

## THE 2014 NATIONAL CONFERENCE AND NATIONAL QUESTION: A CRITICAL ANALYSIS

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### **Abstract**

*There are three types of national conference namely: non sovereign national conference, which tends to be accommodative of the status quo ante. Sovereign national conference, which tends to threaten the status quo ante and constitutional conference. While the first type, that is, (non sovereignty) national conference, is subject to higher authority and operates within limited scope. The second type, sovereign national conference, as He word "sovereign" suggests, is not subject to any higher authority. However, the outcome of the first may threaten the existing power structure, by rebalancing it on new but marginal basis, the second may supplant and sweep away existing order heralding an entirely new order. The third type as the name denotes constitutional conference has a single specified limited scope - making proposals for constitutional changes within the existing constitutional framework. National question in the Nigerian context is about competition and conflicts between ethnic nationalities regarding the control of political power and resources in Nigeria. This work therefore, will examine the relevance of 2014 national conference held in Nigeria visa vis the three types of national conference is already mentioned, and how they addressed the national question. The research methodology that will be used in this work are: primary, secondary and historical. It is the finding in this work among other things that they concluded national conference in Nigeria seems to be an exercise in futility. This is because it is more of party tussles especially between APC and PDP without considering all that were expended to carry out the national conference. The money would have been applied to other sectors of the economy which would have improved the standard of living in Nigeria despite economic recessions. Consequently, the results, recommendations, outcome of the national conference was not implemented by the current government*

### **Introduction**

Nigeria as a country has had a history of national dialogue that has impacted on its constitutional and political development. In different phases of the 100 years of Nigeria as a nation from the amalgamation of the Northern and Southern protectorates on January 1, 1914 to the convocation of National conference in March 2014, the nature, character and prospects of National conference have been turning points in the history of the country. Each phase has had a defining moment as a result of the issues, demands, struggles and movements peculiar to it<sup>1</sup>. The history of constitutional and political development has shown that conferences for nation-building can be classified into three namely; constitutional, National (non- sovereign) and sovereign. A national conference which is the one this paper addresses itself to is a formal

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platform for dialogue by constituent units of the nation convened by the national government of a country to discuss issues or problems that inhibit national progress or challenge national cohesion. A national conference is expected to proffer appropriate solution that will assist in moving the nation forward. Generally, a national dialogue assists in creating environments of high trust openness, with reflective and generative capacities for problem solving, action planning and conflict resolution for the development of the society<sup>1</sup>. National conference is not peculiar to Nigeria. In 1907 the outcome of a national conference or Dialogue resulted in creation of kingdom of Great Britain which now includes wales and the kingdom of Scotland. This was ratified by Treaty of union of July 22,1706. The parliament of England and the parliament of Scotland passed on Action of union in 1707. The legislative structures of both territories were responsible for the formalization of the amalgamation. The United States' first and second congress in 1774 and 1775 respectively, also held National dialogue development.

### **Nigeria Agitation for National Conference Since 1914**

The Nigeria agitation experience in the agitation for national conference began after amalgamation in January 1914. The agitation for National Conference are as follows:-

**1914-1945:-** Amalgamation and the problem of nationhood,

**1945-1960:** Decolonization and the Agitation for constitutional reform and independence;

**1960-1966:** Early years of independence

**1966-1999:-** Military regimes and the movement of democratization 1999-2014- Democratic rule and the agitation for sovereign national conference<sup>2</sup>.

### **Amalgamation and the Problem of Nationhood 1914-1945**

Nigerians under colonial rule were confronted with the task of building a new nation created by the British. The 1914 amalgamation of the Northern and Southern Protectorates that created the Nigerian nation was a British initiative. This provoked bitter controversy at the time, arousing the resentment of educated elite and of some British administrators. A number of issues had agitated the early Nigerian nationalists. First, in spite of the amalgamation, colonial administration recognized the two areas as autonomous parts and administered the territories separately. Secondly educated elites were excluded from the colonial administration. Early Nigerian nationalists began to advocate for a national dialogue to discuss the future political development of the amalgamated territories as a single and unified Nigeria nation. They also demanded for participation in the management of their own affairs.

The agitation of the early Nigerian nationalists did not receive positive attention from the British colonialists. At the end of First World War in 1918, representatives from the four British colonies in West Africa namely; Nigeria, Gold Coast (now Ghana), Sierra Leone and the Gambia, organized the National Congress of British West Africa and held a conference in Accra in 1920. Their agitation did not yield much result because the British felt that their position is being threatened but rather a new constitution was introduced on 1922. In the 1930s and up to the end of Second World War, Nigerian nationalists continued their agitation for a national dialogue for the political restructuring of the country.

Speech by the Governor-General (Sir F. Lugard) on the occasion of the declaration of the constitution of the colony and protectorate of Nigeria, January 1<sup>st</sup>, 1914.

*"You are all aware that His Majesty's Government, after long and mature consideration, arrived some time ago at the conclusion that it would be to*

*the great advantage of the countries known as Sothern and Northern Nigeria that they should be amalgamated into one government, conforming to one policy and mutually cooperating for the moral and material advancement of Nigeria as a whole."*

This policy has been strongly advocated by Sir William Macgregor as Governor of Lagos, by Sir Ralph Moor as High Commissioner of Southern Nigeria, and by myself as High Commissioner of Northern Nigeria about ten years ago. It has continued to be advocated by Sir Walter Egerton and my successor in Nigeria.<sup>2</sup>

This goes to buttress the fact that Nigerians were not consulted or participated to the amalgamation of Southern and Northern even though they were the ones directed concerned and affected by such combination. The problems and consequences of that arrangement were not considered and as a result the amalgamation has remained a perennial problem with the solution not being in site. This has led to many conferences with little or no result at all; call it National Conference, National Sovereign Conference or Constitutional Conference.

