

AN APPRECIATION OF AMALGAMATION OF 1914

Being a paper presented by S. A. Asemota Esq. SAN., National Co-ordinator of the Ethnic Nationalities Movement [ENM] at the 2008 Igbo Day Annual Symposium held on Sunday, September 28, 2008 at Enugu.

Introduction

The Partition of Africa by the victorious world powers in 1885 saw the lumping together of warring nationalities of Africa. The lumping together of these nationalities who, in most cases, had very little in common, is said to be responsible for the failures of African countries created through colonialism. When one views partition and amalgamation in relation to what is taking place in the world today, e.g. the European Union where over 27 nations some of which have fought two World wars and have now come together then the partition of Africa merely created the enabling platform for African Unity. Partition, in my view, is not responsible for the failure and instability of colonial Africa; rather the failure is attributed to a combination of greed on the part of the colonialists coupled with ignorance and archaic practices on the part of the natives in the African colonies including Nigeria. One sees partition and amalgamation as twin blessings for Nigeria based on the truism that:

“The human race is becoming connected. Nation-state boundaries once a source of security in an unpredictable world, are increasingly seen as too restrictive to accommodate the many new identities, affiliations and loyalties that make up a network of life. The question for — people everywhere, is whether to be constrained inside old political containers, or to reach out and establish new political arrangement more suitable to an era of ever greater interdependence. The real lesson in a globally connected world is that no people can any longer exist as an island unto themselves.”¹

Amalgamation brought together over 300 Ethnic Nationalities of Northern Nigeria and about 90 Ethnic Nationalities of Southern Nigeria. Amalgamation came about because the British Government was subsidizing Northern Nigeria while Southern Nigeria had a surplus and, as Lord Harcourt then Colonial Secretary said: ‘it was a marriage’ between the “well conducted youth” of the North and the “Southern lady of means”.² This metaphor aptly describes the relationship between the Northern and Southern Nigeria even as at today. The wealth of the ‘Southern lady’ has, since been converted rightly to family wealth but unfortunately, mismanaged by the ‘well conducted youth’.

¹ Jeremy Riffkin, *The European Dream* Page xiii

² Lugard and the Amalgamation of Nigeria A Documentary Record page 30

We have released Northern Nigeria from the lending strings of the Treasury. The promising and well-conducted youth is now on an allowance “on his own” and is about to effect an alliance with a Southern lady of means. I have issued the special licence and Sir Fredrick Lugard will perform the ceremony. May the union be fruitful and the couple constant! *The Nigerians are not designed to be a great “Trust” but a great “Federation.*

Living out the Metaphor

The metaphor “well conducted youth” had its rewards. The British ensured that in the marriage, the husband’s religion and culture were preserved and protected to the extent that ‘the southern lady of means’ played the role of the African woman

“the abused backbone of our societies – women do not have access to bank account, credit and property, they are not allowed to speak. They produce much of our food, yet they have little access to agricultural training, credit, technical assistance. In Africa as elsewhere, the emancipation of women is the best gauge of the political and social progress of a society. Without an African woman who is free and responsible the African man will be unable to stand on his own”.³

The southern lady of means must be free for Nigeria to be able to progress. In any case, the South must shake off fifth columnists and un-informed leaders in their midst who ensure on behalf of the North, that the South remains docile and helpless. Amalgamation was criticized by the Southern Press especially the *Times of Nigeria* that bluntly alleged that “unification was synonymous with a sell-out of the South”. The amalgamation of 1914’, it asserted, ‘is, broadly speaking, the conquest and subjugation of Southern Nigeria by Northern Nigeria. Northern Nigerian system, Northern Nigerian law, Northern Nigerian land laws, Northern Nigerian administration must be made to supersede every system in Southern Nigeria.”⁴ [Emphasis supplied] This Northern System, Land Law and Administration has failed Nigeria and it is time for change.

