



Memorandum

On Devolution of Power, Residency & Indigeneship

Regional Autonomy:

The Perfect Solution to Nigerian Problems

Submitted to the National Assembly House of Representatives,
House of Representatives Committee on Constitution Review, The Secretariat, Room
H331, House of Representatives, White House, National Assembly Complex, Abuja

“WITHOUT PREJUDICE”

PRESENTED BY MOBIN NETWORK LTD (Civil Society Organization)
(Reg. No. RC1927795) **REPRESENTING THE PLAINTIFFS** in Suit No
FHC/EN/CS/103/2019; Appeal Case No CA/E/96/2020: Customary Government of
Indigenous People of Biafra v Federal Republic of Nigeria & Attorney-General of the
Federation.

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EXECUTIVE SUMMARY

The focus of this MEMORANDUM is on the way forward for Nigeria and the peaceful co-existence of all the ethnic nationalities that make up the country. The previous Senate Committee of the National Assembly held a Public Hearing for the amendment of the Nigerian Constitution on 26th and 27th May 2021 in the 6 geopolitical regions of Nigeria. This Memorandum was duly presented to the National Assembly and received standing ovation, but nothing was done by the Senate about it. The failure of the National Assembly to amend the Constitution to insert the recommendations contained in the Memorandum is part of the problem of Nigeria. It is not only the Plaintiffs on whose behalf this Memorandum is presented by the Civil Society Organization (MOBIN) but also the people from other ethnic nationalities have expressed their dissatisfactions with the Nigerian polity.

Other countries in the international community such as Britain, America, Germany, etc, passed through the same turbulent period of nation-building. They succeeded because they listened and adhered to good advice. It appears that the problem of Nigeria is that the Nigerian Leaders do not listen to good advice but regale themselves in the songs and praises of sycophants while the country is speeding up to self-destruction. The hydra headed problem of Nigeria should be solved now peacefully and pragmatically without further delay. This Memorandum proffers the solution. The late Honourable Justice Chukwudifu Oputa, JSC, as he then was, made a profound statement at the Oputa Panel Hearings when he said, *"Time does not heal injustice. Only truth can heal injustice."*

This Memorandum is centred on Items 1 and 11 of the Amendment List as advertised by the House of Representatives (Call for Memoranda), namely: Federal Structure and Devolution of Power, Residency and Indigeneship. It makes a strong case for Devolution of Power and re-engineering of the Federal Structure with convincing argument based on legal, political, and historical evidence. The agitation for independence by the Plaintiffs and people from other ethnic nationalities stems from a feeling of injustice, marginalization, institutionalised persecution, discrimination, and denial of their rights. Some unarmed youths have been so frustrated that they became restive in their quest for freedom and were massacred and assassinated by the Nigerian Army and Police in cold blood hiding under the doctrine of national security.

A new phenomenon emerged in the South-East of Nigeria where a group described as “unknown gun men” enforcing a sit-at-home order made by their leaders every Monday began to kill every person who disobeyed them, attacking government facilities, killing security men, policemen and soldiers, and burning down public buildings including the courts and prisons in the name of freedom fighting. The South-East region which was hitherto regarded as the most peaceful region in Nigeria became unsafe. The insecurity became astronomical and alarming. Consequently, the Federal Government combined forces went hard on them and killed most of them and paraded their bodies on the television. Unfortunately, many innocent people were killed in the battle and described as collateral damages. This is so sad!

There are political solutions to the problem which the Nigerian Government has ignored for a long time. We have considered the feelings and decisions of the members of the international community on this issue. The Nigeria-Biafra question and other national questions can be resolved and must be resolved peacefully without further shedding of blood and disturbance of public peace. We have presented this Memorandum on the premise that Nigeria can still be salvaged by the amendment of the Nigerian Constitution by removing the offensive parts and inserting the provisions that suit the will of the people despite the argument that the Constitution is a fraudulent document imposed on the people by the military and therefore lacks legitimacy.

We have considered the anarchy that would be unleashed in the society in the absence of any law at all. All the laws and institutions in Nigeria are founded on the Nigerian Constitution: The States, the Local Governments, the legislature, the courts, the police, the army, the universities, etc. If the Nigerian Constitution was to be declared null and void ab initio, it would mean that all the institutions would be dissolved immediately. All cases decided by the courts would be deemed not to have been decided. All condemned criminals executed by the judgments of the courts would have been sentenced and killed unjustly by a Judge that lacked legitimacy. All the Degree Certificates awarded by the States and Federal Government Institutions would be void automatically. The confusions and anarchy would be unimaginable in the event of the collapse of Nigeria without adequate preparations. We therefore think that a remedial work can be done to the Nigerian Federal Structure from the foundation just like a structural engineer applies remedial engineering works to strengthen the defective foundation of a building structure instead of pulling down the structure.

In view of the positions taken by the British Government and the French Government in recent times that they would not support the break-up of Nigeria, we have proffered a solution that will satisfy the yearnings of the Plaintiffs and other ethnic nationalities agitating for freedom as well as keep Nigeria one in line with the provisions of Section 2(1) of the Constitution of the Federal Republic of Nigeria 1999 and the official position of Britain, France, China, and other members of the international community which have invested heavily in Nigeria. It is a win-win solution where all parties will be satisfied.

1. Introduction: Legal, Political and Socio-Economic Basis for this Memorandum:

Federal Structure:

In this Memorandum, we are making a case for Devolution of Power to the six Geopolitical Regions in Nigeria and the re-engineering of the Federal Structure. We have noted the opposition from some groups against the call for Memoranda by the National Assembly for the Amendment of the Constitution. Some critics said it is a waste of time and resources while others in the South said that what is required is the total nullification and jettisoning of the Nigerian Constitution because it is a fraudulent master-servant Constitution with a false preamble that "we the people" made it which we never made.

Residency and Indigeneship:

We have critically examined the problem of Residency and Indigeneship in Nigeria. It has been observed that a person from one Tribe or Ethnic Nationality such as Igbo or Yoruba or Hausa, or Fulani, may settle down in another Tribe with his family and live there from generation to generation and integrate into his host community but remains a stranger. Will it be possible for the family members to acquire Indigeneship and qualify to receive all benefits as sons of the soil and hold Traditional Leadership Positions in the Community? In short, is it possible for Nigerians to be so integrated and fused as to become One Body that nobody cares again about his or her own Tribe? Does this agree with the African Political Philosophy?

We quite understand and appreciate the fears of the Federal Government of Nigeria and the international community regarding the consequences of the possible disintegration of Nigeria. We have considered the options and the arguments from the various camps opposing the amendment of the Nigerian Constitution on the grounds that it is inherently evil and should be declared null and void ab initio. We know the consequences of anarchy in a society. For this reason, we present this Memorandum to the National Assembly for the

Amendment of the 1999 Constitution of the Federal Republic of Nigeria with the intent that it will be adopted by the National Assembly to resolve the seemingly intractable problems in Nigeria and especially between the Plaintiffs and the Nigerian Government based on the following laws, issues and policies:

- (a) Section 2(1) of the Nigerian Constitution: This section provides that Nigeria is one indivisible and indissoluble Sovereign State to be known by the name of the Federal Republic of Nigeria. Although the Plaintiffs have made their argument in the case pending in Court that Section 2(1) is not sacrosanct and provided evidence to support the argument that the Federation of Nigeria is divisible and dissoluble, the Plaintiffs shall not pursue the same argument here as the Defendants are now seeking for political solution to the dispute.
- (b) Section 3(1) of the Nigerian Constitution: This section provides that there shall be thirty-six States in Nigeria. We have made a submission on this provision in the body of this Memorandum.
- (c) Section 4(2) of the Nigerian Constitution: This section provides that the National Assembly is vested with the power to make laws for the peace, order and good governance of Nigeria or any part thereof. We have underlined the phrase, PEACE, ORDER AND GOOD GOVERNANCE, to emphasise the duty imposed on the National Assembly which it has failed to discharge. The fact that there is no peace in Nigeria means that the National Assembly has not made that particular law that will bring peace, order and good governance as contemplated by the Constitution.
- (d) Section 162 of the Nigerian Constitution: This section provides for the Federation Account and revenue allocation to the federating units based on the principle of derivation. We have made our submission on this provision in the body of this Memorandum.
- (e) Article 20, African Charter on Human and Peoples Rights (Ratification & Enforcement) Act, Cap 10, Laws of the Federation of Nigeria 1990, now Cap A9, Laws of the Federation of Nigeria 2004:

This is the Nigerian law that created the right of self-determination as a legal right. The African Charter is an international law domesticated in Nigeria by the National Assembly and therefore enforceable by the Nigerian Judiciary. Article 20 provides as follows:

“All peoples shall have the right to existence. They shall have the unquestionable and inalienable right to self-determination. They shall freely determine their political status and shall pursue their economic and social development according to the policy they have freely chosen”.