### **Decolonization and agitation for constitutional reform and independence (1945-1960)**

In the different phases of the era of decolonization from 1945 to the attainment of independence in 1960, Nigerians agitated for constitutional conference, self-government and the granting of independence. On the 6<sup>th</sup> of December 1944, Sir Arthur Richards who was governor of Nigeria, had in a dispatch to London, stated clearly that the problem of Nigeria was how to create a political system that would advance political development in line with the interests being pursued by various Nigerian groups. In 1946, the Arthur Richards constitution was introduced. He introduced constitutional reforms that year. The existing Eastern, Western and Central provinces making up the British Trust Territory of Nigeria became Regions. Each of the emerging Northern, Eastern and Western Regions had a House of Assembly and the North<sup>3</sup> only, had a House of Chiefs in addition. These Houses had only consultative powers. By this time the Nationalist were becoming powerful. Consequently they opposed the constitution following its contents and the way it was introduced. A select committee of the legislative council made recommendations to the Governor regarding steps to be taken for a review of the Richard's constitution with special reference to the methods to be adopted for ascertaining the views of all sections of the population on the issues involved. As the Nigerian nationalists continued the agitation for a national constitutional conference, Governor Macpherson adopted a policy of allowing Nigerians at every level to participate in putting forward suggestions for the country's constitution through a series of discussion held first at the village, then in the district, followed by provincial, regional and national conferences. After this there were crisis following the motion of Anthony Enahoro at the House of Representative which made some of ministers to resign. These led to a constitutional crisis and threats of disintegration of the country.

Following the crisis over the self-government motion, the colonial secretary, Oliver Lyttleton, convened a constitutional conference in London from July 30-August 22, 1953 to reverse the 1951 constitution. At that conference, a federal constitution was accepted by the leaders of the main political parties, and it was agreed that regions which so requested shall have full internal self- government in 1956. The work of the conference was completed by a further conference in Lagos from January to February 1954. The outcome of the 1953 constitutional conference and the resumed Lagos conference in 1954 established the Federal (Lyttleton)

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<sup>2</sup> O. and p. Olakanmi, *The Nigerian Constitutions since 1914*, Law Lords Publications Abuja, [2014], p. 3.

<sup>3</sup> Oluyede, P.A.O, *Constitutional Law in Nigeria*. Evans Brothers (Nigeria Publishers) Limited, Ibadan, [2001], p. 24.

constitution of 1954. Federalism had been advocated at the 1950 Ibadan General Conference on constitution review but was rejected. After the 1953 crisis, federalism was adopted as the solution to the political problems of the country.

The Nigerian constitutional conference resumed in London from September 29 to October 27, 1958. The outcome was internal self-government in 1959, the Independent constitution of 1960, and the granting of Independence in October 1, 1960. The period 1950-1959 represented a 10-year period of negotiations between the major stakeholders in the Nigerian nation-state project and what they finally arrived at in the form of 1960 constitution was, subject to minor, non-structural modification, the only legitimate basis of association of all the different nationalists in Nigeria. The fears of the minority in an imbalance federal structure and the creation of more regions were the issues that could not be resolved during the constitutional conference before the attainment of independence in 1960.

### **Continued Agitation in the Early Years of Independence**

In the early year's independence, minorities in the country continued their agitation for the creation of their states. In the 1960 and 1963 constitutions, a federal system made up of strong regions and a centre with limited powers was instituted. Both the 1960 (Independence) constitution and the 1963 (Republican) constitution were basically the same. The only differences were the provisions for ceremonial president (1963) in place of the Queen of England (1960) and the judicial appeals system which terminated with the Supreme Court (1963) rather than the judicial committee of the British Privy Council (1960). With these constitutional arrangement distinct features especially the Republican status of Nigeria emerged.

Other important features of the 1960/63 constitution included allowing for separate constitutions for each region in addition to the Federal Government constitution, second, each region had its own separate coat of Arms and Motto, in addition to that of the nation. Third, each region established its own separate semi-independent mission in the U.K headed by an "Agent General", fourth, the regional government had Residual power that is where any matter was not allocated to the regions or the federal government it automatically became a matter for regional jurisdiction. One important feature of the 1960 constitution is the extensive powers granted to the regions, making them effectively autonomous entities and the revenue arrangements which ensured that the regions had the resources to carry out the immense responsibility. While Nigeria moved from one crisis to another within months after the attainment of independent, the minorities continued their agitation for more states.<sup>4</sup>

### **Military Regime and the movement of Democratic 1966-1999**

The political process was distorted by military intervention following the bloody coup of January 15, 1966 led by Major Chukwuma Kaduna Nzeogwu and a group of majors, which overthrew<sup>7</sup> the government of Prime Minister, Sir Abubakar Tafawa Balewa and ushered in the military regime of General Johnson Thomas Ununakwe Aguiyi Ironsi. In July the same year, a counter-coup ushered in the military regime of Lt. Col Yakubu Gowon. The Gowon regime which after prosecuting a bitter civil war (1967-1970) failed to return the country to constitutional rule after series of promises to that effect, was overthrow in July 1975. The General Murtala/Obasanjo regime that took over from Gowon convened constitutional drafting committee and constituent

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<sup>4</sup> Oluyede, P.A.O, Constitutional Law in Nigeria. Evans Brothers (Nigeria Publishers) Limited, Ibadan, (2001), p.24.

