

## THE PROLEGOMENON TO THE 2014 NATIONAL CONFERENCE -THE FEAR OF NIGERIA AS A FAILED STATE

Mrs. Ann C. Akpunonu

### **Abstract**

*Nigeria right from its inception in 1914, at the instance of the then colonial master, (Britain) has been experiencing a lot of challenges despite the introduction of federal system of government around 1954 which, it is believed, -will integrate the diverse nature of the polity. So many national conferences under different names which were constituted to look into some of the teething problems facing Nigeria and to proffer solutions did not succeed. At present from many ills in the polity, ranging from economic meltdown, political crises, social problems like insurgency, kidnapping to unemployment, there is presumed failed system tilting towards eventual anarchy. This came to the fore in the prefatory speech made by the immediate past President, Goodluck Jonathan on the inauguration of the 2014 National Conference Committee to look into the numerous challenges facing Nigeria, with point of references ranging from social, economic, political to religious instabilities. These problems have made Nigeria powerful more in name than in fact. With almost all the aspects of the polity touched, one wonders what is left. Nigeria is incontrovertibly therefore a failed state. The paper uses historical and comparative methodologies supported with primary and secondary sources of information to examine the fact in issue. Primary source of information included interviews, case law, law reports and statute, while secondary sources include constitution, journals, internet materials, books and newspapers. Albeit, in the course of examining more, the fear of Nigeria as a failed state, it is discovered that lack of consensus to corporate existence of Nigeria, poor leadership' and power tussle, lack of observance of principles of federalism -which led to over centralization of powers to the center, use of single constitution and other challenges such as poor relation among federal/state/ local government, corruption, electoral fraud, problem of the Land Use Act, indigeneship and recently insecurity, are the causes of Nigeria's failure as a nation State. However, the paper focuses on four main problems namely: lack of consensus to corporate existence of Nigeria, poor leadership, over centralization of powers to the center .and corruption. The paper suggests ways forward to these challenges. These ways out if adhered to, will help to avert the calamity that is sure to ensue "disintegration of polity".<sup>1</sup>*

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<sup>1</sup> Mrs Ann C. Akpunonu, LLM, BL, LLB, B.ED Lecturer, Faculty of Law, Chukwuemeka Odwnegwu Ojiikwu University, Uli. Igbariam Campus, Anambra State. Annakpimonul960(cfi@gmail.com Phone No: 08035667670.

## Introduction

From the historical perspective, the British administration in the areas later known as Nigeria did not commence until 1861, the year Lagos was ceded to the crown. Prior to the advent of the European imperialists in the activities of the geographical entity we know today as Nigeria, there existed about five hundred and thirteen different ethnic groups' with different languages, customs and social norms which qualified each as a civil society, if not a nation.<sup>2</sup> These ethnic groups were governed in their own system, transacted businesses with their own chosen customers.

In the Northern part of Nigeria, for instance, the Emir was both the political head and the spiritual head of the Hausa -Fulani<sup>3</sup> and their businesses moved mainly to Egypt and Tripoli. In the West, the Yoruba had their administrative leadership centered around the Oba and his council, and the pattern of administration was a little similar to that of the Hausa autocracy. In the East, there was more or less government by age grade.

Consequently, for the administrative convenience and the economic interest of the colonial master (Britain), these different ethnic groups were lumped together with the name Nigeria after the famous River Niger in 1900 and thereafter amalgamated in 1914, without the consensus and consent of the parties involved.

Nigeria as it were merges in a piece meal form and under different conditions. The forced brotherhood and sisterhood as panel beat is quite devastating to most Nigerians. In fact an eminent Nigerian political actor described the product of the experiment as a mere geographical expression.<sup>4</sup> In the same vein, another political actor sees the creation of Nigeria as "the mistake of 1914".<sup>5</sup>