The law is so encompassing touching on politics and regional economy that it provides that the people shall be free to pursue their economic and social development according to the policy they have freely chosen. In the context of our Memorandum to the Senate, we are making a case for self-determination within Nigeria as autonomous self-governing regions in accordance with the existing six geopolitical regions of Nigeria. The wording of the law, *stricto sensu*, is that **the people have the unquestionable and inalienable right to self-determination and have the right to freely determine their political status and pursue their economic and social development according to the policy they have freely chosen.** However, the Plaintiffs are not going for the extreme prayer but for self-determination as a regional government within Nigeria. They have argued in Court that what they lost after the war was their sovereignty and not their indigenous identity as a people. Therefore, the Plaintiffs submit that they are Nigerians by citizenship but Biafrans by indigenous identity still occupying their ancestral homeland.

2. **The Position of the 4 Regions of the South and Middle Belt on Regional Autonomy:**

The leaders of the four regions of the South and Middle Belt visited the National Assembly on Thursday 3 May 2018 and presented their request for devolution of power to the Regions. This was aired on the National Television and reported by the Punch Newspaper of 4 May 2018 as follows:

"SOUTH, MIDDLE BELT LEADERS TO NASS: RESTRUCTURE, SAVE NIGERIA"

"Leaders of the South and the Middle Belt on Thursday appealed to the National Assembly to save Nigeria, which they said was on the edge of a precipice. While calling on the legislature to drop partisan politics in handling the affairs of the country, the leaders asked that a national emergency be immediately declared. The elder statesmen made their positions on various issues affecting the country known when they met with the leadership of the Senate in Abuja on Thursday. The leaders were drawn from the South-West, South-South, South-East and North-Central. They include the leader of the Yoruba socio-political organisation, Afenifere, Chief Ayo Adebajo; a former Federal Commissioner of Information and Chairman, Pan-Niger Delta Elders Forum, Chief Edwin Clark; President General, Ohanaeze Ndi'gbo, Chief John Nwodo; a former Secretary to the Government of the Federation and ex-Minister of

Finance, Chief Olu Falae; and the first Military Governor of Plateau State, Air Commodore Dan Suleiman (retd.)

Others are a former Governor of Akwa Ibom State, Obong Victor Attah; a former Governor of the old Anambra State, Chief Chukwuemeka Ezeife; and Publicity Secretary of Afenifere, Mr. Yinka Odumakin. Also part of the delegation are Air Vice Marshal Irangate Idongesit; Senator Stella Omu; Prof. Banjo Akintoye; Prof. Chigozie Ogbu; Prof. Ihechukwuma Maduke; Senator Basset Henshaw; Mr. Alfred Mulade; His Highness, Anaba Saraigbe; and Lady Maryam Yunusa.

To receive the delegation were the President of the Senate, Bukola Saraki; Deputy Senate President, Ike Ekweremadu; Majority Leader, Ahmad Lawan; Deputy Majority Leader, Bala Ibn Na'Allah; Deputy Minority Leader, Emmanuel Bwacha; Minority Whip, Phillip Aduda; Deputy Chief Whip, Francis Alimikhena; Deputy Minority Whip, Biodun Olujimi; and Adamu Aliero. Clark, in his opening comment, noted that four of the six geopolitical zones in the country were represented at the meeting. "More than a half of Nigeria is here to see you," he said, adding that Nwodo would present their case.

Speaking on behalf of the delegation, Nwodo said the elders were at the National Assembly to urge it to intervene in the challenges facing the country. "Mr. President (Saraki), we have come to beg you. We know that sometimes history places one in a particular juncture to change the order of things. We see you and your colleagues at a particularly unique juncture. You can prevent further bloodshed in this country. You can prevent further drift into ethnic crises. We want you to revisit devolution of power. "If we have this restructuring and we limit people to minding domestic affairs and we encourage competition between the various areas of the country, production will increase, standards will increase, security will increase, mutual respect for each other will increase and friendliness will be encouraged. We want to restructure Nigeria. The alternative will be worse than the situation we have today," he said.

The Igbo leader called on the legislature to initiate the process of restructuring the governance architecture of the country. Nwodo said, "We are visiting the National Assembly because of its unique position in our Constitution. The democratic system we run in our country rests on three arms and of these three arms, the other two function in accordance

with the laws made by this arm. This arm characterises democracy. "We believe that by visiting you today, we are coming to speak to the conscience of our country. We ask that this discussion today be as frank as possible. "In situations like this, unless the National Assembly rises like the conscience, the commitment and the patriotism to unveil the façade of partisan politics, partisan advantages and face the real issues of the nation, we stand on the edge of a precipice.

"We have come to you at a time when our economic stability is in a serious danger. Today, international debt is extremely high; it is one of the highest as adjudged by the IMF for countries. Our domestic debt is high and growing by the day. Our subsidy indebtedness is something that has defied solution and transparency in disclosure. Our youth despair is gargantuan. "The federating units in this country, in the unitary system that we have called a federal government, are surviving with great difficulty. The Federal Government has given bailouts just to sustain recurrent expenditure of our state governments. Many of the important units of growth in our country, namely industrial concerns – either not producing at all or producing short of installed capacity – and job creation are low. Despondency stares at us in the face."

Nwodo lamented the spate of insecurity in the country, particularly the continuous killing of Nigerians. He said in part, "Look at our security, when we had the regional police this didn't exist. Every state had domestic security. At no time except during the Nigerian Civil War have people been killed in the way they are being killed today in Nigeria. "In one year we have recorded more than 1,000 killings. What is surprising is that these killings are not matched with equal reaction by the security forces in our country. "If it is possible for us to have a situation in which people carry AK-47 freely in Nigeria and murder people every day, and this is happening as if nobody cares; and some people told us that they (killers) came from Libya. When did Gaddafi die? How many years ago?

"If the essence of choosing 17 heads of security arms in this country is to ensure that they come from the same area as the President in order to ensure loyalty, what have they done to guarantee our security? If they must all come from northern Nigeria, please bring those who can do the job. We can no longer tolerate this insecurity."

The Ohanaeze leader pointed out that there is "an all-time lack of confidence in the institutions of government," especially those responsible for law and order. "Our courts speak from the two sides of the mouth. Today in Nigeria, our courts make proclamations that, whether you committed a crime or not, you may not be arrested or even be prosecuted. It is unprecedented in any democracy.

"We have come as elders; we have come as fathers; we have come as heads of different socio-cultural organisations of this country who look up to us for leadership to speak in moments of this nature. We have looked at the problem of our country and we think that it is soluble but we also think that there is lack of will. "We have come to ginger you to develop that will and seek the consensus of the leadership of the National Assembly and of the political class, who have the necessary legislative empowerment by our Constitution, to make decisions that can reverse our situation. If not in office, you constitute the political class of our country. At times like this, partisanship is criminal.

"We believe that many of the problems we have in our country emanate from the Constitution of our country. We know that the National Assembly has had debates on devolution of powers. And we know that you did promise the nation that you would revisit this issue. "We have come to ask you to bring up the revisit. We consider it urgent and inevitable because we believe that all the problems that we have today in Nigeria emanate from the fact that our Constitution is not right for a country constituted by people of diverse cultures, religions and political persuasion."