Assembly which returned the country to democratic rule<sup>5</sup>. After that there were series of coups ranging from the military coup of General Muhammed Buhari in 1983, to General Ibrahim Badamosi Babangida in 1985, to Chief Ernest Shonekan as the leader (unelected) 1993, to Sani Abacha in from 1993-1998 and culminating in the regime of General Abdulsalani Abubakar who handed over power to a civilian government on May 29,1999<sup>6</sup>

In response to the agitation for a national dialogue following the events of 1966, the military leadership of General Gowon summoned on Ad Hoc constitutional conference in August 1966 to discuss the future political development of the country. The technical character of the problems that were dealt with made the political discussions a well-organized national debate that focused on a number of issues. The crucial question involved in the debate was the survival of the nation as a single entity and the extent to which the fee constitution parts may contribute to fee government of the whole. The peculiar problem of the post-January 1966 events had threatened the dissolution and collapse of the nation-state project. The debate was therefore designed by the military regime of Gowon to involve the public in discussing the federal issue as a means of furthering the preservation of the Nigerian nation-state.

Two developments in the post-January 1966 events influenced the summoning of an Ad Hoc constitutional conference. First of all, the aftermath of the January 15, 1966 bloody coup, General Aguiyi-Ironsi abolished the federal structure and regional governments by promulgating the unification Decree 34 of May 1966. With this degree Nigeria caused to be a federation and was grouped into a number of territorial areas called provinces, which led to the emergence of a military state second after the coup of July 1966, Gowon, reverted immediately to the federal system of government by repealing Decree 34 and restoring Regional Governments. The events after July 1966 opened a national debate on the future of the federal state. The need to find a formular for the continued association of the constituent units led to the proposal for a constitutional conference.

The inauguration of a constitutional conference was fundamental advance in dealing with the complex national question. On September 12, 1966 the Ad Hoc constitutional conference opened in Lagos by the end of the month, a preliminary report was submitted to the Supreme Military Council. It had the potential to go down as the most important of its kind in Nigeria history. This is because the proposals presented by the regional delegations showed the extent to which the country had drifted apart, and was on the brink of disintegration. The conference failed because the protracted deliberations on an acceptable formular for maintaining the federation was prematurely ended with the news of renewed killings in the North and of retaliatory actions in the south. Though the killings were tragic events that sought to undermine the nation-state project the Gowon administration ruled out a completed breakup of the country and suggested three possible constitutional arrangements that would enable Nigeria to remain as on nation: a federation with a strong central government; or a confederation with no central government.<sup>6</sup>

The constitutional conference had deliberated on proposals from the four regions without deciding on any agreed strategy for keeping Nigeria as an integral and in divisible unit. The positions of the regions on almost all the four major issues particularly the form and unit of association differed considerably. The break-down of the conference and the outbreak of the Nigerian civil war changed the political landscape and reshaped the nature and form of agitation for new constitutional arrangements. A watershed in the agitation for constitutional change was the demand for a sovereign National Conference following the annulment of June 12,1993

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Presidential election by General Babangida. The annulment signaled the failure of the -1986 to 1993 political transition programme to the third Republic.

On June 26, 1994 General Abacha convened the National Constitutional conference, which lasted until June 26, 1995. The conference was concerned with the sole project of developing a constitutional framework for the fourth Republic. The outcome of that conference was a constitution on August 27, 1995 but was actually promulgated into law before Abacha's death. Civil society organizations mounted campaigns against the National constitutional conference partly because of the problems of June 12 and also because members were hand-picked individuals who would put up constitutional proposals along the line dictated by their military appointers.

### **Democratic Rule and the Agitation for Sovereign National Conference**

The return to civil rule on May 29, 1999 following the re-establishment of democratic governance did not lay to rest the agitation for a sovereign National Conference. The weakness of the 1999 constitution had become more evident with various people of Nigeria expressing concerns about its operation. From May 1999 when the constitution came with effect, many had challenges as a lie, the preamble to the constitution which states that "we the people of the Federal Republic of Nigeria... enact -and gave to ourselves air constitution. The proponents of a sovereign National Conference continued to insist that this lie about "we the people..." must be resolved through a national conference in order to have a people's constitution. In which case, the national reference should be seen as a constitution-making arrangement, and a platform for the definition of our nationhood and citizenship. They also pointed that rather than classify the proponents of national dialogue as agents of balkanization, Nigerian leaders must seize the opportunity presented to work towards re-designing the foundation of the nation to enable it achieve its potentials as a strong, prosperous and proud nation.

Against the backdrop of widespread pressures and agitation by Nigerians or opportunities to rethink the historical evolution, context and basis of their continued existence in one Nigeria, President Olusegun Obasanjo convened a National Political Reform conference from February to July 2005. Among the issues of political form were: the federal structure, fiscal federalism (especially in relation to resource control) form of government, citizenship, accountability and ethics in government, the Independent National Electoral Commission, political parties, reform of the electoral system, the economy, the foreign policy and the environment. Although the convocation of the conference provided platforms for national dialogue on important national issues, prominent leaders of civil society organizations argued that the National Political Reform Conference was similar to the late General Sani Abacha's National constitutional conference of 1995, and that it was not based on systematic people determined structure. The leadership of the conference of Nigeria Political Parties also questioned the rationale for the conference. As the debate intensified, a new group known as the pro-National Political Reform Conference Organization (PRONACO) organized a parallel conference. The PRONACO conference produced a report, including a model constitution. But as turned out, it lacked the capacity to implement or enforce its decision and recommendations.