The North and the South share one Armed Forces and other law enforcement agents who must, in order to progress, see the North as the master. Unfortunately, some Northerners even today regard the South as a “conquered territory”. The latest example is the Joint Task Force [JTF] in the Niger Delta comprising soldiers of Northern extraction from the 93 Battalion, Effurun and 73 Battalion, Elele because, in my view, the Nigeria Navy comprising a majority of Southern officers [especially from the Niger Delta] cannot be trusted by the North to protect Nigeria’s oil installations in the Niger Delta. This is so because we are yet to define the “Nigerian spirit”. What presently is regarded as the Nigerian spirit has different interpretations in the North and in the Niger Delta. Today, the North controls the three arms of government- the Legislature, the Executive and the Judiciary and is rushing to amend the Constitution in a manner that will short change the South. To crown it all, the Vice President, a Southerner, cannot act for the President in

³ Harrison and Huntington Culture Matters page 76

⁴ Lugard and the Amalgamation of Nigeria A Documentary Record page 24

his absence. The purpose of the Constitutional review I dare say, is to further entrench "Conquest". This is unacceptable. It is time that all of us Nigerians - North and South, East, West and Niger Delta etc, like one family, sit down to iron out our differences at a legally constituted Truth and Reconciliation Forum in a Constituent Assembly where we can tell ourselves some home truth. No section or group should be allowed to continue to lord it over any other thus negating the basis of co-existence and amity.

The North and Subsidy

Recently, the North claimed that at one time it subsidized the South. This is incorrect. The South, since amalgamation, has always subsidized the North. In any case, the object of the Revenue Allocation formula is to ensure that the South continues to subsidize the North. For the records, we need to recount the reasons for the Amalgamation of 1914.

"The British Government instructed Sir Frederick Lugard to bring about an amalgamation ... the practical reasons mainly concerned railways and revenue, it's [dissatisfaction with divergent railway policies] serves to bring matters to a head by hastening the decision in favour of amalgamation'; the immediate reason for the decision to amalgamate the two Nigerias was economic expediency ... furthermore, there was the pressing need to co-ordinate railway policy', and 'the practical result of the amalgamation was to enable the large revenue of Southern Nigeria to be spread out for the development of the whole of Nigeria [and] to put an end to the financial difficulties of the North ...' Such unhesitating certainty stems, of course, from Lugard's own appreciation of the situation on the Report, where he summarizes the 'necessity for amalgamation' under the two headings of finance and railway. Not only had the Northern Protectorate been running at a substantial operating loss - in itself a direct contradiction of one of the traditional Britain colonial maxims that every territory must be self-supporting- but its treasury has been subvented by heavy grants-in-aids from both Great Britain and the Southern Protectorate, at the very time when the prosperity of the South was increasing rapidly thanks to the high duties imposed on liquor imports, especially 'square face' or trade gin. Such a source of revenue was unknown to the Moslem North. Ironically, as Crowder observes, the much-vaunted Northern line from Baro to Minna was built with funds diverted from the revenue of the Southern Protectorate."⁵

One sometimes wonder whether it was the role of the Railways in amalgamation that caused the abandonment of Railways for Trailers by 'the well conducted youth'.

Splitting of the South

The splitting of the South into East and West too place enacted in 1939 because, we are told, "the differences between the East and West were recognized" with separate administration being established in each as well as headquarters located in Enugu and Ibadan. In the language of the metaphor, "the well conducted youth became

⁵ Lugard and the Amalgamation of Nigeria, A Documentary Record page 29

“polygamous” with two Southern ladies of means.” What is interesting here is that the “youth, over the years, became an expert in “harem” politics. Playing one wife against the other and the wives seem to enjoy the politics”. Once the husband and his two wives were able to subjugate the minorities of the East and West, their unity of purpose became apparent. This tripod bond became the basis for sharing family wealth not in the conventional way of taxation but a joint account where the husband insists on sharing the wealth based on the size of his dependants and the space they occupy in the family house even though he contributes very little into the joint account. He often resorts to beating if any of the relatives of the wives – the Niger Delta should complain about his reckless spending on such things as handout to family members rather than gainful employment.

As can be seen above, the North needs the South. Instead of being grateful to God, the North would rather challenge God with Religiosity, Discrimination and Segregation. One makes these comments because it is necessary to remind all Nigerians [including our sons and daughters of the South who see Abuja as the “promised land”] of the country’s journey so far and that the South is not a place from where they could come and plunder the wealth of the Region and escape abroad. Ian Nicolson, a colonial civil servant called amalgamation ‘a very saddening experience . . . after studying the work of his [Lugard’s] forerunners who administered Southern Nigeria’. In harsh words, he castigated Lugard’s administrative plans as ‘trampling on all the carefully nursed seedlings of civilized government, law and legislature, and substituting authoritarian administrocracy in which the whole emphasis was away from the coast, away from law and education in its widest sense’, and concludes that Lugard’s amalgamation placed Nigeria in a state of arrested development, with its institutions of government left on the whole ‘dormant and static’ for the next thirty years.”⁶ [Emphasis supplied] I associate myself with this view based on the fact that Nigeria is still pursuing “authoritarian administrocracy” in the 21st century which is why she, unlike India and Brazil remains an undeveloped country while the other two have become developed. We must return to the carefully nursed seedlings of civilized government, law and legislature to progress from undeveloped to developed country.