Nwodo noted that many other countries with similar characteristics have become greater, with some taking "the seedling" of their greatness from Nigeria. "But we have been kept down by the kind of constitution that we run," he added.

The Igbo leader recalled the invasion of the chamber and mace snatching by suspected thugs. He also made reference to the Inspector-General of Police, Ibrahim Idris, who twice ignored summons by the Senate. He said, "We have watched the helplessness of the National Assembly where members of the executive even refuse your invitation to come and make explanations before you, contrary to the provisions of the Constitution. "We have found the helplessness of the Senate, when you can be invaded

in spite of the security adornment in this place, controlled by the executive. And the seat of the Senate President was almost invaded but for the personal security of the aides. This is because our system makes the tail wag the dog rather than the dog wags the tail. "We have come to tell you that in our view, it is because we have this over-concentration of power in the Federal Government contrary to the agreement that our forefathers went into for the union called Nigeria; that governance has failed in our country; that the economic development has failed."

Nwodo warned that a major economic crisis lies ahead of Nigeria as the major consumers of crude oil are diversifying to other sources of energy. He also noted that the country's oil deposit was drying up. He stressed that proceeds from oil sales are shared monthly by the federal, states and local governments with little effort to diversify the economy. He stated that agriculture remains the best alternative for the country. Nwodo noted that the regional government structure abandoned by the country promoted growth. He added, "In the past, the regions had active competition and it promoted growth. When we were sent to university, if you wanted to read Architecture you would go to Ahmadu Bello University. If you wanted to read Medicine, you would go to the University of Ibadan. If you wanted to read Humanities and Engineering, you would go to (University of Nigeria) Nsukka.

"Under the regime of pre- and immediate post-independence; in three spectacular years, things happened in Nigeria of outstanding proportion. We were the pride of Africa. Suddenly, it became retrogression. Oil is a declining commodity in the international market. China and others have put a time limit – between 2020 and 2024 – to stop production of machines dependent on fossil oil. The immediate consequence of this is that there is going to be a fundamental and phenomenal decline in the world demand for oil.

"Year 2020 is only two years from now. What is the sense of urgency around our country on how to cope with this? We are only interested in power, the sheer ego that 'I hold power and I can do what I like,' not in what our children will be tomorrow. There ought to be a time of national emergency now. What must we do to overcome this calamity?"

Saraki, in his remarks, said the National Assembly was ready to play its role to ensure that the country continued on the path of democracy and

growth. On the call to revisit clauses that were rejected during the on-going constitution review process, Saraki said the National Assembly was ready to reconsider the clauses and that it would do so after the passage of the 2018 budget. According to him, report on the bill seeking devolution of powers had been laid.

He also noted that although the Buhari-led administration had made some progress on the economy, the effort could be frustrated by the spate of insecurity in the country which he said would prevent foreign direct investment. The Senate President said, "We are determined, because there is no alternative than for us to see this issue and address them frontally from a legislative point of view. "You have raised issues on security, economy. I will like to say they are not all gloomy days. The area of concern to all of us is the issue of security. We must all fight insecurity. We will not give up. We will continue to make necessary sacrifice to fight insecurity."(Source: The Punch Newspaper, 4 May 2018)

The Leaders and Elders of the people have presented their case to the National Assembly for restructuring of Nigeria to Regional Governments. We are convinced beyond any shadow of doubt that Restructuring Nigeria to Regional Governments will solve ALL THE PROBLEMS confronting the country at the moment. The problem of insecurity will vanish because the people of every region know themselves and can protect themselves against terrorists and criminals whether from within or without as it was during the time we had Regional Police. There shall be another boom and revival of the economy as each region concentrates on the areas of its comparative advantage. We still remember the Groundnut Pyramids of the North, the Coco House of the West and the Palm Produce of the East which made Nigeria great and peaceful in those good old days.

3 Issues and Prayers before the Court:

The case in Court between the Plaintiffs and the Federal Republic of Nigeria and the Attorney General of the Federation is on the right to self-determination pursuant to the provisions of the Nigerian law. There are many issues and prayers before the Court but for the purpose of this Memorandum, we consider the following issues and prayers more relevant:

1. ISSUES:

- (1) Whether notwithstanding and in the absence of any directions, instructions, promises or offers from the Defendants, the Plaintiffs have

the legal and inalienable right to self-determination pursuant to Articles 19 – 25 of the African Charter on Human and Peoples’ Rights (Ratification and Enforcement) Act, Cap A9 Laws of the Federation of Nigeria 2004 (Cap 10 LFN 1990)

- (2) Whether the amalgamation of the members of the Plaintiffs with the peoples of other ethnic nationalities in the south and north by the British Government to form one country called Nigeria was with the consent and agreement of the indigenous peoples of the lands; and if the answer is in the negative, whether the Order-in-Council 1910 – 1913 made by the British Government to create Nigeria in 1914 was null and void *ab initio* for lacking legitimacy as it could not form the basis of the Nigerian Constitution thereby rendering the amalgamation invalid.

2. **PRAYERS:**

- (1) An Order declaring that, notwithstanding the direction and or instruction and or promise made by the President of the Federal Republic of Nigeria to the members of the Plaintiff as aforesaid, they do have the legal right to self-determination pursuant to Articles 19 – 25, Cap A9, Laws of the Federation of Nigeria 2004 (Cap 10 LFN 1990) and are therefore free to exercise their unquestionable and inalienable right to self-determination to freely determine their political status and pursue their economic and social development according to the policy they have freely chosen.
- (2) An Order affirming the Memorandum of Ohanaeze Ndigbo dated 28th June 2012 submitted to the National Assembly for the restructuring of Nigeria into six autonomous self-governing regions, namely: South East, South West, South-South, North East, North West and North Central, as a manifestation of the Will of the People in the exercise of their right to self-determination and compelling the Defendants to present an Executive Bill to the National Assembly for a law granting autonomy and self-governing status to the six geopolitical regions in Nigeria; **OR IN THE ALTERNATIVE, in the role of the Judiciary as the last hope of the common man,** an Order directing the Defendants to present an Executive Bill to the National Assembly for a law dissolving Nigeria in peace along the compatible ethnic groups instead of allowing the country to break up in bloodshed.

We want to emphasise that the National Assembly ignored or delayed in the implementation of the Memorandum of Ohanaeze Ndigbo dated 28 June 2012 submitted to it for the restructuring of Nigeria into six autonomous self-governing regions thereby occasioning socio-economic and political damage to the whole country. Had the NASS passed the bill into law since 2012 by

restructuring Nigeria into Regional Autonomies, the criminalities, and insecurities we see today in Nigeria would have been nipped in the bud.

4. The International dimension and the British Government Policy of 1969:

Although Nigeria obtained independence from Britain, there are issues of international politics that must be factored into every decision that may affect Nigeria and the British interests in Nigeria. Other countries such as the United States of America, Russia, China, Germany, France, etc, have also made heavy investments in Nigeria and should therefore be considered in the equation of re-engineering the Federal Structure and Devolution of Power to the Regions. The Plaintiffs have discussed with some of the World Powers on this issue and received their support for the call for restructuring Nigeria to Regional Autonomies instead of allowing the country to break up. The British Government Foreign Policy of 1969 which has remained unchanged is reproduced as follows:

"Our policy is based on the principle that secession is damaging both to Nigeria and to Africa as a whole... We must have regard both to the welfare of Nigeria as a whole and to the future of Africa, and to our own standing both with Nigeria and with Africa. The fact is that Nigeria needs the Ibos, and the Ibos need Nigeria. Iboland is an integral part of Nigeria not just politically but geographically, commercially and in every other way. It cannot exist on its own and the minority peoples adjacent to it have no wish to be incorporated in Biafra or to be dominated by the Ibos. Any solution which stops short of recognizing this cannot last and only stores up trouble for the future...Ever since the beginning of the dispute we have taken a leading role in efforts at mediation. Ministers have had repeated discussions with both sides, most recently during the Commonwealth Conference...But there is as yet no sign of a real willingness to compromise on either side on the essential question of independence and sovereignty for Biafra, and the gap is still as wide as ever. If Nigerian unity were accepted, negotiations could concentrate on protection for the Ibos in a free and equal Nigeria; if Biafran independence were accepted, negotiations could concentrate on co-operation. But at present there is no common ground on this issue, although in reality there are strong common interests". (The National Archives of the British Government: Memorandum by the Secretary of State for Foreign and Commonwealth Affairs, the National Archives, Catalogue Reference CAB/129/140, 10th March 1969, Pp. 2 – 5)