In response to civil society agitation, the National Assembly in 2012 initiated efforts towards review of 1999 constitution. The senate committee on constitutional Review issued a statement through Senator Victor Ndoma-Egba calling for Nigerians to submit their views to the committee.

### National Question

The national question is about competition and conflict between Nigerian Ethnic Nationalities regarding the control of political power and resources in Nigeria.<sup>7</sup> In its primary, raw and original forum, it was and still is the struggle between Northern and Southern Nigeria or the control of power and resources, which commenced right from 1<sup>st</sup> January 1914; amalgamation day. As Obaro Ikime observed in his famous 1986 lecture entitled "Towards Understanding The National Question". The amalgamation of 1914 has been the subject of considerable discussion. There are those who, in the light of our problems today, describe it as "the mistake of 1914, I do not wish to repeat all the well-known arguments for and against it. But there are aspects of the matter that must bear repetition. By refusing to take advantage of the amalgamation of 1914 to break up Nigeria into more regions, as some of his aides advised, Frederick Lugard gave solidity to Northern Nigeria and Southern Nigeria as definite political expression instead of points of the compass. To that extent the colonial situation facilitated the emergence of what we now describe as North- South dichotomy in our national life. In 1939, the British split the j, smaller south into East" and West, while the bigger North was, for various reasons, left in feet.<sup>8</sup> The British not only thereby ensured that the south of 1914 ceased to have true political meaning, as East and West became the centres of political activities, but they also created the situation in which the North, as one giant unit within colonial Nigeria was given a most favoured status. It is that status which, as we shall demonstrate presently endowed the North with that political dominance which some now consider its birth right. Perhaps no single factor makes the National question more difficult to solve than thus feature of our national life.

Today, when you hear the Northern elders forum and Arewa consultative forum make demands like "power must return to the North" and the answer from the South South that "our son, has a constitutional right to second term" you immediately realize that it's all about the National Question-- Nigeria is a conglomeration of distinct Nation and people who were brought within the same political territory and state by the force of arms of the colonial power, for its own convenience, rather than for reasons based on merit or for the benefit of the colonized. Thus in the beginning there was no Nigeria. Prior to the British conquest of the different Nations making up the present day Nigeria, these Nations were independent Nation states- independent of each other and of Britain.

The establishment of the protectorate of Southern Nigeria and the colony of Lagos and the protectorate of Northern Nigeria, were based on British administrative and economic convenience, and not in the interests of the colonized peoples, who were not even consulted..Therefore, if that association is to survive, each nationality must be given enough political and fiscal autonomy. In other words, Nigeria can survive as one entity only under conditions of strict or true political and fiscal federation. By clear implication, such fiscal federalism must include a large dose of resource control and derivation in its revenue allocation arrangement.

Today, the National Question has taken the form of a struggle to control the Federal Government in order to gain access and control to Niger Delta oil and gas proceeds. The outcome is subsidy scam, unremitted billions of dollar scam, etc. Nigeria as a whole has been a tragic victim of total dependence on oil proceeds, -but the North has suffered more from this syndrome. The great export earning crops like groundnuts, cotton, hydes and skin, gum Arabic and many others have disappeared. Industries like the great textile industries and many others

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<sup>7</sup> Oluyede P A.O, Constitutional Law in Nigeria. Evans Brothers (Nigeria Publishers) Limited, Ibadan, [2001], p. 43.

<sup>8</sup> Daily independence.com/2014/03/the-nation question/accessed 3<sup>rd</sup> November, 2015

have died- all because of total dependence on monthly handouts of oil proceeds. The south has also suffered, but nowhere near the devastation of the North. Cocoa is no longer a great export crop. Rubber has disappeared from the radar. So too has palm oil.

The only solution to economic growth and development in the North and to a lesser extent some parts of the south is for all parts of Nigeria to be weaned off Nigeria Delta oil proceeds. There has to be a halt to the obsession and states must look inwards for their revenue-agriculture-solid mineral exploitation-resuscitation of collapsed industries, etc. with immense cattle resources, it is time the North established cattle ranches in order to go chilled beef, corned beef and dairy industries. The era of the Nomadic cattle rearer been over for decade. Argentina, makes over 5 million dollar per annum from its Bled beef export alone. The North can do likewise in order to release itself from the strings" of the Niger Delta's resources, attaining prosperity, development and independence in the process. Fertile Mambilla Plateau alone can bring great agricultural prosperity.

As for the rest of the country, the south-west is already on the way to liberation from the oil proceeds mentally because of industrial development, an aggressive taxation drive and good economy programmes. The East has the capacity "because by their tremendous drive and odour in business and trading, they can generate excess funds to be ploughed back in profitable investment and services that can result in economic independence. There is need to release their genius in commerce. The East also has a record of industries and manufacturing. The south-south has commenced the process of diversifying into the petroleum economic activities. It has been observed also that Niger Delta states has major project on life without gas and oil, including establishment of industries parks River State is also embarking on major electricity generation (industry) and comprehensive farming programme.<sup>9</sup>

True political and fiscal federation in Nigeria is now available. It will come whether the Federal Executive and legislative Arms of Government like it or not. It is the only way forward for Nigeria as united entity. The Federal Government will revert to what it is meant to be, ie managing common services like defence, foreign Affairs, Immigration currency, its own police force, etc. states or zones will retain the bulk of their resources: about 50% for themselves and paying 20% contribution towards the running cost of the Federal Government and another 30% as, distribution fund for all states-based on predetermined criteria.