While the colonial exploitation lasted, the administration bequeathed to their Nigerian wards an enduring legacy of mutual suspicion and contempt.<sup>6</sup> The North dreaded the South as uncivilized, pagan, undisciplined, rowdy and nakedly materialistic. The South, in turn, ridiculed the North as feudalistic, conservative, illiterate, plant tool of the colonial master.<sup>7</sup> The British realized the diverse nature, problems and character of the colonized territory soon after acquisition. To remedy the situation, a federal system of government was introduced around 1954, thus discarding the existing unitary system all to no avail. Also numerous National Conferences under different names were convened such as the Ibadan Conference of 1950, the 1966 Adhoc Constitution Conference under General Gowon, the Late Sani Abacha Conference of 1994, also Aka-Basorun-led National Consultative Forum 1990 Conference, Political Reform Conference of

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<sup>2</sup> Chijioke Ogwurike (ed) "Contemporary Issues in Nigeria". Law and Justice Desideratum for Sustainable Development Compendium of Legal Essay, Vol. (2010), pi.

<sup>3</sup> A Justus Soketun *et al*, *Constitutional Law*, "Handbook" Lagos. Adesola Prints and Co. Ltd (2000), p. 71.

<sup>4</sup> See also J.S. Coleman, *Nigerian: Background to Nationalism* Los Angeles: University of California Press, 1963), p. 36.

<sup>5</sup> *Nigerian: Background to Nationalism* Los Angeles: University of California Press, 1963), p. 36.

Obafemi Awolowo, *op cit*. p. 47.

Bello Ahmadu, *My Life*, (London: Cambridge University Press 1962), p. 113

<sup>6</sup> J.A.A. Ayoade, "Federal Character Principles and Search for National Integration" edited in Amuwo Kunle *et al*, *Federalism and Political Restructuring in Nigeria* (Ibadan: Spectrum Books Limited, 2000), p.101

<sup>7</sup> *Ibid*. 38

2005, under Obasanjo's administration, and recently the National Conference 2014 under President Goodluck's administration, all were to look into the state of Nigeria, but yielded little or nothing. At present, the centre cannot hold, *ab initio*, things have no doubt fallen apart, the handover of poor foundation has culminated to so many odds against federalism in Nigeria, stemming from non practice of principles of federalism, lack of consensus to corporate existence of Nigeria, poor leadership and power tussle, over concentration of powers at the center, poor relations among federal/state/local government, corruption, electoral fraud, problem of the Land Use Act, indigenship, to insecurity among others.

For want of space, this paper focuses on four main problems among the enumerated ones above, namely; poor foundation, and lack of consensus to corporate existence of Nigeria, poor leadership, over centralization of power to the centre and corruption. The paper suggests solutions to these challenges and these we hope will help to avert the eminent danger staring the nation on the face as signaled by the immediate past President Goodluck's speech to the 2014 National Conference Committee.

### **Poor Foundation and Lack of Consensus to Corporate Existence of Nigeria**

Federalism from its inception from the USA in 1787 has spread to all the continents of the world stemming of course from American continent, example (Argentina), Europe (Switzerland), Asia (India), Middle East (the United Arab Emirates) and Africa (Nigeria). Some of these federal system of government no doubt were imposed without consultation with the people or against their wish and some of them have since been dissolved, examples are the federation of Rhodesia and Nyasaland, the federal system in Kenya, Uganda, USSR, Yugoslava and Czechoslovakia.<sup>8</sup>

In any case, the history and the preambles of the USA the father of federalism, shows for example that she was the originator of this political system. The USA started with confederation to shield themselves from the imperialistic rule of the British in (1776-1781). When actually the system outlived its usefulness especially with the internal conflicts experienced around (1785-1787) between the North South Americans and the central government of the USA, a good number of the member states that make -up the USA agreed to change to federal system in 1787. There was nothing like forced union or foreign imposition, rather the founding fathers like George Washington and Alexander Hamilton assisted in fashioning out a befitting political system and the citizens accepted the new political system as their baby out of compromise to their own brothers and nurtured it to its full potentials. Even if there was a little conflict before its full adoption, it happened between their own brothers and not from the aliens or imperialists. Today, the USA is a model of federalism and the citizens proudly associate themselves with the system. Thus the slogan "find what you can do for America and not what America will do for you", attests to the consensus acceptance of the union and patriotism therein. The proceedings in USA at present put no one in doubt as to whether the citizens and the inhabitants enjoy the benefits of principles of federalism -plurality of the federating units, separateness and independence of each government, absence of marked inequality in population between the regions and others.<sup>9</sup>

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<sup>8</sup> Ben Nwabueze, *Constitutional Democracy in Africa* Vol. 4, (Owerri, Spectrum Books Ltd. 2004), p. 197.