1. Comments on the British Government Policy of 1969:

We would like to make some comments on the British Government Policy Statement quoted above to emphasise our submission in this paper:

- (1) The first statement is on secession: *"Our policy is based on the principle that secession is damaging both to Nigeria and to Africa as a whole... We must have regard both to the welfare of Nigeria as a whole and to the future of Africa, and to our own standing both with Nigeria and with Africa".* To this statement we shall emphasise that it is only secession by violence that is damaging to Nigeria and Africa but not secession by legal methodology. When the

world powers and the managers of the country fail to listen to the cries of the oppressed people and proffer solution (as the National Assembly is trying to do now), the people will be forced to take the laws into their hands and become violent by way of civil disobedience. It appears that the British Government Policy in 1969 made in support of Nigeria against Biafra regarded secession as a crime against social stability because of the violence usually associated with it.

- (2) Due to the fact that many secession movements in the past had been violent leading to wars, the word "*secession*" seems to have acquired a new meaning in the minds of some people in the society. But strictly speaking, to secede means to withdraw from a federation or from an alliance. It is the fundamental right of a group to associate with or dissociate from another group just as an individual has the right to freedom of association. The word "*independence*" means being free from outside control or influence. It means self-governing, self-rule or self-determination. In effect, a group of people secedes in order to govern themselves. It is the same concept expressed in three synonyms, namely: secession, independence, self-determination. The three words mean the same thing. Law is dynamic and grows with the society. What was unlawful yesterday may become lawful today as knowledge and understanding increase from generation to generation.
- (3) The second statement is on unity: "*The fact is that Nigeria needs the Ibos and the Ibos need Nigeria. Iboland is an integral part of Nigeria not just politically but geographically, commercially and in every other way. It cannot exist on its own and the minority peoples adjacent to it have no wish to be incorporated in Biafra or to be dominated by the Ibos. Any solution which stops short of recognizing this cannot last and only stores up trouble for the future*". Without opposing the viewpoints of the British Government that "Nigeria needs the Ibos and the Ibos need Nigeria", and that "Iboland cannot exist on its own", or that "the minority peoples adjacent to it have no wish to be incorporated in Biafra or to be dominated by the Ibos", we have decided to proffer the perfect solution where the Ibos would be in Nigeria and govern themselves as a nation within a nation without destabilizing the country so that the British Policy Statement remains correct: "Nigeria needs the Ibos and the Ibos need Nigeria". This is why the Ibos proposed the six geopolitical regions in their Mkpoko Igbo Pre-Conference Meeting in 1994 and presented it to the National Conference organized by the General Sani Abacha Government in 1995 and it was accepted by Nigeria. The peoples described in the British Government Policy Statement as minorities adjacent to Iboland are now in their own region called the South-South Region or the Niger Delta Region. They are now free from the fear of domination by the Ibos.

- (4) Pursuant to this arrangement, the Ohanaeze Ndigbo sent the Memorandum to the National Assembly dated 28 June 2012 for the restructuring of Nigeria into six autonomous self-governing regions, namely: South-East, South-West, South-South, North-East, North-West, and North Central, as a manifestation of the Will of the People in the exercise of their right to self-determination. This is similar to British Government political arrangement where there is devolution of power to England, Scotland, Wales, and Northern Ireland. The same formula was applied in Spain to devolve power to Catalonia and in Iraq to devolve power to Kurdistan. The United States of America was the creation of 13 individual self-governing States, each of which valued its traditions and powers, and therefore the Federal Government was deliberately limited in its powers by the Constitution. The States that make up America are autonomous self-governing regions. This formula is a tested panacea for peaceful co-existence of all ethnic nationalities in a multi-cultural society. If this political arrangement could work in Europe, America and Asia for the benefit of the people and the world in general, why should it not work in Nigeria for the benefit of the people and the entire world?
- (5) The third statement is on the role of the British Government to mediate in the case between Biafra and Nigeria: *"Ever since the beginning of the dispute we have taken a leading role in efforts at mediation. Ministers have had repeated discussions with both sides, most recently during the Commonwealth Conference...But there is as yet no sign of a real willingness to compromise on either side on the essential question of independence and sovereignty for Biafra, and the gap is still as wide as ever"*. The Statement in 1969 remains valid today in 2020. There is no willingness to compromise on either side and the gap is still as wide as ever. In fact, the gap is now wider! A practical solution is needed now. The solution is devolution of power to the regions to govern themselves as autonomous regions in the One Nigeria. The details of the devolution shall be agreed by all the parties.
- (6) The fourth statement is on national or international relations: *"If Nigerian unity were accepted, negotiations could concentrate on protection for the Ibos in a free and equal Nigeria; if Biafran independence were accepted, negotiations could concentrate on co-operation. But at present there is no common ground on this issue, although in reality there are strong common interests"*.

History has proved that the acceptance of One Nigeria did not guarantee the protection of the Plaintiffs in a free and equal Nigeria as the British Government had expected in 1969. There is institutionalised persecution and marginalisation of the Plaintiffs in Nigeria. We must emphasise here that what the Biafrans lost after the war was their sovereignty and not their indigenous identity as a people. The Ibos are Biafrans, the most hated, persecuted and marginalized ethnic group in Nigeria.

5. Evidence of Institutionalised persecution of the Plaintiffs in Nigeria:

The atrocities committed and being committed by the Nigerian Government and its agents against the Plaintiffs are too numerous to mention but a few will suffice here:

- (1) By a Policy of Economic Strangulation, the Nigerian Government closed down all the seaports in the Eastern Nigeria which has the largest number of importers. It was only two weeks ago that a ship from Singapore berthed at the Onne Seaport in Port Harcourt. The businessmen among the Plaintiffs have been compelled to travel to Lagos to clear their goods for all these years.
- (2) Oil wells in the territory of the Plaintiffs were carved into neighbouring States by Nigerian Government which divided Igbo villages and separated kinsmen by boundary adjustment treachery in order to deprive Iboland of its oil revenues.
- (3) All Federal Government infrastructures in Iboland such as roads have dilapidated, e.g., Enugu-Onitsha Expressway and Enugu-Onitsha Old Road. We are aware that the Defendants are now making frantic efforts to construct the federal roads in the Region to win the hearts of the people for political reasons.
- (4) All Federal Government institutions in Iboland are starved of funds including the premier University of Nigeria now with dilapidated infrastructures.
- (5) Of all the geopolitical zones in Nigeria, it is only the South-East that has only five States while other zones have six and seven States thereby making The Igbo Nation a minority in Nigerian politics, causing Iboland to lose ~~N~~40billion annually, counting only from the Obasanjo days, as disclosed by Senator Annie Okonkwo representing Anambra Central, in the Sunday Sun Newspaper of January 13, 2008, at Page 49.
- (6) Federal establishments such as PRODA and ANAMMCO which would have ushered industrial revolution into Nigeria have been left in ruins.
- (7) Students from Iboland are cut-off with quota system formula in exams in order to admit students from States regarded as educationally disadvantaged.
- (8) It is an unwritten policy in Nigeria that no Igbo man should be the Executive President of Nigeria but merely a ceremonial president like Dr. Nnamdi Azikiwe or Vice President like Dr. Alex Ekwueme who would

function as errand boys without executive power. As the heat of agitation for Biafran independence rages on, the owners of Nigeria are now trying to find a stooge and errand boy called an "Igbo man" who they will impose on Nigeria as their agent and announce that an Igbo man has become the Executive President of Nigeria!