Nigerians tend to forget that the Federal Government do not have its own resources. It collects oil and gas proceeds from Niger Delta, NAT proceeds from mainly Lagos State, custom duties from states importing goods, etc. At the appropriate time, Government will no longer spend 75% of their time in Abuja because they will be compelled to live on their own resources whilst contributing towards the running expenses of the Federal Government.

It is therefore crucial that we as a country should start preparing to loosen the shackles of suffocating unitary Federation and revert to true political and fiscal federalism in which states or zones will control their resources, enjoy full autonomy, and engage in healthy competition with other federating unit for the development, peace, justice and welfare of the Nigeria peoples. That is the basis on which we agreed to associate with each other as a federation, as reflected in the 1960 and 1963 constitutions. Nigeria is a federation and no federating unit should be totally dependent on another federating unit or the Federal Government for its sustenance permanently. True federalism must be substituted for the present suffocating unitary constitution. Local governments and Federation Account must never be featured in a federal constitution. Local

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<sup>9</sup> Ibid



governments belong to states 100% and states can create as many local governments as they wish, but they must fund: them exclusively.

There must be an end to one tier of the federation, appropriating states patrimony, and then handing over a pittance to them with the expectation that they should be grateful. At the very least, we must never revert to the pre-independence constitutional conference pact by which regions (states) retained 50% of their natural resources and contributed 20% to the Federal Government and 30% to a distributable fund of which the economically weak regions, were the main beneficiaries. That way every state developed itself first, with its own productive activities, before receiving a little help from richer states a complementary gesture. There was no parasitic federalism, in which idleness and monthly trips to Abuja to collect dole or state welfare package became the sole source of state existence.

Even better still, we need to re-structure Nigeria into Regions or zones, using the present to 6 zones as the basis, with minor changes, like Yoruba parts of Kwara and Kogi, joining the Western (Yoruba) Region. We must now revert to our pre-independence pact which embodied in the 1960 and 1963 constitutions. That is why the only basis of an independent Nigeria with a long term future. And that is the only answer to the National Question<sup>10</sup>.

2014 National Conference and National Question the moment delegates to the National Conference failed to reach a consensus on the fundamental issues that necessitated the setting up of the conference, the hope that the exercise would bear good fruit disappeared. Advocates of true federation were stunned when many delegates rejected the proposal on the state police, in spite of the security challenges confronting the country<sup>9</sup>. The National Conference was expected to provide a formula for sharing the national cake<sup>11</sup>.

Convocation of the National Conference 2014

In response to the continued agitation for a National Dialogue, the Jonathan Administration constituted a high powered committee in 2012 under Justice S.M. Belgore. The Belgore committee was mandated to examine the relevancy and currency of the recommendations of the previous conferences which were not implemented, draft bills for consideration (where necessary) and propose policy guidelines for the implementation of those recommendations<sup>12</sup>.

On October 1, 2013, President Goodluck Ebele Jonathan in his Independent Day broadcast to the nation, declared the nation of his government to organize a National Dialogue as a way of resolving the intractable security and political crises in the country. Governments resolve to convene a National Dialogue amounted to the acknowledgement of the agitation for a conference to find solutions to the myriad problems confronting the country, particularly those issues that continue to militate against national cohesion and development. President Jonathan on his address during the inauguration of the 2014 National Conference pointed out that his administration convened the conference because of his belief that the long- running national debate on the best way forward for our country will not be in vain.

He said that the 2014 National conference is expected to much stronger foundation for faster development by building a more inclusive national consensus on the structure and guiding principles of state that will guarantee the emergence of a more united, progressive, just, peaceful and prosperous Nigeria.

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<sup>10</sup> The National Question Independent Newspaper Limited. Accessed November 10,2015.

<sup>11</sup> [www.premiumtimesng.com/.../167070-key-national-conference-recommendations](http://www.premiumtimesng.com/.../167070-key-national-conference-recommendations) Accessed on the 30th January, 2016 at Sam.

<sup>12</sup> [http://www.researchgate.net/.../41542939\\_National\\_Conference\\_federalism\\_and\\_the\\_..](http://www.researchgate.net/.../41542939_National_Conference_federalism_and_the_..) Accessed 13th January 2016 by 9pm.

### **2014 National Conference and National Question**

The moment delegates to the National Conference failed to reach a consensus on the fundamental issues that necessitated the setting up of the conference, the hope that the exercise would bear good fruit disappeared. Advocates of true federation were stunned when many delegates rejected the proposal on the state police, in spite of the security challenges confronting the country<sup>13</sup>. The National Conference was expected to provide a formula for sharing the national cake.