<sup>9</sup> *Ibid*, pp. 196-197- Lor'd Acton in Ben Nwabueze. *Constitutional Democracy in Africa* Vol

Unfortunately, Nigeria fits into those States suffering from lumping of States and imposition of federal system of government by the alien or rather a total stranger. Pitiably therefore, the foundation is shaky and wobbling. This accounts for lack of patriotism, among other ills, we find in the polity. Supporting this view, Ogwurike summarises thus:

*Human beings, the efforts, aspirations and progress are parts of their historical background. Neglect that, and one will be building in the clouds as it were without foundation. As the saying goes, a substantial edifice cannot be built on shaky foundation, much more when the foundation is forgotten or neglected entirely.*<sup>10</sup>

Regrettably, the former President Goodluck Jonathan, during the inaugural speech to the 2014 National Conference on point of reference for their sitting, made it point -clear that the corporate existence (indivisibility of Nigeria) is a no go area. In his words; he states;

*The national conference shall tentatively last for three months and shall discuss any subject matter except that the indivisibility and indissolubility of Nigeria as a nation is not negotiable.*<sup>11</sup>

This statement put most people in doubt as to the genuineness of the conference, when the cankerworm that mainly caused the nation's woes is clearly avoided. Even some of the delegates themselves were worried over this statement and this was captured in one of the dailies thus "National Confab May Defy Jonathan."<sup>12</sup>

At Present, the assumption is that ethnicity constitutes the fundamental basis for identity and diversity in the country.<sup>13</sup> No wonder we find centrifugal and centripetal forces playing a war of supremacy against each other in the polity. Even among the known mapped out three ethnic groups, the centrifugal forces are playing interesting but devastating role, for example the interpretation and the annulment of the June 12<sup>th</sup> 1993 Presidential election which was believed to have been won by Chief MKO Abiola, a Yoruba, but denied him under Abacha regime is seen as a manifestation of a political marginalization of the Yoruba, because among the majority ethnic groups, they are regarded as a minority ethnic groups.<sup>13</sup>

The Constitution provides for rights from discrimination of any sort.<sup>14</sup> Though this provision is made in our Constitution but practically, it is next to nothing. Virtually in all states of the federation, for example, no non indigene gets job from another state even if he is from the next neighboring state except on a special arrangement. But we go to foreign countries like the US to seek and acquire "Green card" and automatically secure job as a citizen. Among the citizens themselves, they acquire jobs in any state of their choice. The problem of indigenship occurs in

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<sup>10</sup> Chijioke Ogwurike *op. cit.*, note 1, p.3.

<sup>11</sup> The Nation Newspaper Wednesday 12, 2014.

<sup>12</sup> See the Punch Newspaper Vol. 19, No. 783, Sunday (March 9<sup>th</sup>, 2014) pp. 1-2.

<sup>13</sup> T. Aaron, Gana and Samuel G. Egwu "Federalism in Africa" The Imperative of Democratic Development Vol. 2 (ed).

Nigeria simply because we have not accepted ourselves as one from the beginning because the foundation is wobbling.<sup>14</sup>

### **Poor Leadership and Power Tussle**

The definition of leadership is quite vast such that there is no one acceptable definition of leadership. To this event, some scholars defined leadership from the functional, characteristic or influential point of view. On this note therefore, Massie focuses his attention on what happens when one person induces others to work towards some predetermined objectives.<sup>15</sup>

There are also different leadership styles such as motivating, autocratic or authoritarian, participative or democratic leadership styles. Others include *laissez-fair* or free-rein style, narcissistic leadership, task-oriented and relationship oriented leadership. We are not interested *per se* in the indepth study of what these leadership styles exhibit but reference is be made to a few of them to buttress the poor leadership in Nigeria and Africa in general where need arises.

