emir of Yauri, recommended and Conference endorsed the decision that Government should not fund any religious pilgrimage. It was also decided that Nigeria should not be a member of any religious organisation. The Committee’s report specifically stated that this should be stipulated in the new Constitution, and indicated that it should be part of clause II of the Constitution.

We had difficulty getting that decision into the Draft Constitution. Each time there was a copy to be audited, we found out that it was omitted, and this would be pointed out. Then the omission would be blamed on the Computer. But the next time it would also not be there.

At the level of the plenary session, the omission was pointed out on two occasions. During the first debate on the Draft, its omission was raised by Dr. Chris Abashiya from Kaduna State. Yet it was omitted on...
The copy of corrections before the production of the final copy of the Draft. That again was pointed out by Dr. Agbafor Igwe.

Surprisingly enough, it was not there in the printed copy that was finally presented to the Head of State on June 27th, even though Dr. Igwe was among the proof-readers at the printing stage.

Many Nigerians recognise the necessity to maintain the Nigerian State as a secular one. While citizens of Nigeria and other non-governmental organisations could belong to international religious organisations, it was contrary to the spirit of this secularity of the State for a Nigerian Government or any of its agencies to belong to any international religious organisation. This was why membership of the OIC became very controversial in the time of Ibrahim Babangida's administration.

Even serious-minded moslem and many conservative northern politicians are disturbed by how much the Nigerian State spends scarce public funds sponsoring people going on religious pilgrimages. This is why opposition to this waste has come from both Christians and Moslems. But at the Conference many conservative Moslems were opposed to the two decisions of the Conference on non-membership of international religious organisations and non-Government sponsorship of religious pilgrimages.

Despite the tensions that occasionally marked the CDC work and deliberation of its Reports, there were moments of lighter mood. Hon. Justice Mamman Nasir is a man of irresistible humour. Each moment of tension was wound down by his great humour. Even when he hurt you he soothed it with some nerve-racking jokes. In this way, he sustained a good measure of comradeship among the CDC members. We also benefitted from his several anecdotes drawn from his many years of public service.
Chapter Eleven

Presentation of the Draft Constitution and Report to Government

At a colourful ceremony held at the International Conference Centre, Abuja on June 27, 1995, the NCC, through its chairman, Hon Justice Adolphus Godwin Karibi-Whyte, presented its Report to Government. This was exactly one year after the inauguration of the NCC, on June 27, 1994. The NCC was initially given four months to complete its assignment. The circumstances that led to its failure to meet that deadline have been discussed in the last chapters.1

The ceremony was attended by some former Heads of State Ministers, diplomats2, high-ranking government functionaries, traditional rulers, important dignitaries and of course most of the delegates. The Report was in two volumes.

The Report of the Constitutional Conference containing the Draft Constitution formed volume 1, while volume 11 contained the Resolutions and Recommendations of the NCC.

In his letter (reference CINCC/C-in-C/Vol.1195 dated 7th June 1995) the Conference chairman wrote as follows:

His Excellency Gen. Sani Abacha GCON
Head of State and Commander-in-Chief
of the Armed Forces of the Federation
Presidential Villa Abuja.

Your Excellency,

By virtue of Rule 41 Sub-rule 3 of schedule 5 of Decree No. 3 of 1994 as amended by S.3 of Decree No. 9 of 1994 the clean copy of the Draft

* 1 See especially Chapter 10 and 19.
** 2 Ambassadors from the European Community boycotted the ceremony.
Constitution having been certified correct by the Secretariat, and countersigned by me in accordance with the Rule 3 (3) as amended, I, Adolphus Godwin Karimi-Whyte, Chairman of the National Constitutional Conference, on behalf of the Conference present to you the Draft Constitution.

2. The Draft constitution is the proposal by conference for a new constitution in accordance with section 2 (b) of Decree No. 3 of 1994 which the Provisional Ruling Council shall promulgate into law.

I am,
Yours sincerely,
A. O. Karimi-Whyte
Chairman
Constitutional Conference

In order to understand the precise legal status of the Draft Constitution as well as the Resolutions and Recommendations of the Conference, it is necessary to recall the relevant portions of the Decree stipulating the objectives and functions of the NCC.

Constitutional Conference Decree No.3 Of 1994 dated 30th April, 1994

THE FEDERAL MILITARY GOVERNMENT hereby decrees as follows:

1. There shall be established a Constitutional Conference (in this Decree referred to as 'the Conference'). Establishment of the Constitutional Conference.


a. Pass resolutions and conclusions which shall form the framework for the governance of Nigeria to:
   * Guarantee freedom and equality, equity and justice and even-handed opportunities for social, political, and economic participation and enjoyment.

---

• establish a system of Government reflecting the general consensus of Nigerians with due regard for our national expectations and aspirations as united and indivisible Federal entity.

• preserve the unity and territorial integrity of the Nigerian State within an equitable framework.

• guarantee the promotion of social, economic and political cohesion of Nigeria.

• promote good governance, accountability and probity in public affairs.

• identify areas and proffer solutions to public maladministration at any tier of government.

• promote love, understanding and mutual respect among the citizenry.

• acknowledge and encourage the harnessing of individual and collective initiatives aimed at the overall growth and development of the country; and

2. propose a new Constitution which shall be promulgated into law by the Provisional Ruling Council.

Made at Abuja this 30th day of April, 1994.

Signed
GENERAL SANI ABACHA
Head of State, Commander-in-Chief of the Armed Forces, Federal Republic of Nigeria.

In his acceptance speech, General Abacha recommended the conference delegates for their patriotic role in helping to save the nation from disintegration. He noted that when his Administration came into being in November 1993,

"... a cloud of uncertainty was hanging over our nation".

The National Constitutional Conference, he said,

"... provided the meeting point for our people to commence the process of national reconciliation".

General Abacha once more made reference to the crises of confidence which had bedeviled the nation and continuously rocked its foundation.
It was in his inaugural speech on June 27, 1994, that General Abacha referred to such crises as:

- crises of legitimacy, crises of succession, crises of authority and crises of nationally acceptable leadership.

He affirmed the determination of Nigerians to terminate this vicious circle, learn from our mistakes and, what is more, he urged that

- our actions and commitment to the democratic process should speak for themselves.

He re-affirmed the provisions of the Decree establishing the NCC and once more promised that:

*The Provisional Ruling Council shall within a period of three months from this date complete its deliberation on and the give approval to the Draft Constitution.*

In other words, General Abacha, here stakes his honour by this affirmation of his commitment to the Decree No.3, 1994. According to him this promulgation of the Decree in October, will be

... followed by the announcement of the political transition timetable for handing over power to a democratically elected government in my 1st October 1995 anniversary speech.

One other highlight of the speech was the lifting of the ban on political activities, but warned politicians

"... to guard against reckless and provocative utterances, political rallies and campaigns until the release of political timetable by the National Electoral Commission".

This last bit was interpreted by critics as another partial lifting of ban on politics.

Later that evening, General Abacha gave a state diner in honour of the delegates at the Sheraton and Towers Hotel. During the occasion, he distributed plaques as a souvenir to all the delegates.

In his October 1995 Speech, General Abacha announced the position
of the PRC on key decisions of the NCC, but no word on the decree promulgating the new Constitution. And there has not been any decree except the statement that the elected Parliament in 1998 will now pass the new Constitution! This last development has came as major embarrassment to many people.