It must be forgotten that the aim or objective of the 2014 National Conference was to address the "Nigerian Question. The question now is how far did the conference address the question? The conference which was made up of nearly five hundred delegates was meticulously selected to accommodate all shades of opinion in the country. The conference immediately went into business after the inaugural speech by President Goodluck Jonathan and thereafter the delegates constituted themselves into various committees made up of members with diverse professional background and expertise apparently to facilitate the work of the conference which was initially given a time frame of three months to complete its assignment and submit its report to the government. The quality of the conference leadership headed by a renowned and incorruptible jurist and former Chief Justice of Nigeria Hon. Justice Kutigi as the chairman and a renowned professor of International Relations and former Minister of Foreign Affairs, Professor Bolaji Akinyemi as the Deputy chairman respectively obviously gave a great boost to the conference as a body of eminent and distinguished Nigerians who were looked upon by one hundred and seventy million Nigerians to deliver the goods and chart a new course for the country<sup>14</sup>. The final implication for the conference whereby each delegate was reportedly expected to receive a whopping sum of N4m (four million naira) monthly as a sitting allowance in a country where majority of her citizens are wallowing in abject poverty and living in a state of perpetual insecurity were considered by analysts as extremely scandalous and a colossal waste of the nation's resources. The analysts had posited that the enormous resources expended on the conference could rightly have been channeled into more meaningful projects that would touch the lives and wellbeing of the impoverished masses in the country. Nevertheless, other schools of thought contended that the huge resources invested on the conference were worthwhile so long as the conference was able to achieve its main objective of giving Nigerians a brand new constitution to be truly the people's constitution that will satisfy the long yearnings and aspirations of the people but is this a reality? Which answer is not in the affirmative?

The question therefore is whether the conference had truly succeeded in meeting the high expectations of the people who had reposed tremendous confidence in the delegates to deliver on their mandates by giving the country a new lease of life that would transform the nation into an advanced and egalitarian society. The writer is of the view that the conference has failed to live up to the high expectations of the Nigerian people by its inability or unwillingness to seriously address the burning issues presently confronting the nation and which had perpetually held down the country for a long time. The general outcome of the conference was indeed an anticlimax which had dashed the hopes and high expectations of millions of Nigerians who looked upon the conference to deliver a new Nigeria of our dreams as a potential economic giant or power house within the African continent and key global player.

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<sup>13</sup> Daily independence.com/2014/07/national-confab-success-failure/. Accessed 11<sup>th</sup> November 2015.

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It is a great irony and inconceivable that all the agenda that were well articulated and strongly presented to the conference by various interest groups or organizations such as; the leaders of south west south east and south south, socio-cultural organizations, ethnic nationalities, organized labours, civil society organizations etc. which were aimed at the urgent restructuring of the country among other thorny issues were completely jettisoned and eventually collapsed like a pack of cards during the conference deliberations. The anti-charge and anti-progress reactionary forces at work in the conference who vigorously campaigned to maintain the status quo in the country had rejected all arguments for a positive change that could have salvaged the nation from her present state of under-development and stagnation apparently carried the day in the conference after all.

The endemic and multifarious problems currently confronting the nation could not in any way be washed away or swept under the carpet despite our leader's self-delusion that all is well with the country in abject poverty. The only viable option open to the nation in her present predicament is to urgently move back to true fiscal federalism as operated in other advanced democracies of the world such as; the U.S, Canada, Switzerland, Australia and Brazil, etc. The country should therefore quickly adopt the regional system of government which is the most suitable system for the country as was being operated during the pre and post- independence era when the country was truly united and recorded tremendous achievements in socio-economic cum political spheres. It was the military with their central command structure after they had ceased power in 1966 that distorted and bastardized the true fiscal federalism then in operation in the country and the nation has continued to pay very clearly for this terrible aberration. It is incontrovertible fact that regional autonomy with fiscal responsibility encourages hard work and self-reliance among citizens and equally promotes healthy competition among various autonomous regions. As long as the country continues to operate the present outdated and unworkable system whereby the states always rush to Abuja at the end of each month to share the national resources, the nation will continue to wear the toga of an overfeed baby with stunted growth.

The recent deadlock or disagreement among the conference delegates on the highly contention issues bordering on derivation formula, devaluation of power, and resource control will obviously continue to generate acrimonious debate, controversies, 2nd state instability in the nation until all the component parts in the stop to depend solely on oil revenue which is transient and begin to look inwards for viable alternatives that will sustainable income for their people.

### **Reasons for the Convocation of a National Conference**

The reasons for the convocation of National conference in Nigeria in 2014 has both remote and immediate causes. The agitations since 1914 are the remote causes while the stated herein are the immediate causes.

The situation which leads to the convocation of a sovereign national conference arises from the thinking that the existing order or regime, is in capable of solving economic and political problems and the institutions of the state are rather weak or ineffective to assert authority while the democratic opposition is not strong enough to effect regime or system change. Where the convocation of a sovereign National Conference is unlikely, its proponents have advocated a conference of Ethnic Nationalist particularly in an ethnically plural society. Representatives of the ethnic nationalities are convened on a common platform to discuss and make recommendations to government about their common problems in order to achieve higher levels of mutual trust, understanding and integration in nation building.

The nature and character, relevance and legitimacy of the three types of national dialogue depend on the context-especially the political situation in any country, and the consideration concerning future political development. Generally, a national dialogue assists in creating enabling environment of high trust and openness, with reflective and generative capacities for problem-solving, action-planning and conflict resolution for the development of the society.

### **Sovereign National Conference in other places**

The agitation for a sovereign National conference (SNC) in Nigeria coincide with similar demands across Africa. The convocation in 1989 of National Conference of civil society organizations in Benin Republic which successfully declared itself "sovereign" in place of the then existing state power provided a model for many agitators for sovereign National Conference in Nigeria. The Benin conference overturned the constitution, supplanted the authority of President Kerekou and spear-headed decisions which brought in a new president. In February, 1991, the National Conference of Congo was organized at the convention centre of Bruzzville under the pressure of mass movements by the then president of the Republic, Dennis Sasou Nguesso. The delegates represented civil society organizations including political parties, worker, unions, professional organizations, religious denomination as well as Government representatives.