The default of Nigerian leaders are more on the increase towards corruption, autocracy, arrogance, embezzlement, lack of accountability and lack of transparency especially under federalism. Experience shows that attitudes of African leaders with exception of a few countries tilt, most times, to concentrated and personalized powers, or what may be described as *narcissistic style*<sup>16</sup> in which the leader is only interested in himself at the expense of his subjects. A leadership with this characteristic is arrogant, domineering and hostile. Experience shows that seventy percent of the chief executives in Nigeria and their subordinates both at the national and state level exhibit these attitudes.

At present, most of Nigerian political leaders, soon after winning election, become incommunicado, domineering and, hostile in executing their duties. Dialogue, to them, is a matter of choice. The Obasanjo administration as a civilian leader exhibited these attitudes. The President single-handedly withheld the statutory allocation of the old Twenty Local Government Councils created by the then Lagos state government under Tinubu administration. The allocation was withheld for quite a long time even after the Supreme Court ordered for the release. Rule of law was next to nothing. Attempt to reach a political accord with the Lagos state government only led to the release of part of the fund by the presidency<sup>17</sup> Also the tyrannical shooting and killing ordered by the same President against the Odi minority in River State on 20<sup>th</sup> November, 1999 speaks for itself. It is very unimaginable because it happened during a democratic administration when lives ought be protected more, especially in keeping with his Oath of Office. Again the indicting of former governor of Zamfara State, and later a former member representing *Gusau* North in National Assembly over armed robbery speaks of the character and caliber of the leaders we have in Nigeria.

The fall of the Nigeria's First Republic in 1966 was mainly attributed to the General Ironis's quest to personalize power which resulted to returning the federal system of government already

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<sup>14</sup> The Constitution of Federal Republic of Nigeria, 1999 (as amended), section 42 (1) (a) and (b).

<sup>15</sup> See Wikipedia, free encyclopedia, p. 10 of 26 (accessed 15/10/2013).

<sup>16</sup> *ibid*

<sup>17</sup> J. Isawa Elaigwu, *The Politics of Federalism in Nigeria* (Jos: Afa Publishing House, 2012), p. 274.

in existence to unitary system of government. The Shagari administration more or less practiced *laissez-faire* leadership style thereby leaving the subject in the worse condition than he met them. Abacha administration clearly practiced both narcissistic and toxic leadership style, thus leaving the polity in a devastated state.

The sorry state in Nigeria especially with the immediate past National Assembly in which the masses were milked dry, their constituencies abandoned and their allocation pocketed with impunity and whoever brings up the matter is either intimidated or sometimes kidnapped, point to where we are going. The present National Assembly precisely the House of Representative is not even better from their predecessor, with a fight as a starting point at the floor of the House clearly showed us, that it is business as usual.

Pages of newspapers are often filled expressing people's view on poor leadership in Nigeria. On that note Sa'ad Abubakar had this to say in his interview at the immediate past National Conference:

*Blame the elites for most of the challenges facing the country... the elites are the main problem of Nigeria and most of the woes of the nation as they are now, were brought about by them... most of the leaders have gone astray and they forgot the day of judgement*<sup>18</sup>

In addition to the above view, Omotunde states:

*is pitiable that the crops of Nigerians who have now morphed into the leadership class were more interested in personal attainment than rendering services to people.*<sup>19</sup>

Nigeria is not alone in this ugly trend. The over ambition on the part of most African leaders is quite worrisome. The federal system in Congo, later renamed Zaire on 29<sup>th</sup> October 1971 was summarily done away with by General Mobutu three years later in 1967.<sup>20</sup> The Federation of French of West Africa, among other factors, was mainly killed by rivalry for leadership, influence and power among the member countries and their respective leaders.<sup>21</sup>

### **Over Centralization of Powers to the Centre**

Federalism is a political system that entails power sharing among the centre and the constituent units that make up the whole. It is an arrangement whereby powers of government within a country are shared between a national country-wide government and a number of regionalized governments in such a way that each existed as a government separately and independently from the others operating within its territorial area, with a will of its own and its own apparatus for the conduct of its affair, and with an authority in some matters exclusive of all others.<sup>22</sup> This definition is not exhaustive^ Plurality of the federating units, separateness and independence of each government, absence of marked inequality in population between the regions, equality in powers between the state governments in relation to national government and separate

<sup>18</sup> Alhaji Sa'ad Abubakar "Blame the Elites for Nigeria's Problem", Tribune, Newspaper 7 November (2012), p. 12.