- (9) Igbo businessmen and industrialists are the targets of obnoxious policies made by Nigerian Government to destroy the financial power of Iboland. The Federal Government of Nigeria uses its security forces to harass, intimidate and frustrate the Igbo businessmen in the guise of fighting against corruption. The recent case of Dr Innocent Chukwuma of INNOSON MOTORS and Guaranty Trust Bank is a classic example where the Government sent the EFCC to intimidate, harass and frustrate the only Indigenous Industry in Africa that manufactures all types of vehicles. The case of Chief Clement Ibeto of IBETO CEMENT is another example of persecution of the Igbo businessmen in Nigeria for being who they are.
- (10) In November 2017, the Federal Government of Nigeria appointed 27 Court of Appeal Justices and excluded all the Senior Judges from the Igbo Nation. Below is the list of the appointed Judges of the Court of Appeal in Nigeria in November 2017 with their States of Origin:

APPOINTMENT OF COURT OF APPEAL JUSTICES IN NIGERIA NOVEMBER 2017

S/No	Name	State of Origin	Geopolitical Zone
1	Justice P. A. Mahmoud	Benue State	North Central
2	Justice F. Ojo	Kwara State	North Central
3	Justice I. G. Abundaga	Nasarawa State	North Central
4	Justice M. B. Idris	Niger State	North Central
5	Justice A. M. Talba	Adamawa State	North East
6	Justices Kadi M. M. Alkali	Adamawa State	North East
7	Justice A. I. Adeniyangtso	Taraba State	North East
8	Justice A. S. Umar	Kebbi State	North West

9	Justice O. Z. Senchi	Kebbi State	North West
10	Justice A. M. Lamido	Sokoto State	North West
11	Justice B. B. Aliyu	Zamfara State	North West
12	Justice Ebowei Tobi	Delta State	South-South
13	Justice G.O. Kolawole	Osun State	South-West
14	Justices O. Itodo	Benue State	North-Central
15	Justice M. A. Abdul Gafar	Kwara State	South-West
16	Justice D. D. Adeck	Nasarawa State	North Central
17	Justice D. G. Mann	Plateau State	North Central
18	Justice D. G. Goji	Adamawa State	North East
19	Justice Kadi U. B. Umar	Adamawa State	North East
20	Justices Y. A. Bashir	Taraba State	North East
21	Justice Z. B. Abubakar	Kebbi State	North West
22	Justice I. M. Sani	Kaduna State	North West
23	Justice F. L. Adamu	Kano State	North West
24	Justice I. B. Ahmed	Katsina State	North West
25	Justice M Y Uftsha'u	Zamfara State	North West
26	Justice P. O. Affen	Bayelsa State	South-South
27	Justice O. A. Ipaye	Osun State	South West

Summary and Breakdown of the Appointments:

North East: 6

North West: 9
North Central: 7
South West: 3
South-South: 2
South East: 0

Note:

In these appointments, the South East Region (the homeland of the Igbo people) was excluded. In the entrance exams into the Nigerian schools, colleges and universities, the Northern States are given the lowest cut-off points because the Nigerian Educational Policy graded the North as educationally disadvantaged zones. A student from the North who scores 30% will be admitted to the school, college or university but a student from the South East who scores 75% may not be admitted. Now, by these appointments, the Federal Government of Nigeria has said that the same educationally disadvantaged North has the best and most intelligent Judges to be appointed the Justices of the Court of Appeal in Nigeria! This is evidence of institutionalised persecution of the Biafrans in Nigeria!

(11) Empowerment of the North against the South by President Muhammadu Buhari:

President Muhammadu Buhari in his tenure consolidated power in the North at the detriment of the South by deceitfully putting the entire national security structure in the hands of northerners to the exclusion of the Southerners as shown below:

S/No	Position	Identity and Origin
1	Chief of Army Staff	Northern Muslim Hausa-Fulani
2	Inspector General of Police	Northern Muslim Hausa-Fulani
3	Minister for Defence	Northern Muslim Hausa-Fulani
4	Minister for Internal Affairs	Northern Muslim Hausa-Fulani
5	National Security Adviser (NSA)	Northern Muslim Hausa-Fulani

6	Director General, Department of State Services (DSS)	Northern Muslim Hausa-Fulani
7	Chief of Staff	Northern Muslim Hausa-Fulani
8	ADC to President	Northern Muslim Hausa-Fulani
9	Chief Security Officer to President	Northern Muslim Hausa-Fulani
10	Protocol to President	Northern Muslim Hausa-Fulani
11	Private Secretary to President	Northern Muslim Hausa-Fulani
12	Director General of Customs	Northern Muslim Hausa-Fulani
13	Director General, EFCC	Northern Muslim Hausa-Fulani
14	Director General, Nigeria Prisons	Northern Muslim Hausa-Fulani
15	Director General, Immigration	Northern Muslim Hausa-Fulani
16	Minister for Petroleum	Northern Muslim Hausa-Fulani
17	Minister for FCT	Northern Muslim Hausa-Fulani
18	Head of National Assembly/Senate President	Northern Muslim Hausa-Fulani
19	Head of Judiciary/Chief Justice of Nigeria	Northern Muslim Hausa-Fulani
20	Head, Federal Court of Appeal	Northern Muslim Hausa-Fulani

6. **The Problem of Nigeria beyond Politics:**

- (1) The problem of Nigeria is not only political but religious intolerance and incompatibility of the ethnic nationalities that make up the country. The Fulani people see it as an abomination for a non-Muslim to be in authority and rule over them. They believe that Nigeria is the estate of their father Othman Dan Fodio which God gave to their ancestors and therefore must be Islamised.

On Page 277 of the book, "**Biafra or Nigerian Presidency- What the Ibos Want**", the author said as follows: "*The plan to convert*

Nigeria to an Islamic country was made by General Murtala Muhammed and given to Muhammadu Buhari and Ibrahim Babangida to implement. The Federal Government of Nigeria under General Buhari and General Tunde Idiagbon registered Nigeria as a member of the Organization of Islamic Countries (OIC) with Observer Status but in 1986 General Babangida made Nigeria a full member of the OIC. He brought Obasanjo to power and on 24 February 2001 General Obasanjo attended the D8 Summit of Islamic countries in Cairo, Egypt. The members of Boko Haram are aware that Nigeria is officially an Islamic country. They are therefore trying to implement what has been signed by the Federal Government of Nigeria. Their religion allows them to use jihad and make converts by force and by conquests. It is very likely that they will succeed in implementing what has been signed. Only the Igbo territory has remained immune to the Islamic onslaught. Nigeria is an Islamic country!"

- (2) It is believed that the Federal Government of Nigeria under the control of the Northerners wants to islamise the whole Nigeria, in fact, by various means including the use of Boko Haram Terrorists and the Fulani Herdsmen working for their organization called Miyetti Allah Cattle Breeders Association of Nigeria (MACBAN). MACBAN is a corporate organization whose members are the Moslem cattle owners in Nigeria. Their herdsmen love the lives of their cows more than human lives and move about with heavy machine guns such as AK47 causing destructions of lives and properties all over the country, killing, maiming, raping the women and destroying everybody that stands in their way while the Federal Government looks the other way! The atrocities they have committed are properly documented and shall be tendered in evidence whenever required. The whole aim is to convert Nigeria fully to an Islamic country, but the Plaintiffs are their major obstacles. The Plaintiffs are 99% Christians and have vowed to resist the Islamic aggression with their blood!
- (3) His Excellency, Chief Dr Olusegun Obasanjo, in his speech delivered at the 2019 Synod of the Church of Nigeria (Anglican Communion) Isoko, Delta State, on 18 May 2019, described the situation as the Fulanisation and Islamization of Nigeria leading to indescribable level of insecurity of lives and properties and the inability of the Defendants to provide solutions as he argued that if the Defendants could equate the Miyetti herdsmen terrorists to Ohaneze Ndigbo and Afenifere and offer N100

billion to the terrorists to appease them, then Ohaneze Ndigbo and Afenifere should also be appeased with the same amount of money or be allowed to unleash havoc and mayhem of their own.