⁶ Lugard and the Amalgamation of Nigeria, A Documentary Record page 26

Creation of States

With the creation of 12 states in 1967, we all thought that the “marriage” between the North and South had finally been terminated and we could have one Nigeria. Unfortunately, with the attempted divorce of 1967, when the East tried secession and failed, the North once again became, this time, not a “well conducted youth” but the “bullying adult”. With the 36 state structure and one Federal Capital, the North remained “North” with organizations such as the Arewa Consultative Forum, 19 Northern Governors Forum, 19 Northern Speakers and the Council of Traditional Rulers of the North etc. The North seems to succeed because, with little input in the distributable pool, they are able to control between 50 – 60% of the nation’s wealth. No matter what argument put forward by the South, this unity of purpose remains unbroken. The South, on the other hand, cannot unite. Some say the South is prevented from such unity because the North imposes leaders on the Ethnic Nationalities of the South through sham elections and centralization of power in Abuja which makes Nigeria more of a unitary Government than a Federal Republic. Whatever is the case, Southern Governors who met only once in 2000 in Benin City need to come together to promote homeland government because every single Nigerian has a homeland and, as there are over 390 ethnic nationalities, each nationality must, in the circumstance, have not less than one homeland and the larger ethnic nationalities could have as many homelands that they are able to finance from their own resources not through an unjust revenue allocation based on assets such as population and land which the major ethnic nationalities have in abundance.

Minerals

Organized mining in Nigeria began in 1903, when the Mineral Survey of the Northern Protectorates was embarked upon by the British colonial government. A year later, the Mineral Survey of Southern Nigeria was undertaken.⁷ Lugard in his Amalgamation Report wrote: “In furtherance of the desire of the Imperial Government to explore fully the mineral wealth of the Empire, a geological survey has recently been inaugurated. I thoroughly subscribe to the view that all mineral syndicates should produce proof that their capital and control are predominately British. Since minerals in Nigeria are the property of the Government, this presents no great difficult.”⁸ [Emphasis supplied] It must be noted that the government here is the British Government. An ordinance to

⁷ Mining in Nigeria: Wikipedia

⁸ Lugard and the Amalgamation of Nigeria A Documentary Record page 109

amend and consolidate the law relating to mines and minerals was passed in February 1946 and under section 3(1) "The entire property in and control of all mineral oils in, under or upon any land in Nigeria, and of all rivers, streams and watercourses throughout Nigeria, is and shall be vested in the Crown" Since then, successors to the British government regard mineral as the property not for the owners of the land but for those who found themselves as inheritors of power either by coup or rigged elections. Unfortunately, while Oil and Gas are regarded as the "property" of the ruling oligarchy which has earned for it about 600 billion USD, other minerals are regarded in effect as state and local government property. To justify the denial of the real owners of Oil and Gas, references are made to the ice age and diverse arguments by the North which even the Zimbabwean whites who found refuge in Nigeria would find illogical to advance. It is still so even today and the new crown is the North.

The issue of ownership of mineral was not negotiated at independence and this has become imperative because the successors to the crown have continued colonialism rather than unity. Only a few weeks ago, the creation of the Niger Delta Ministry was announced. The announcement came as a surprise especially when a Technical Committee on the Review of Niger Delta has only just been set up and is yet to conclude its work. One sees the establishment of a Ministry of Niger Delta in a federation with states and Governors, as the "subversion of state autonomy" in the Niger Delta and a way to further subjugate the people of that Region. If the Vice President, the Minister of Works both from the Niger Delta, are unable to secure funds budgeted for East/West Roads, a Minister for Niger Delta Affairs will merely beg the issue and make development a pipe dream. As usual, "rented crowds" have begun to sing hosanna for a project that is unconstitutional. The National Assembly can legislate on minerals but cannot administer a region which is what the Presidency seeks to achieve. When we had the Ministry of Midwest Affairs in the early 1960s, Midwest was part of Western Region but the same legal principle cannot apply in the present constitutional framework.