<sup>19</sup> Soji Omotunde *The nation Newspaper* Monday, May 13 (2013). p. 12.

<sup>20</sup> Ben Nwabueze, *Constitutional Democracy in Africa*, op cit p 219

<sup>21</sup> *Ibid.*

<sup>22</sup> B.O. Nwabueze, *Federalism in Nigeria under the Presidential Constitution* (London: Sweet and Maxwell, 1983), p.1.

constitution for the national and each of the regional government,<sup>23</sup> are all principles of federalism.

Nigerian Federalism is practiced in odd than in observance as regards the above principles. Under the Nigerian federalism, much powers are given to the centre. This is unlike other advanced federal states like the USA, Germany and Canada. The Nigerian situation may be attributed to the transition from unitary system of government to federal system coupled with a long military administration. But this is not excusable enough. If the centre is interested in devolving powers, the signs ought to have started since the country embraced democracy. Rather in every nook and cranny of the government, the federal government wields a lot of influence sometimes to the detriment of states and local government. The Exclusive Legislative Lists as enshrined in the 1999 Constitution of Federal Republic of Nigeria as amended, portrays this anomaly. Sixty-eight items are banished to the Exclusive Legislative Lists, designated only to be legislated on by the National Assembly. The remaining thirty items on the Concurrent Legislative Lists are to be legislated on by the National Assembly and the State Assembly<sup>24</sup>. Sometimes the state government is edged out in the Concurrent Legislative Lists by the federal government through the invocation of doctrine of covering the field and inconsistency rule<sup>25</sup>. With this arrangement, it is obvious that the State Assembly has little or no items to legislate on, most often on the Concurrent Legislative Lists, while the National Assembly dances around the two lists at its will and time. In any case, with the assistance of the recent past 2014 National Conference Committee, some of the items that have no business being in the Exclusive Legislative Lists are now proposed to be moved to the Concurrent Legislative List<sup>26</sup> but are yet to be implemented.

### **Corruption**

There is no universally accepted definition of corruption rather the word is often explained than defined and in this regard, corruption involved state of being corrupt. Corruption is explained to mean to make or become evil or morally bad<sup>27</sup>. Corrupt Practices and Other Related Offence Act (CPROA) also explained corruption than define it and it lists offence to include bribery, fraud, influence, peddling and other related offences.

The Acts showing this offence include offence of accepting gratification, offence of giving or accepting through an agent, fraudulent acquisition of property, offence committed through postal system, deliberate frustration of investigation by the Commission, making false statement in return, gratification by and through agents, bribing of public officer, using office or position for

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<sup>23</sup> Ben Nwabueze, *Constitutional Democracy in Nigeria*, op. cit. pp. 201-206. See also Ilochi, A. Okafor and D. Offoraze Amucheazi, *The Concept of True Federalism in Nigeria*, (Enugu: Snaap Press Ltd, Enugu, 2008), p. 13.

<sup>24</sup> See the 1999 Constitution of Federal Republic of Nigeria as amended Second Schedule, Part I and II respectively.

<sup>25</sup> See the 1999 Constitution of Federal Republic of Nigeria Part II, section 4 (5)

<sup>26</sup> See for example items 9,18,30 and 42 of the Exclusive Legislative Lists

<sup>27</sup> E.M. Kirkpatrick, *Chambers Universal Dictionary* (ed.), (Ibadan: Spectrum Books Limited, 2007), p. 145 ""

gratification, bribery in relation to auctions, bribery by giving assistance and others with regard to giving contract.<sup>28</sup>

Corruption may be said to be as old as man, thus it is inherent in man. From the biblical point of view, there are so many instances of corruption though not as notorious as we find today. Cain killed his brother Abel in order to take the latter's position.<sup>29</sup> Jacob disguises himself and took Esau's position. Children of Eli converted God's sacrifices, these are few instances. However, the acts were condemned then and most often instant punishment is given directly from God.