A sovereign National conference is the convocation of by and large, civil society organization, workers' unions, political parties, professional association, religious denominations, and government representatives to discuss and chart new way forward for the nation. As the word sovereign suggests, the conference is not subject to the authority of the state and its outcome may supplant and sweep away existing order while heralding an entirely new order, like England in 1706 and United States in 1774. It has the capacity to take effective and effectual decisions relating to the tenure, survival and or limits of power of the existing regime. This means that a sovereign national conference is interpreted as a transactional phase in the process of a mass struggle to carryout system or regime change.

### **Recommendations of 2014 National Conference in Nigeria**

The 2014 National Conference in Nigeria recommended the creation of 18 new states (three per geo-political zone)

**On resource/control/Derivation principle/fiscal federalism**, the conference noted that assignment percentage for the increase in derivation principle, and setting up special intervention funds to address issues of reconstruction and rehabilitation of areas ravaged by insurgency and internal conflict as well as solid mineral development, require some technical details and consideration. The conference therefore recommends that government should set up a Technical Committee to determine the appropriate percentage on the three issues and advise government accordingly.

**On public financial/Revenue Allocation.** It recommended that the sharing of the funds to the federation account among the three tiers of government should be done in the following manner. Federal Government-42.5%, State Governments-35% and Local Government-22-5%. That the percentage given to population and equality of states in the sharing formular be reduced while that assigned to social development sector be increased to a much higher percentage so as to ensure accelerated development of all parts of the country

**On forms of Government** 2014 National Conference recommended that modified presidential system, a home-made model of government that effectively combines the

presidential and parliamentary systems of governments. The president shall pick the vice president from the legislature. The president should select it not more than 18 ministers from the six geo-political zones and not more than 30% of his ministers from outside the legislature. Reduced cost of governance by pruning the number of political appointees and using staff of ministers where necessary.

**On the legislature,** the National Conference maintained Bi-cameral legislature, but all elected members of the legislative arms of all tiers of government should serve on part-time basis.

**On power sharing/Rotation:** The National Conference recommended that the Presidential power should rotate between North and the South and among the six geopolitical zones while the governorship will rotate among the three senatorial district in a state.

**On local Government:** The 2014 National Conference recommended that local government will no longer be the third tier of government "The Federal and States are now to be the only tiers of government. States can now create as many local governments as they want. The joint State/Local Government Account be scrapped and in its place the establishment of a State RMAFC with representatives of L.G. and a chairman nominated by the Governor. The constitution should fix the tenure for Local Government Councils at three years. The conference recommended the scrapping of state independent Electoral Commission, SIECs.

**On immunity clause** the conference recommended that it should be removed if the offences attract criminal charges to encourage accountability by those managing the economy. The conference recommends that on Independent candidacy that every Nigerian who meets the specified condition in the Electoral Act should be free to contest elections as an independent candidate.

**Governance:** The National Conference recommends the creation of the Accountant General (Director-General) of the Federation, as a distinct and separation office from the office of the Accountant General and the Federal Government. The office of the Accountant General of the federation, shall oversee the accruals of revenue into and disbursement from the Federation Accounts as and when due, and shall administer these funds as required by the constitution, while the office of the Accountant General of the Federal Government shall oversee the accounts of the Federal Government.

**On Anti-Corruption:** It was recommended that a special courts will be established to handle corruption cases in the light of undue prolongation in the trials and prosecution of corruption cases in the regular courts. A non-conviction-based assets forfeiture law should be enacted with broad provisions to deal with all issues of proceeds of crimes by the anti-agencies and the courts.

The National conference recommends the Land Tenure Act should remain in the constitution but be amended to take care of those concerns, particularly on compensation in section 29(4) of the Act to read "Land owners should determine the price and value of their land based on open market value.

**On National Anthem:** The National Conference recommends the re-introduction of the old National Anthem.

**On Religion** the conference recommended that there will be no government sponsorship of chairman and Muslim pilgrimages to the holy lands. It is also resolved that churches and mosques should begin to pay tax to government.

## Conclusion

The National Conference is expected to correct lots of ills of present day Nigeria. The Amalgamation of the North and the South has been described in some quarters as a huge "mistake". The National Conference must address this single mistake. Some parts of the country are seen as parasite to the others and so this must be addressed in terms of resource control. The Central Government with high revenue, military, police and other Para-military agencies is seen as too powerful thus a solution must be found. Some Nigerians are agitating that the continued unity of the country Nigeria must also be discussed. Should the country remain one, be a confederation or a loose of federating units that will be called Nigeria. The National Conference should come up with an acceptable solution that will see to the continuous existence of Nigeria. The idea that some groups are parasite must be discarded. The notion that some group are "born to rule this country does not hold ground anymore, because all the six geo-political-zones have produced Prime Minister/Heads of State/President of this country. Finally members of the conference should avoid the act of dissonance so that they will always march their words with actions. Ending the National Conference on the 21<sup>st</sup> of August 2014 President Jonathan assured Nigerians that the reports stemming from the five-month National Conference will not be wasted. Jonathan said that the quality of debate and the debt of contributions added to the ability of the delegates to resolve every argument without "burying or suspending them" was indicative of the fact that "it is a new dawn in Nigeria and a new nation is at the door". He assures the country of Nigeria that the National Conference was not going to be a waste of time and resources. According to him (President Goodluck Jonathan as he then was) with the conclusion of deliberations at the conference and with the voluminous reports submitted by the conference chairman, Justice Idris Kutigi, "Our moment for national rebirth is here. We have to rekindle hope".