Land

Lugard in his report titled: "**Reason of the Divergent Policy in the North and South**" wrote: "At the time of Amalgamation however, both policy and method were profoundly divergent - Southern Nigeria had been much longer under British rule. Its wealth in oleaginous produce had attracted large numbers of traders, chiefly British and Germans

whose influence had naturally been in the direction of material development of roads, waterways and trade. Northern Nigeria prior to the transfer from the Royal Niger Company in 1900 had practically no system of native Administration and the officials of the Chartered Company were unable to go far from the banks of the Niger and Benue. The interior was dominated by powerful Emirs who commanded large armies.⁹ It is necessary to draw attention to the fact that "panic was said to be spreading among Southern Nigerians that their holdings were to be converted to the Northern land tenure practice wherein all land was vested in the crown. This rumour may have originated from the terms of reference of the Committee on West Africa Land Tenure set up in 1912 by the Secretary of State to report on what improvement might be made either on the lines of the Northern Nigeria land Proclamation or otherwise."¹⁰ As had been indicated the Land System of the North arose out of circumstance.

The Jihad war had effect on the system of Land Tenure in the North. The people who lived in the North before the Jihad mostly pagans or Christians, fled following the aftermath of the Dan Fodio led Fulani and Arab wars against unbelievers in Islam.

"These unbelievers had to choose between the Quran and the sword. Many of the victims were killed but a large number fled to the neighbouring and distant villages in present day Plateau, Niger and Benue States etc. the land remained abandoned until the advent of the British with the amalgamation of 1914. "The Government soon wanted land for public purposes ... and they asked the emirs to certify who were the lawful owners, to whom, compensation should be paid under the Public Lands Acquisition Ordinance. It was an inviolate rule of the British System of Government, that no land should be acquired for public purpose without just compensation. It turned out that the owners of the land -- had fled the towns and villages and were refugees in unknown parts of the country." So it was left to the ingenuity of the British officers to work out a compromise that led to the idea of "Use and Occupation". This means that land could not be bought or leased in the absence of the owners. So the British dubbed the paramount rulers in each area the trustee for the absent owners or landlord, token payments were made to them in exchange for the right to "use and occupy" such land only. A type of leasehold which Chief H. O. Davies QC, SAN described as 'a bizarre type of lease hold tenure'.¹¹

In the South however, the Governor of Gold Coast colony, Charles Lees, by and with the advice and consent of the Legislative Council of Gold Coast, enacted an Ordinance No. 1 of 1886 that provided that all ordinances, Rules and Orders of the Gold Coast shall be and remain in force within the colony of Lagos. It was since that time that land acquired for public purposes was acquired by the government on payment of compensation. "Lord

⁹ Lugard and the Amalgamation of Nigeria A Documentary Record page 67

¹⁰ Lugard and the Amalgamation of Nigeria A Documentary Record page 21

¹¹ Memoire of H. O. Davis page 51

Harcourt while participating in Amalgamation debate on June 27, 1912 paid glowing tributes to Sir Fredrick Lugard as the 'one' man marked out for this great work – Amalgamation and went on to say “Northern Nigeria, is in the truest sense, the product of his foresight and genius. He reclaimed it from the unknown; he gave it a legal code, differing only in its civilization from the essential lines of native custom; he established a land system which, combining altruism with revenue, may well be a model and inspiration to other protectorates--”¹² These facts no doubt explains why the Conference of the Ethnic Nationalities of the Niger Delta [CENND] want the abrogation of the two laws, including 19 other legislations that were derived from them. These are the Oil Terminal Drill Act, Oil Terminal Act, Associated Gas Re-injection Act 1978, Exclusive Economic Zone Act 1978, Territorial Waters Act [Cap 116] 1990, National Inland Waterways Authority Act 13, 1993, Offshore Oil Revenue 1971, Petroleum Act 1999, Land Use Act 1978, Oil Pipeline and Lands [title vesting etc] Act 2, 1993, Land [title vesting etc] Act CAP 17 LFN 2004, Minerals and Mining Act CAP M13 LFN 2004, Exclusive Economic Zone Act CAP E17 2004, Territorial Waters Act CAP TS LFN 2004, Oil Pipeline Act CAP 07 LFN 2004, Associated Gas Re-injection Act CAP A2 LFN 2004, National Inland Water Ways Authority Act CAP N4 LFN 2004, Section 44[3] of the Constitution Act CAP 123 LFN 2004, Oil Terminal Dues Act CAP 08 LFN 2004. It is apparent that the background to the acquisition of crown land is different from the Land Use Decree that overnight turned owners, including ancestral land owners into tenants which gave the North the loophole to claim that they are part owners of Land in the South yet would not grant Southerners Certificate of Occupancy for industrial lands except the few that promote Northern “conquest”.