### **Nigeria and Corruption**

In Nigeria, corruption is found in all fabrics of the polity, be it political, economic, social and religious sector. The Transparency International ranked Nigeria the 121 corrupt country in 2008<sup>30</sup>, 136 country in 2014 and with the trend of events now the position must have gone up. In fact, acts of corruption in Nigeria are more than the listing of CPROA. Corruption involves falsification of accounts, embezzlement of public fund, undue consideration for job, oil bunkering, vandalization of oil pipe-lines, armed and pen robbery, kidnapping, money laundering, money-swindling, smuggling, employment of the unqualified at the expense of the qualified and others too numerous to mention of which are found in Nigeria. A renowned clergy is quoted as saying "Corruption is thy name, Oh! Nigeria."<sup>31</sup>

The transparency expected from all and sundry especially from our leaders is not being demonstrated. There is massive wealth and fortunes of both serving and retired ministers, Nigeria - The Role of Legal Profession" Nigeria Bar Journal (2011), pp. commissioners, military officers, government officials. There are open acceptance of bribes at check-points on our highways by policemen, soldiers and custom officers, the use of money to buy political office and the encouragement by the government of "politics of settlement" and the re-cycling of political office holder have all encouraged corruption than curtail it.<sup>32</sup>

It is a presumed fact that about ₦410 billion was expended for the celebration of Nigeria's 50<sup>th</sup> Independence Anniversary when our children roam about with certificates looking for jobs that are nowhere to be found. The official visit of any foreign President is a period for amassing wealth by our Chief Executive. Most often we find the state's Chief Executive being dragged to the court by the Chairman of Local Government Areas, over the conversion of Local Government allocation and usurping of the latter's functions. Some of these cases are aptly captured in *Knight Frank & Rutley Nig. v A.G. Kano State*<sup>33</sup>. In that case, the Supreme Court held that collection of rates on rateable hereditment and the assessment of rate on privately owned houses are subjects within the responsibility of Local Government Council.

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<sup>28</sup> See Corrupt Practice and other Related Offence Act, 2000, Section 2 in Comfort Chinyere Ani, "Corruption in Criminal Justice Administration in 112-113

<sup>29</sup> Good News Bible, Genesis Chapter 4, verse (New York, Photo Offset Process, 2004), p. 4.

<sup>30</sup> Comfort Chinyere Ani, *op cit*, note 26, pp 112-113.

<sup>31</sup> Seethe Leader Newspaper, Vol 53.No 24 July 1, (2012), p.1.

<sup>32</sup> Ngozi Chimah Umeh, "A Critical Analysis of the Nigerian Socio Economic \* Situation viz-a-viz the Fundamental Objectives and Directive Principles of State Policy as contained in the 1999 Constitution of the Federal Republic of Nigeria, Madonna University Journal vol. 1, Faculty of Law (2010-2011), p.205

<sup>33</sup> (1998) NWLR (1245) 156 at 172 D-E <sup>H</sup>



Sometimes, the State Chief Executive single-handedly removes a democratically elected chairman of a Local Government Council to put his loyalists. This was captured in *A.G. Benue State v Umar*<sup>34</sup>, and *Onuegbu & OrsvA.G. Imo State*<sup>35</sup>.

*The Prolegomenon to the 2014...* In *Akpan v Umeh*<sup>36</sup> the Court of Appeal held that *since section 7(1) of the 1999 Constitution guarantees a system of Local Government by democratically elected Local Government Council by the 2<sup>nd</sup> Respondent, the appointment of the Caretaker Committee is inconsistent with section 7(1) of the Constitution and therefore null and void.*

So far, experience shows that adherence to rule of law or provisions of the Constitution means little or nothing to most Chief Executives in Nigeria. In the education sector, some lecturers instead of delivering lectures accordingly prefer to sell "handouts" that are never explained to students<sup>37</sup>. Some male lecturers are alleged to demand sex from female students to pass them in examination, some rape their female students while some aid their students to secure examination questions before the examination day.<sup>38</sup> The religious leaders are not left out, some are alleged to have slept with the wives of their church members.<sup>39</sup>

In the legal profession some judges are said to be corrupt and this may have prompted Uwaifo JSC to say:

*A corrupt judge is more harmful to the society than a man who runs amok with a dagger in a crowded street. While the man with dagger can be restrained physically, a corrupt judge deliberately destroys the foundation of society.*<sup>40</sup>

In the health sector, drugs are often scarce in the public hospitals but are readily available in the clinics of the same health official workers. Some family heads and elders are corrupt with the result that whenever there is a dispute to settle, the confidence of the family concerned are lost because of the perverted justice such personalities will dispense. The attitude frustrates the more, the hope of the common man from various families who seek justice. Corruption in Nigeria is a cankerworm for virtually everybody is neck-deep into it showing therefore that the state of the nation is a sorry one.