The President, accompanied by Vice President Mohammed Namadi Sarnbo and some ministers, praised the 494 members of the conference for arriving at every decision through consensus without an option of a vote or division. The President was emphatic that the success of the conference has proved cynics wrong in many respects and has built a new architecture of national development as the country moves into the next 100 years of its existence. He promised that since nobody has monopoly of wisdom in national affairs, the relevant aspects of the report and recommendations would be sent to both the council of states and the National Assembly for necessary action<sup>15</sup>. While submitting the report, Justice Kutigi said the purpose of the conference included addressing the fears, disappointments, aspirations and hopes, which have accumulated over 100 years. According to him "We did not try to ignore or bury our differences while respecting the dignity of those holding these differences and sought to construct solutions which would become building blocks for a just and stable nation". The Honourable Justice Kutigi disclosed that at the end of the conference, more than 600 resolutions dealing with issues of law, issues of policy and issues of constitutional amendments were approved. He also expressed the view that the resolutions did not deal with inconsequential or frivolous issues; we showed courage in tackling substantial and fundamental issues<sup>16</sup>.

Having seen all the beautiful and Utopian comments about the 2014 National Conference it looked as if solution was found for every Nigerian problem, but that is not the true position. Issues were not resolved and they include the following;

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<sup>15</sup> Saharareporters.com/2014/08/21/report-will-not-be-wasted-jonathan-tells-nigerians-he-closes-2014-confab.

<sup>16</sup> [https://www.google.com.ng/gws\\_rd=ss/Nq=concluding-i-remark-t](https://www.google.com.ng/gws_rd=ss/Nq=concluding-i-remark-t) on+2014+national+conference+in+Nigeria. Accessed on the 10<sup>th</sup> of November by 2am.

**Status of State Independent Electoral Commission, SIEC** unlike the Uwais panel that recommended the scrapping of the State Independent Electoral Commission, SIEC, following the dismal performance of the electoral bodies nationwide, the National Conference Committee on Political Parties and Electoral matters bowed to pressures from the state governors to retain SIEC in the constitution.

**Local government Autonomy:** This elicited hot debate at the National Conference opposing the autonomy of the local governments and scrapping of joint state/local government account. On this issue all the 36 state governors speak with one voice against local government autonomy.

**Derivation/Resource Control/Fiscal Federalism:** On this issues what happened in 2005 NPRF repeated itself. There was no consensus on derivative principles. People from oil producing states requested for upward review of the 13% percent derivation while those from non oil producing are of the view that it be reviewed downwards. Delegates from oil producing states gave the reasons for their demand which is that their environment has been badly polluted resulting for oil exploration. But those from non-oil producing told them to leave their ancestral home and to migrate to other parts of Nigeria. This position did not go down well with delegates from the rich oil producing states and when a truce could not be reached, delegates from the Niger Delta States staged a walkout from the confab and that technically spelt the death knell for the confab. The Niger Delta delegate never returned to the confab until the end of the confab<sup>17</sup>.

**Power Rotation:** No consensus was reached on these issues as in 2005. The two major positions that were canvassed at the confab were for power to rotate between the north and south or among the six geo-political zones. While delegates from the Hausa/Fulani dominated core north and few delegates from the south-west are in favor of power rotation between the north and the south, delegates from the middle belt, minorities from the north and delegates from the south-south and south-East and others from south-west are rooting for power rotation among the six geo political zones. The primary reason why minorities from the north aligned with delegates from the south in support of zonal power rotation was their fear that if it is agreed for power to rotate between the north and the south, anytime it is time for the north to produce the president the Hausa/Fulani core north will never allow any minority from the north to have or get the ticket.

**State Police:** Another red button issue that delegates may not be able to resolve is the issue of state police. There have been divergent views over the desirability or otherwise of state police. Even the 36 Nigerian Governors in the country have not been able to come to a compromise on the issue of state police.

In this work we also mentioned National Conference held in some countries and their outcome for example in United States of America but in Nigeria no reference seem to have been made about the all-important National Conference of 2014. Rather it was reported in Punch News Paper for President Buhari to have said that he will not implement the report of 2014 National Conference convened by former President Goodluck Jonathan, despite the fact that Jonathan handed over the document to him alongside his (Jonathan's) handover note. Jonathan had during his handover ceremony on May 28, told Buhari that the confab report was more important than his handover note. Shortly before he left office, the former President had forwarded the report to the National Assembly for action but Buhari maintained that he will not

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<sup>17</sup> [www.premiumtimesng.com/national-conference/issues-may-remain-unresolved-national-conference/](http://www.premiumtimesng.com/national-conference/issues-may-remain-unresolved-national-conference/).

implement it because he does not believe in it. Rather the President said he would stick to the recommendations of his transition committee led by Ahmed Joda.

However, it must not be forgotten that All Progressive Congress did not take part in the conference even though they were asked to send their representatives. For all Progressive Congress as a party the 2014 National Conference and its report are Jonathan's babies and won't expect this administration to implement the report, especially in this era that all we have been doing is to try and clear the rot left behind by the same administration. The President had not even at any time made any reference to the report. It is not in his agenda. With this scenario is it how Nigeria will progress? Are we not all stakeholders whether Jonathan or Buhari or any Nigeria? Considering all that went into that National Conference is Buhari considerate and patriotic by not implementing the resolution of the confab? When do we grow as a nation to a positive direction? Though the National Conference did not achieve hundred percent successes, the implementation of the resolution would have given Nigeria a little push in her struggle to solve national question. Be that as it may, I am of the view that in spite of all odds there should be a way of making the present administration implement some if not all the resolution so that the whole thing will not be exercise in futility.