Militarism in Niger Delta

The other implication is the militarism in Niger Delta. The question one asks now is: is Africa and Nigeria waiting for another Darfur in Africa? The world knows that the youths of the Niger Delta like, all the people of that Region, are demanding for a fair share of their oil wealth. One must not be blind to the fact that “if the truth were to be established, there is nobody who has ever held a significant political post in Rivers State or at Federal level who would escape indictment. So a militant was made by the same people who are now wringing their hands in despair and urging the youths to lay down their arms. But, that was a deliberate act of sabotage by the elite in the State against their

¹² Lugard and the Amalgamation of Nigeria A Documentary Record page 12

own people”¹³. The militants in one’s view, are trying to put a halt to injustice in the Niger Delta. The method by which they become liberators of the Niger Delta therefore becomes irrelevant. Freedom fighters? It depends on which side one is, therefore it is time to call a halt to the military action that is claiming innocent lives and call for reconciliation.

Culture Matters

Apart from the difficulties placed on our “path to progress” by the British although with the best of intentions, we need to ask ourselves i.e. over 390 Ethnic Nationalities of Nigeria whether it is not yet time for us to have a “**Cultural Adjustment Programme**”. Is our culture “compatible with the demands faced by individuals and nations at the beginning of the twenty-first century?” My answer is no.

“In traditional African society, which exalts the glorious past of ancestors through tales and fables, nothing is done to prepare for the future. The African, anchored in his ancestral culture, is so convinced that the past can only repeat itself that he worries only superficially about the future. However, without a dynamic perception of the future there is no planning, no foresight, no scenario building; in other words, no policy to affect the course of events. There can be no singing of tomorrows so long as our culture does not teach us to question the future, to repeat it mentally, and to bend it to our will. In modern society, everyone must prepare. Otherwise, as Servant-Schreiber reminds us, there will be no more seats on the train, no more money at the end of the month, nothing in the refrigerator for the dinner hour, and nothing in the granaries in between seasons”¹⁴

There are very many factors responsible for the attitude of an African. One further agrees with Tonga – Manguella that:

“A society in which magic and witchcraft flourish today is a sick society ruled by tension, fear, and moral disorder. Sorcery is a costly mechanism for managing conflict and preserving the status quo, which is, importantly, what African culture is about. Therefore, is not witchcraft a mirror reflecting the state of our societies? There is much to suggest this. Witchcraft is both an instrument of social coercion [it helps maintain and perhaps even increase the loyalty of individuals toward the clan] and a very convenient political instrument to eliminate any opposition that might appear. Witchcraft is for us a psychological refuge in which all our ignorance finds its answers and our wildest fantasies become realities.”¹⁵

How many cults and religious sects do we have presently in Nigeria? One thing that is clear is that we have more churches and mosques in Nigeria than schools. Sorcerers and witch doctors surround our “leaders” intimidating them with bizarre ideas like burning 276 million Naira in a cemetery and applying ashes on one’s body for protection and

¹³ Dele Shobowale Vanguard Sunday September 21, 2000 page 11

¹⁴ Harrison and Huntington Culture Matters pages 69 – 70

¹⁵ Harrison and Huntington Culture Matters page 73

strength or dancing naked in a shrine. We must, as Manguella said: "destroy all within us that is opposed to our mastery of our future, a future that must be prosperous and just, a future, which the people of Africa [and 'Nigeria'] determine their own destiny through participation in the political process". These facts notwithstanding, we can still have one acceptable culture from the myriad of cultures in the country. The British introduced the concept of "**Natural Justice Equity and Good Conscience**". The principle could be enlarged and made the basis for assessing ethnic cultures at the native or sharia court's - at grass-root levels. By this I mean that all native cultures will be determined at the lowest level of courts and further considered at the high court level and by the time the Supreme Court pronounces on such custom or culture, it would have gained acceptability throughout the country. The present constitutional situation with Sharia and Customary Courts running parallel with the High Court is discriminatory and divisive.