### Way Forward

From the paper's discussion so far, a number of issues that work against stable state and fair federalism in Nigeria are raised though not exhaustive but must be examined in order to create an enabling environment to bring a stable polity. Poor foundation and lack of consensus to corporate existence, the federal system of government we have in Nigeria today is set on poor

<sup>34</sup> (2008) INWLR (pt 1068) 311 at 363. "

<sup>35</sup> Appeal No. CA/OW/215/2011 delivered on 5<sup>th</sup> day of July, 2012 and reported in SLP Law Journal vol.2 of August 2012 pp 132-182.

<sup>36</sup> Moses Ekwonwa, Leadership, Corruption and National Development, A paper presented at the 1<sup>st</sup> International Conference on leadership and African Development, University of Uyo, Akwa Ibom State (2012), p. 4.

<sup>37</sup> *Ibid.*

<sup>38</sup> *Ibid.*

<sup>39</sup> Comfort Chinyere Ani *op.cit*, quoting Uwaifo JSC in B. Akinyemi, State of Judiciary and Legal System in the Punch, October 31 (2005), p.63.

<sup>40</sup> Chinua Achebe, *There was a Country: A Personal History of Biafra*, (London: Penigun Book Ltd, 2012), pp. 1-2

foundation, lacks consensus from the onset and these make the foundation shaky. It was the effect of Berlin Conference of 1885 (scramble for Africa) which created new boundaries that did violence to Africa's ancient societies and resulted in tension-proven modern state.<sup>41</sup> It took place without Africans' consultation or representation.<sup>42</sup> Therefore, the stakeholders in Nigeria should stop avoiding the obvious or what the psychologists call approach avoidance, rather have a round-table conference to discuss the corporate existence of Nigeria, for this is the beginning of reformation agenda. If, at the end of the discussion, there is a common agreement to be together, any political system fashioned out, be it federal or mixture of federal and confederation system of government as we find in the first republic, must emerge out of the consensus of the majority resulting from constructive debate, if effective result is to be achieved. This will also give the system an acceptable validity, efficacy and patriotism it deserves for its sustainability. Anything short of these steps may be tantamount to another merger we had in 1914 which is now on the verge of total collapse and dismantlement.

It is also necessary to look into poor leadership issue in Nigeria. People to be appointed leaders in Nigeria must be persons of proven integrity, people who have been tested in one way or the other and have the welfare of the people at heart, and people who can take extravagant personal risks to ensure the progress of the country.

There is also the need to properly educate the citizenry especially those in the rural areas, on the importance of casting their votes during election for a person with good leadership qualities and background. They should also be educated on the importance of protecting their votes after casting until the result is announced. This will reduce to the barest minimum the influx of bad leaders to the political affairs of Nigeria.

The power of the National and the State Assemblies in the determination of certain questions/questionnaire and the annual state of affair of the state address delivered by the President at the federal level or the governor at state level on quarterly periods at the joint sitting of the National Assembly and the State Assembly,<sup>43</sup> respectively as proposed by the 2014 National Conference Committee should be implemented. This will give the citizenry the opportunity of having first-hand information about state of things in the state and in the national levels, It is also an opportunity for non-performing leader to either wake up or be voted out of office when need arises. Similarly, the Conference Committee proposed that in the event of office of the President of Nigeria becoming vacant by reason of death, resignation, incapacity, impeachment and others, election should be conducted within 90 days. They also raised (he education qualification for the office of the President and (governor to university degree and made the offices of National and State Assemblies a part-time affair.<sup>44</sup> These should be implemented to reduce the conflicts that are usually experienced when these offices become vacant. It will also bring to the fore loaders with wide knowledge needed in the contemporary world affairs to occupy the offices. While the proposed part-time affair for offices of legislatures both at National and State Assemblies, will

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<sup>41</sup> See Section 79 (1) and (2) of the inserted subsection of the proposed amendment to the 1999 Constitution as amended, as recommended by the 2014 Constitutional Conference Committee.