- (4) The Release of Boko Haram terrorists from detention: While the Nigerian Army and Police are killing the Biafran youths protesting in the streets unarmed, the Nigerian Government announced recently that it had released 244 Boko Haram terrorists from detention because they had repented! At the moment, thousands of Biafran youths who have committed no offence are in detention at various locations in Nigeria and subjected to inhuman and degrading treatments.

7. Residency and Indigeneship:

The Constitution of Nigeria guarantees every citizen the right and freedom of movement to live and work in any part of the country and aspire to any political office. However, the Nigerian legal system is founded on four sources of law which are the Received English Law, Case law, Statutory Laws, Customary Laws/Sharia Laws. The Constitution forbids discrimination among all citizens of Nigeria, but the Customary Laws and Sharia Laws do not accord equal rights and benefits to all Nigerians and make all Nigerians eligible and qualified to receive the benefits and honours reserved for the Indigenes of their communities. For instance, no matter how long an Igbo man has lived in Yorubaland, he cannot become the Oba (King) of the Yoruba people. In the same way, no matter how long a Yoruba man has lived in Igboland, he cannot become the Igwe or Eze (King) of Igboland. Thus, the Ethnic Nationalities in Nigeria maintain their indigenous identities and guard them jealously.

The Peculiar Problem of Fulani People:

In Nigeria, we have distinct geographical locations for the tribes and ethnic nationalities. It is easy to know the place called Igboland, Yorubaland, Hausaland, Tivland, Ijawland, etc, but it is very difficult to know the place called Fulaniland. History recorded that the Fulani people migrated from the Fouta Djallon Highlands in West Africa and migrated to Northern Nigeria where they made war and conquered Gobir (now called Sokoto) and established their Emirate and Caliphate. The problem is not that they are not indigenous but that they refused to settle and

confine themselves to any specific region but entertained the belief that they are the owners of the whole Nigeria with a false belief that Nigeria is the estate of their great grandfather Othman Dan Fodio and therefore they must rule Nigeria.

We must accept the reality that African politics is played along ethnic lines. Before the British Colonial Masters amalgamated all the Tribes and Nations together as One Nigeria, our ancestors knew and respected their individual boundaries in West Africa. All Igbo people know the boundaries of Igboland irrespective of the treacherous boundary adjustments made by the Nigerian Government to carve out Igbo people from the East and reduce their population.

Therefore, on the issue of Residency and Indigeneship, we maintain the ancient landmark set by our ancestors and state as follows:

- (a) The six geopolitical regions (South-East, South-South, South-West, North Central, North-East, and North-West) have accommodated all the tribes and ethnic nationalities in Nigeria. Some are homogenous while some are heterogenous. The Fulani people should be confined to the North West Region where they established their Caliphate and Emirate.
- (b) A person who is a native and indigene of one geopolitical region but travels and settles in another geopolitical region (such as an Igbo man from the South-East who settles in South-West) should have the status of a stranger and not an indigene of South-West. He should not aspire to hold Traditional Leadership Positions in his host Community under Customary Law but may be given political appointment by the Governor of the State under Statutory law where he lives. This has happened in Anambra State, Lagos State, and other States, where non-Indigenes have been given political appointments by the Governors.

We have critically examined the problem of Residency and Indigeneship in Nigeria. It has been observed that irrespective of the number of years that a Yoruba man lives in Igboland or Hausaland, he cannot be regarded as an Igbo man or Hausa man, and vice versa. Thus, it is not possible that the tribesmen from different ethnic nationalities in Nigeria can live among themselves from generation to generation and be so integrated

and fused as to become One Body that nobody cares again about his or her own Tribe. Therefore, under Customary and Sharia Laws, we must maintain our individual identities and differences but under statutory laws, we shall be regarded as Nigerian citizens with equal rights.

8. The Perfect Solution to the Nigerian Problem:

It is clear that the problem of Nigeria is not only political but also religious and social incompatibility. In view of the killings and massacre of the people by the Fulani herdsmen and Islamic militants as well as the extrajudicial killings by the Nigerian Army as certified in the Amnesty International Report of 2016, and the perennial unrests in the Eastern Region of Nigeria inhabited by the Plaintiffs with the continued killing of innocent people, we advocate for Regional Autonomy within a peaceful and prosperous One Nigeria. The model is benchmarked around the British model where the four Nations of England, Scotland, Northern Ireland, and Wales enjoy the peace and tranquillity of a prosperous United Kingdom.

This British model of Regional Government will provide economic, social and political stability to the Nigerian people. The former President of Nigeria, President Muhammadu Buhari, had also supported this British model of having a nation or nations within a nation when he instructed the Plaintiffs to organize themselves and vote to have a State within a State. He was asked on the Al Jazeera Television on 03 July 2016 to proffer solution to the issue of Biafra and he made the statement as follows:

"With a 30-months' civil war, at least 2 million Nigerians were killed, and for somebody to wake up, may be, he wasn't born when there was this fighting in Biafra and said he wants Biafra again; we have multi-party democracy system now, let them organize themselves, and vote to have a State within a State, but to try to interfere with movement of troops, with economy, they are looking for Biafra after losing 2 million people, I think they are joking with Nigerian Security and Nigeria will not tolerate it".

Published Source: Al Jazeera on YouTube:

<https://www.youtube.com/watch?v=vnadZ4vA2oI>

It is a 26-minute recording which can be listened to on the YouTube following the link above. The President's statement is at the 23:05 – 26:00 minutes of the tape.

9. Approval of Regional Government by the Igbo National Leadership:

The former President General of Ohanaeze Ndigbo, Chief John Nnia Nwodo, in his public lecture at Chatham House London on 28 September 2017 maintained the same position that the only solution to the Nigerian problem is the restructuring of the country into 6 autonomous self-governing regions with power devolved to the regions. In his Paper titled, *'Restructuring Nigeria: Decentralisation for National Cohesion'*, Chief Nwodo took a historical look at Nigeria's political journey and concluded that the present structure in operation had failed because it was not created by the Nigeria people. He said, *"Our present constitution is not autochthonous. It was not written by the people of Nigeria. It was not approved in a national referendum. In jurisprudence, its effectiveness will score a very low grade on account of its unacceptability. Regrettably, it continues to hold sway and begins with a false proclamation, 'We the People of Nigeria'. He maintained that the restructuring of Nigeria into smaller and independent federating units and the devolution of powers to these federating units to control exclusively their human capital development, mineral resources, agriculture and power (albeit with an obligation to contribute to the federal government), is the only way to salvage Nigerian fledging economy"*. This Memorandum therefore has the blessing of the Igbo National Leadership.

10. The Confessions of Honest Leaders from other Ethnic Nationalities:

Some eminent Nigerians have confessed the truth and confirmed that the Igbo people are persecuted and maltreated in Nigeria. The irony is that the words are not matched with action to remedy the situation. This makes one to wonder whether it is all hypocrisy without any real intention to solve the problems. Below are the confessions of two eminent personalities and leaders in Nigeria confirming the injustice meted to the Ibos by the Nigerian Government.

(1) The Former Emir of Kano (Alhaji Sanusi Lamido Sanusi):

In his Conference Lecture titled "*Issues in Restructuring Corporate Nigeria*" held at Arewa House, Kaduna, Nigeria, 11 – 12 September 1999, Alhaji Sanusi Lamido Sanusi (the former Emir of Kano) confessed the wickedness and persecution of the Igbo people as follows:

"They have been defeated in war, rendered paupers by monetary policy fiat, their properties declared abandoned and confiscated, kept out of strategic public sector appointments and deprived of public services. The rest of the country forced them to remain in Nigeria and has continued to deny them equity. The Northern Bourgeoisie and the Yoruba Bourgeoisie have conspired to keep the Igbo out of the scheme of things. In the recent transition when the Igbo solidly supported the PDP in the hope of an Ekwueme presidency, the North and South-West treated this as a Biafra agenda. Every rule set for the primaries, every gentleman's agreement was set aside to ensure that Obasanjo, not Ekwueme emerged as the candidate... Now, with this government, the marginalization of the Igbo is more complete than ever before. The Igbos have taken all these quietly because, they reason, they brought it upon themselves. But the nation is sitting on a time-bomb".