Bureaucratic Powers and the promotion of an Ideology

Perhaps the arm of government that has always remained in the shadows, whose influence on military rule has been strategically underplayed and ignored by the unsuspecting public, is the Bureaucracy which constitutes the "**Fourth Branch of Government**" and perhaps the most powerful. The loyal and supportive public servants (bureaucrats) have always been powerful and influential figures. The Bureaucrats were the driving force of military regimes. They were supposed to be neutral but became the think tank. They exerted power through private dealings with the military which were not subject to public scrutiny. In view of the myriad of other pressures bearing on the military, the influence of the Bureaucrats became indispensable because of:

- (a) the strategic position of bureaucrats in the policy process;
- (b) the logistical relationship between bureaucrats and the military; and
- (c) the status and expertise of bureaucrats.

The military comprising mostly of infantry officers had to rely on the Bureaucrats for governance. They depended on their professional and technical advice in the formulation and execution of government business. In some cases, it was the bureaucrats that were the "political masters" and the military as "loyal subordinates" because the military Governors were heavily outnumbered by bureaucrats who were full-time policy advisers. The military respected the bureaucrats because of their expertise and specialist knowledge. They were [and still are] the meritocratic elite invested with responsibility for the national interest. When therefore the 1976 purge took place, it would appear that one of the reasons was to replace liberal democratic bureaucrats with the unwritten ideology

bureaucrats, particularly from the Northern Native Authority Administration that helped the British with respect to Indirect Rule. This fact explains the eventual explosion in the number of traditional rulers and the bureaucrats' contempt for the democratic prescription of 'one man one vote'. It is the bureaucracy that has sustained "authoritarian administrocracy" from colonial rule to the monster that it is today.

Control of the Bureaucrats

It is obvious that the unchecked bureaucracy was partly responsible for years of military rule that constituted the Legislative and Executive arms of government at all levels: National, State and Local Governments now dominated by retired Armed Forces personnel and other security agencies. They are also the new faces of traditional institutions. During the military, there was no legislative oversight to ensure that bureaucrats were politically accountable. The Budget that provided opportunity to probe and investigate the working of each department, scrutinize their estimates and expose cases of maladministration and misappropriation was absent. The major instrument of scrutiny of the Bureaucracy then was the Judiciary through Human Rights Provisions in the Constitution and Laws which define the powers and functions of the Executive organs of government. However, because of fear of the military, this was seldomly used by aggrieved Nigerians even though the courts were available and, in a few cases, the military ignored court orders and in one or two cases enacted into law what the court had ruled as "unconstitutional".

As military rule progressed, the Bureaucracy was politicized and the distinction between politics and administration became blurred. This also, is largely in my view, responsible for the massive corruption in the country today. Senior bureaucrats ensured that there was a high level of loyalty not to Nigeria but to the ruling oligarchy or political party and the 'unwritten ideology'. In a politicized service, appointments were made on the basis of political affiliation and personal loyalty rather than ability and training. It became more difficult to attract high caliber staff to work in temporary positions that offered no form of job security. This also explains why some high caliber bureaucrats had to be paid in US dollars while on secondment from their primary assignments. These were some of the contradictions in our society that makes it very difficult for the populace to understand what Nigeria as a country stands for.

Cultism and Religiosity

Nigeria was taken over by those who were to execute laws but have constituted themselves into various Religious, Ethnic and even Professional "cults". The effect of cultism is described below:

"A young man whispers a confession: as a university student, he killed six or seven of his peers. He cannot be sure of the number, since his shots were fired in gun battles. He intimidated professors, burned their cars, and helped kidnap-briefly-their children to force them to give good marks to certain students. He did it all as a member of a campus cult. When he renounced his membership, he got death threats and moved to another city, where he lives today. Nigeria's university system used to be the finest in West Africa, but today's classes are overcrowded, buildings are crumbling and the curriculum has remained unchanged for years. The cults emerged from the shambles. Having started life as confraternities for the most academic students, they have deteriorated into gang violence. The Exam Ethics Project, a lobby group, says that inter-cult violence killed 115 students and teachers between 1993 and 2003. The real number may be much higher --- How did the cults become such a problem? Wole Soyinka, a Nobel prizewinner for literature, helped found the Pirates Confraternity, the first such group, in 1952 at the elite University of Ibadan. Slowly, splinter groups emerged: the Black Axe, the Klansman Konfraternity, and countless others. It was harmless fun to begin with. But **military leaders** [*Emphasis supplied*] of the 1980s and 1990s saw the groups' growing membership as a chance to confront the leftist student unions, often aligned with **pro-democracy movements** [*emphasis supplied*]. So the confraternities were given money and weapons. They turned against student activists - and against each other. By the mid-1980s, violence had become so fierce that Mr. Soyinka tried unsuccessfully to disband his former creation. As their strength grew, the cults' influence on the universities became more malign. They exacerbated the corruption that had already bred in unmanageably big classes and deteriorating facilities. Today, older students and alumni flood campuses in the first weeks of the new academic year to recruit for the cult"¹⁶