<sup>42</sup> Ibid

<sup>43</sup> Ibid

<sup>44</sup> Ibid

reduce to a great extent the national treasury often emptied to pay the remuneration and allowances of these legislatures.

On the issue of over concentration of powers at the centre, federalism means sharing of powers but virtually in every nook and cranny of government, the Federal Government of Nigeria practically wields a lot of influence. One therefore wonders if the system is federal or unitary. Federalism is not synonymous to unitary government where powers are concentrated at the center. What Nigerians need and advocate for is a system of government in which component states play more roles than the center. Resources from the state should be left with them, while they make contributions for the up keep of the center and not the other way round in order to ensure fiscal federalism. Powers should be devolved to the component units as proposed by the 2014 National Conference Committee.<sup>45</sup> Those items recommended by the Conference Committee to be removed from the Exclusive Legislative Lists to the Concurrent Legislative Lists should be removed from the Exclusive Legislative Lists to the Concurrent Legislative Lists without further delay to balance the lopsidedness between the two Lists.

The power of inconsistency given to the federal government in the 1999 Constitution<sup>46</sup> where there is conflict of interests between the state and federal government, should be exercised with caution, and only be invoked on the Concurrent Legislative Lists where the state acted on bias. On the issue of corruption, that is taking a negative toll in our nation and, as we said earlier, virtually everybody is deep soaked in it especially our leaders and stakeholders. It is therefore suggested that fair federalism should be adopted to reduce the mad rush to the center in order to share the national cake. The choice of leadership should also be based on people of proven integrity to reduce the embarrassing behaviour of some of our leaders.

The immunities attached to the offices of Federal and State Executives by the Constitution should be removed when criminal offence is committed, to allow any erring member to face the wrath of law. This will, to a large extent, control excessive corrupt practices we found among these representatives.

Jobs should be created to reduce massive unemployment among Nigerian youths. This is because, an idle man, they say, is the devil's workshop. A situation where after going to school one stays at home idle, may trigger the mind to do one or two things to survive no matter the nature. An agency should be created to harmonize good relation among federal/state/local government council.

The recommendation of the establishment of Anti-Corruption Court by 2014 National Conference Committee should as a matter of urgency be adopted to salvage this nation of corruption. Where the provision is implemented, any person tried and convicted should face the full weight of the law no matter how highly placed. Life jail is recommended for all those found guilty of money laundering and huge embezzlement of the public fund.

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<sup>45</sup> See for example certain items in the Exclusive Legislature List which the conference proposed to be moved to concurrent legislature list such as item 9, 18, 30, 39 and 42.

<sup>46</sup> See the 1999 Constitution of the Federal Republic of Nigeria, Section 1 (5).

## **Conclusion**

The 1914 merger or rather amalgamation of the Northern and Southern Nigeria by Lugardian administration which later metamorphosed into unitary system of government and finally to federal system of government towards the eve of independence when the upsurge of nationalism was steering the imperialists on the face, which is also the system the nation is practicing till date is a marriage of convenience and exhibits exceptional hardship than comfort to the parties thereto. This is being broken down as years go by. The only answer is for the parties concerned to go to a round table conference and discuss the corporate existence of Nigeria. If there is still an agreement to be together, it must be a system of government suitable to the diverse nature of the country even if it is not practiced in contemporary societies. On that note, the paper suggests a confederation system of government as an alternative, since federalism has failed woefully in Nigeria, because of the way and manner by which it is practiced, except we borrow a leaf from the US and fashion it to suit our own environment. If otherwise each party should be allowed to go its separate ways and become friends after all, instead of causing a devastating harm to each other in an effort to live together. India and Pakistan broke up, former Soviet Union broke into so many countries like Serbia, Georgia, Ukraine. Sudan broke into Northern Sudan and Southern Sudan while Korea broke into North and South Korea. Each of these countries is living its normal life without much ado. Therefore our leaders should stop playing the ostrich and give these options effective thought to salvage the nation from further devastation.