Alhaji Sanusi made this statement in 1999 when he proposed for restructuring of Nigeria. He said that Nigeria was sitting on a time-bomb. The Government did not listen. It appears that the restructuring is getting to late and the time-bomb is about to explode and consume Nigeria!

(2) The Leader of the Ijaw Nation (Chief Edwin Clarke):

Chief Edwin Clarke, the Leader of the Ijaw nation, in his Press Interview (Newspaper Printout attached herewith) with internet link below confessed that the Nigerian Government is marginalizing and discriminating against the Igbo people. He went further to show the examples of the marginalization and discrimination in the following words:

"The Igbo produce oil in Abia and Imo states, and for you to establish the NNPC Board of nine members and the Igbo are excluded, it is unfair. And to make matters worse, six northerners whose area doesn't produce oil are in the board? Two, why should an Igbo man not be in the Council of State? Why should an Igbo man not be a senior security officer? Even if they are not in the army, they must be somewhere. These are good cases that they have. In the appointments of persons into federal parastatals and others, why should the Igbo not be there? I think these are some of the things people are kicking against and we all support them".

Published source:

<http://www.exlinklodge.com/2017/08/chief-clark-explodes-president-buhari.html>

10 Approval of Regional Government by all Peoples and Leaders of Southern Nigeria:



In a Conference at Enugu on 11 January 2018 codenamed "*Handshake Across the Niger*", the people of the South East, South West, South-South and Middle Belt (North Central) geopolitical zones of Nigeria, with their Kings, Leaders and Elder statesmen as shown in the photograph above agreed that the country must be restructured into 6 autonomous self-governing regions by way of devolution of power so that each region would govern itself, control its own resources, pay an agreed percentage tax to the Federal Government and develop at its own pace otherwise Nigeria would collapse and disintegrate. Our proposal on revenue allocation is shown in Section 12 of this Memorandum. Paragraphs 2 – 4 of the Communiqué from the Leaders and Elders of the South and Middle Belt provide as follows:

- (2) *Declared unflinching support for a truly federal union of Nigeria that is democratic, stable, secure, peaceful, just and fair to all its citizens.*
- (3) *Committed to work in close partnership and through peaceful means to restructure Nigeria, reducing and restricting the duties of the federal government to only matters of national import on the exclusive list, while granting the federating units the right to take full responsibility for local, developmental and residual matters, as this will lead to healthy competition and cooperation among the federating units, in place of the present dysfunctional arrangement that merely superintends over the*

sharing and consuming of rents, and holds some States and Zones down for others to play the elusive game of catch-up;

- (4) *Committed to insistence therefore on peaceful devolution of powers, fiscal federalism, land/resource ownership/control, reforming component structural and systemic institutions to radically reduce the escalating cost of governance;*

We have underlined their insistence on peaceful devolution of powers, land ownership and resource control for emphasis. This is the only solution that will save Nigeria. At Page 268 of his book, "Biafra or Nigerian Presidency- What the Ibos Want", the author said as follows:

We have seen that the marriage is not working. The marriage of all the incompatible tribes of Nigeria by the doctrine of amalgamation in 1914 will certainly break up unless the Nigerian polity is restructured to guarantee self-governance to the six geopolitical regions. I speak this on the authority of law and the historical evidence of the powers of the fourth world geopolitics. The major countries amalgamated by the British Colonial Masters have broken up along the lines of compatible tribes and tongues. India was a colony of Britain but broke up after its independence resulting in the three countries today called India, Pakistan and Bangladesh after brutal and prolonged civil wars. Sudan was another great empire built by the British which broke up into two countries in July 2011 after prolonged civil war. Other great empires of the modern world wielded together by colonial powers have broken up along their ethnic lines. Malaysia broke up immediately after independence into Singapore and Malaysia. Indonesia broke up into Indonesia and East Timor. Czechoslovakia broke up into The Czech Republic and The Slovak Republic. Yugoslavia broke up into five countries namely, Serbia, Croatia, Kosovo, Monte Negro and Bosnia-Herzegovina. The USSR was formed in 1917, three years after Nigeria, and broke up few years ago before our eyes into dozens of separate countries. The truth is that forced marriages do not stand the test of marriage and must be dissolved either by Court Order or by self-help of desertion. I therefore speak with authority on this matter as an expert in law and diplomacy based on the preponderance of evidence cited above that Nigeria will definitely break up unless restructured to guarantee self-governing status to the six geopolitical regions in a confederation. This, in effect, is like returning to the Aburi Accord which General Gowon and Nigerians violated. Had they implemented the Aburi Accord, there would not have been any war

between Nigeria and Biafra. Unfortunately, Nigeria had a pyrrhic victory over Biafra but lost the peace and joy of nationhood!

11. Benefits of Devolution of Power to the Nigerians and the International Community:

- (1) If the Biafrans and the other ethnic nationalities in Nigeria are granted regional autonomy to govern themselves and develop at their own pace, there will be peace, stability and growth in the socio-political and economic affairs of Nigeria. The management of the country will also become easy for the leaders of the country and the regional governments as well as the international investors who have invested heavily in Nigeria.
- (2) Solution to Immigration Problems: If our Proposal is implemented by restructuring Nigeria into 6 self-governing autonomous regions, the problems of illegal migration by the Nigerians to Europe, America, Asia and other parts of the world will cease or be reduced as the Nigerians will stay in their homeland instead of migrating in search of greener pastures.
- (3) There will be healthy competition among the regions and diversification of economic productions resulting in the growth of national GDP instead of relying only upon the oil mono-product export market. The glory of excellent performance of the Nigerian economy shall return as it was in the days of the regional government in the early 1960s when the Nigerian economy was powered by agricultural resources from the Palm Produce of the Eastern Region, the Cocoa House of the Western Nigeria and the Groundnut Pyramids of the Northern Region.
- (4) As Nigeria remains one country with 6 regional governments and regional administrations, there will be freedom of movement and freedom of trade in the country. Youth restiveness and unemployment will be eradicated as there will be sufficient jobs for the teeming population in every region. The problem of quota system formula for admission of students into schools and universities or into other national establishments will be solved forever as each Region will be able to offer admissions to its students and offer jobs to its indigenes without cutting off any person in a bid to allow people from other Regions to catch up.
- (5) The British Government and other World Powers will find it easy and more convenient to relate with the various Regions in accordance with the Region's peculiar lifestyles, customs and traditions as the political philosophies and ideologies of the Northerners and Southerners differ

significantly. In short, there will be sustainable peace and development in Nigeria and peaceful co-existence of all the ethnic nationalities as the people will respect and accommodate one another in the One Nigeria since everybody will operate from his own Region unhindered.

12. Re-Engineering the Federal Structure based on our proposed Amendments to the 1999 Constitution of the Federal Republic of Nigeria:

- (1) The matters contained on the Items 1, 3, and 11 of the advertised issues for amendment are matters that touch on the structure of the whole Federal Republic of Nigeria and the Power Sharing and Revenue Allocation Formula. Therefore, the fundamental law of Nigeria and the power equation are engaged in this Memorandum.
- (2) Although we had argued in Court that the amalgamation of the various ethnic nationalities to create a new country called "Nigeria" without the consent of the indigenous peoples of the lands was unlawful and therefore null and void ab initio, we think that the concept of "Restructuring of Nigeria" is similar to the concept of finding a solution to the structural defects in a building. We know that structural defects on the foundation of a building will cause the building to collapse. It is our submission that Nigeria will certainly collapse if there is no urgent remedial work on the foundation. The foundation of Nigeria is the Constitution of the Federal Republic of Nigeria.
- (3) On the issue of devolution of power, we propose:
 - (a) That Section 2(1) of the Constitution be amended as follows:

"Nigeria is one indivisible and indissoluble Sovereign State to be known by the name of the Federal Republic of Nigeria without prejudice to the fundamental right of the people of any federating unit in the exercise of their right to self-determination by the rule of law through referendum". By inserting the right to self-determination in the Nigerian Constitution it emphasises the right to conduct referendum by the federating units in the exercise of their right to self-determination.
 - (b) That Section 2(2) of the Constitution be amended as follows:

“Nigeria shall be a Federation consisting of Regions and a Federal Capital Territory”. By this amendment, the Regions become the Federating Units.