The end result is that Nigeria today has about 60% of its "managerial" cadre in the Legislative, Executive and Judiciary comprising those who believe or accept the "unwritten" Ideology, Religiosity and cultism. Unwritten because it takes precedence over and above the Constitution. A clear example is the amount of money spent on Religiosity notwithstanding the clear dictates of section 10 of the Constitution which provides that "The Government of the Federation or of a state shall not adopt any religion as state religion, yet we have 12 sharia States. The State, in some cases, maintains mosques and churches and pays the salaries of the Clergy. The State organizes pilgrimages to the Holy land of Jerusalem and Mecca with impunity and under the guise that Nigeria is multi-religious not secular even though the word Secular is not mentioned in the Constitution. The leader of the Christian Pilgrims to Jerusalem in 2007 in Edo State was a Muslim. On the question of cultism, the Economist went on to say:

"And so, if a student has gone to commit some level of atrocities on behalf of a political group and comes back with good money, another person joins the bandwagon in order to

¹⁶ Cults of Violence The Economist August 2, 2008 pages 58 - 59

make money for himself' though the cults charge membership fees of between 10,000 (\$85) and 30,000 naira a year, the boys can expect to make a profit on the streets. The pay-offs after university can be no less rewarding. With a well-connected alumni network, students hope that their cult membership will win them a job in a country where most graduates are unemployed. Alumni of the Vikings Confraternity, for example, claim at least 11 members of the Rivers State House of Assembly."

Managerial Accountability

We, as a people and Nation, need to shift from political accountability to **managerial accountability** that will motivate a change in the traditional notion of a state monopoly of the legitimate use of violence. It has failed in Sudan, Kenya and Zimbabwe that has now decided to scrap the intelligence arm of security. It also has failed in Nigeria. One cannot but agree with Prof Ben Nwabueze who wrote:

"The name SSS, in itself, is entirely out of keeping, an anachronism, in a constitutional democracy, because of its association in public mind with the barbarities of Hitlerism and of socialist/communist despotism. It creates fear and a feeling of insecurity amongst the citizenry and should therefore be abolished to make way for the re-introduction of the Special Branch of the Police Force which, following accusations of inadequate police security at the time of the assassination of General Murtala Muhammed during the February 1976 abortive coup, was yanked off later that year by the General Obasanjo military government, and formed by decree into a separate entity, the repressive and dreaded National Security Organization [NSO], which was later transformed into the State Security Service [SSS] which, like the EFCC but unlike the Nigeria Police Force, established and regulates directly by the Constitution, is also an instrument of personal power in the unfettered control and disposal of the President."¹⁷

Recently, Channels Television was shut down and its license suspended without due process. For these reasons, one recommends New Public Management [NPM]. This is, in addition to the conflict between Section 2(3) of National Security Act and section 214 of the Constitution, which places the internal security of Nigeria in the hands of the Nigeria Police. The NPM practices have contributed to the dismantling of the conventional view 'that collective goods such as Defence and Law enforcement should be provided by the public sector only'. No doubt, there are services that should be provided by the public sector only, such as the judicial system but definitely **not** law enforcement or intelligence gathering. These can be privatized and under NPM's principles competition is created to find the best alternative in the private sector to satisfy partly or total public delivery. The NPM has facilitated the use of private military companies [PMC] as part of the equation for improving the efficient delivery of public goods in that their participation presupposes a more efficient alternative to exclusive public provision. The Nigeria Custom and Excise rather than have contractors seem to combine its traditional duties and act also as contractor.