(c) That Section 3(1) of the Constitution be amended as follows:

“There shall be six Regions in Nigeria (South East, South West, South-South, North East, North West and North Central) with thirty-six States as shown in the first column of Part 1 of the First Schedule to this Constitution without prejudice to the right of any region to create additional States within the Region or merge the existing States into one by a bill passed into law by the House of Parliament of the Region.”

(d) That an additional section be added as Section 3(7) as follows:

“Notwithstanding the provisions of sections 3(1) and 3(6) of this Constitution, the House of Parliament of every region shall have the power to organize the region and create such other political units as districts and councils or convert the existing states and local governments to districts and local councils in accordance with the need of the people”.

(4) On the issue of Public Revenue, Fiscal Federalism and Revenue Allocation, we refer to Paragraph 5 of the Proposal submitted by the author to the Federal Government of Nigeria in 2006 titled “**The Road Map to Peace and Development in the Niger Delta**” in which he proffered the solution as follows:

(a) **Restore the Ancient Landmark of 50% Derivation Formula:**

God Almighty, the fountain of justice and truth, has commanded all mankind saying, “***Remove not the ancient landmark which thy fathers have set***” (Proverbs 22:28, The Holy Bible). In Article viii of the Kaiama Declaration, the Ijaw Youth Council traced the history of the removal of the ancient revenue formula as follows:

“That the Principle of Derivation of Revenue Allocation has been consciously and systematically obliterated by successive regimes of the Nigerian State. We note the drastic reduction of the Derivation Principle from 100% (1953), 50% (1960), 45% (1970), 20% (1975), 2% (1982), 1.5% (1984) to 3% (1992 to date), and a rumored 13% in Abacha’s 1995 undemocratic and unimplemented Constitution”.

It is pertinent to note that as at the date when the Kaiama Declaration was made in 1998, the present 13% derivation formula contained in the 1999 Constitution was not yet implemented. An article written by Senator David Dafinone on "**Resource Control: Economic and Political Dimensions**" and reported by Dr. Steve Azaiki in his book, *INEQUITIES IN NIGERIAN POLITICS*, 2003, Page 163, stated as follows:

"The 1963 Republican Constitution was not a perfect document, but its stance was clear on the issue of the society, issues that were central to federalism. It directed that the revenues from imports be paid 100% to the State in the proportion of the consumption of the product. The same goes for excise duty: 100% payment to the State according to the proportion of the duty collected. For minerals, the Constitution shared the revenue in the proportion of 50:20:30. That is, 50% for derivation, 20% to the Federal Government and the remaining 30% paid into the distributable pool to be shared among the States including the donor States".

The Derivation Formula of 50:20:30 is the ancient landmark which our forefathers set in motion at Independence for justice and equity in the Nigerian polity. It started in 1960, but was changed to 45% in 1970 by General Yakubu Gowon's Government and further reduced by his successors progressively down to 1.5% before the South-East delegates went to the Abacha Constitutional Conference in 1995 and argued for increase of the derivation formula now to 13%, rotational presidency and creation of the six geopolitical regions. For removing this ancient landmark which their forefathers set at independence, Nigerians shall have no peace until justice is done.

Beginning at the Independence, other regions were receiving the 50% derivation and earning more revenue while Niger Delta earned less. Now that the table has turned, the 50% derivation was abolished. It is wickedness to remove the goal posts in the middle of the game when the losing side is about to score an equalizing goal. The elders of the South-South Zone at the Nigerian Political Reform Conference demanded for 50% Derivation graduated from 25% over a 5-year period. Their demand is fair and just. In fact they were very kind to have demanded it in a graduated scale to stabilize in the 5th year. The strictest sense of justice requires that the 50% Derivation should start with immediate effect, but the elders of the South-

South Zone decided to temper justice with mercy. The argument by Northerners that the leaders of the South-South misused the 13% meant for their people and therefore should not be given 50% is a blind argument. Give the people what belongs to them and stop diversionary argument! After all, the principle of federalism guarantees resource control to every region. Restore the ancient landmark of Derivation Principle of 50:20:30 which your fathers set at Independence otherwise you shall have no peace.

Considering that we have advocated for the Regions to become political units created by the Constitution, the derivation formula and revenue allocation under Section 162(2) of the Constitution shall therefore be as follows:

- (i) 50% to the Region
- (ii) 20% to the Federal Government
- (iii) 30% to the distributable pool to be shared equally by all the regions including the donor regions.

In effect, as there are six regions, each region receives 55% based on the principle of derivation and revenue allocation. The region decides how to allocate the resources among its component parts whether as States, Districts or Local Councils. The current practice of creating inequitable number of States and Local Governments, giving more to the Regions in the North and depriving the East of the same shall no longer have negative effects. Any region that wants to create a thousand or million States and Local Governments in its jurisdiction can do so and bear the burden.

The Federal Government receives only 20% because most of the functions in the Exclusive Legislative List will now be transferred to the Regional Parliament and performed by the Regions.

(b) **Abrogate Obnoxious Laws:**

The draconian Laws made by Nigerian Government to deprive the people of their rights in land must be abolished immediately if we want peace in this country. An example of such Laws that must be abolished is the Land Use Act 1978 made by the Obasanjo Military Government which turned every Nigerian into a tenant of the Government in his own land with

merely a possessory right of 99-year leasehold interest without right of compensation for bare land when acquired by Government.

(c) **Amend Relevant Laws in the Oil Industry:**

Section 1(1)(2) of the Minerals and Mining Act as well as the Petroleum Act which have given exclusive control and ownership of Oil and Minerals in the land to the Federal Government should be amended to permit the practice of true federalism so that every Region exercises total control over its resources and pays appropriate Petroleum and Mineral Tax to the Federal Government.

Again section 11(5) of the Oil Pipelines Act providing for compensation to landowners should be amended to stop the Oil Companies from using the excuse of unproven cases of sabotage and malicious act of third party or the onus of proving negligence against the Company to deprive the landowners of their compensation. Any Company alleging sabotage should arraign the saboteur before the court, and it is only when the accused is proved guilty by a court of competent jurisdiction that the defense of sabotage can exculpate the Oil Company from liability to pay compensation.

13. Conclusion:

This Memorandum is in line with the official position of the Federal Government of Nigeria, the position of the four geopolitical regions of Nigeria and the Policy of the British Government and other World Powers to keep Nigeria one. The only difference is that the six regions shall be given power by devolution to govern themselves as free independent nations within a nation just like Scotland within Britain. The details of the devolved powers shall be agreed.

In his response to the Leaders and Elders of the four Regions of the South and Middle Belt, the President of the Senate was reported by the Punch Newspaper in the publication quoted above as follows:

"Saraki, in his remarks, said the National Assembly was ready to play its role to ensure that the country continued on the path of democracy and growth... According to him, report on the bill seeking devolution of powers had been laid."

If the report on the bill for devolution of power has been laid before the National Assembly, what then is holding the bill from being debated? We are very sure that the bill shall pass by simple majority votes of the members of the National Assembly. Let somebody move the motion in the National Assembly and let the debate begin without further delay. A peaceful coexistence of all ethnic nationalities in Nigeria will bring prosperity and social mobility that is lacking. We propose a British Model or American model that will provide an equitable opportunity for various nations within Nigeria where each nation is allowed to grow at its own pace and more especially, where healthy competitions take place between the nations.

It is important that the Nigerian Government adopts this model as a means of creating stability and economic progress for the majority of Nigerians. We want to be free to govern ourselves as a people within Nigeria, grow at our own pace and contribute to national wealth, socio-political and economic development without institutionalised persecution by government with its obnoxious policies targeted at us. We request the Committee on the Amendment of the 1999 Constitution to present the bill on Devolution of Power to the Regions as a matter of extreme urgency and save the country from imminent violent disintegration.

Signed:



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MEMORANDUM MADE UNDER SEAL this 5th day of April 2024