¹⁷ How President Obasanjo Subverted the Rule of Law and Democracy Ben Nwabueze page 13

It must however be pointed out that the notional basis of NPM implies that the strategy is best applied in the context of “**highly functional economy and a political commitment to liberal governance**” - liberal democracy not military rule or military in the guise of civilian rule. The cumulative effect of colonialism, civilian and military rule has made Nigeria one of the 20 countries with the most threatening indicator of latent instability in the world.¹⁸

New Public Management [NPM] in Europe and America

Where NPM has been applied the countries succeeded in making government less expensive and more efficient. In Nigeria, all security organizations complain of lack of manpower and equipment, the more money that is pumped into these public organizations, the more the increase in crime and insecurity. The desperate leadership of some of these organizations have turned to divine solutions in churches, mosques and voodoo priests when the solution lies in the creation of “**entrepreneurial organizations**” that would reduce cost through increased outsourcing and better management. An example which provides food for thought is that “By the beginning of the Iraq occupation in 2003, it was generally agreed that the ratio of deployed troops to private personnel has decreased to about 10 to 1 from 100 to 1 during the first Gulf War of August 1990 to February 1991. In addition, the use of contractors has gradually been introduced into military planning. For instance, the 2006 Quadrennial Defence Review published in South Africa explicitly acknowledged that “contractors form part of the total force available to the Department of Defense (DoD US 2006:75).”¹⁹ Surely private personnel [contractors] can be used in policing, intelligence gathering, customs, airports, immigration etc, provided we define what Nigeria stands for or to put it the other way “**the Nigerian spirit**” which is yet to be defined and accepted by all Nigerians. In any case the amount we spend on politics cannot only be unjustified but also atrocious and has become “security of a few” who takes the lion share of the National cake.

1999 – 2008 Nigeria

In well researched books,²⁰ Professor Ben Nwabueze identified a serving President subverted our Federal System and the Rule of law. By his interference a lot of harm has

¹⁸ Punch Sunday September 21, 2008 page 9

¹⁹ African Security Review Vol. 17 No. 2 June 2008 page 3

²⁰ (i) How President Obasanjo Subverted Nigeria's Federal System 448 pages (ii) How President Obasanjo Subverted the Rule of Law and Democracy 424 pages

been done to our national psyche with the powers and revenue of State Governments, the subversion of their autonomy, the degradation of the status of the states and their governors within Nigeria and abroad - Subversion of the Rule of Law including the illegal Electoral Act and the 2003 General Elections, conversion of the Nigeria Police Force into a lawless instrument of personal power, subversion of litigative process, interference with judicial process, invalidity of 2007 elections etc.

Corruption

One cannot make an appreciation of Amalgamation without talking about corruption. It is very clear from the points raised above that we are yet to see Nigeria as our country. Although there was corruption at pre-independence and the First Republic, it was after the civil war of 1967- 1970 that corruption began to rise especially after the overthrow of General Gowon in 1975. The rise in the patronage of public administration and the discovery of oil are two major events that seem to have led to a litany of sordid corrupt practices and graft in Nigeria. These factors, in addition to greed and ostentatious life style culminated in the use of official resources for private gains. We need to realize that, in most cases, money acquired through corruption are either directly or indirectly from the pocket of taxpayers which substantially increases the overall cost of transactions, goods and services and further impoverish the poor. The attitude of the poor in Nigeria is "Na God give am". This attitude has to change, not only because of the poor but also because of the corrupt public servant who uses proceeds of corruption to buy problems for themselves and/or their immediate family e.g. they or their children become drug addicts and even with the availability of money, they cannot be classified as happy. We have the duty as Nigerians to protect our collective wealth by participating in the politics of our country and demanding accountability. We must not hold the "cow" and allow a few to milk it. We must demand accountability from those who have been milking the cow in the past and join in the fight against Bribery and Corruption.

The Judiciary

We all agree that the cancer of corruption, greed, conquest mentality etc has ravaged the body politic of Nigeria but it will be naive to think that the cancer has not reached the Judiciary or that the Judiciary is an exception. I dare say that it is a matter of degree. Of the three arms of government, the Judiciary is the least affected particularly the Supreme Court. One cannot but agree with Reuben Abati when he wrote last Sunday:

“Questions have been raised about the integrity of the tribunals and the lower courts. But to drag the Supreme Court into the politics of election petitions at the Presidential level is scary; if the Supreme Court is compromised, then the vehicle of justice is fully derailed. Those who spread the view that the Supreme Court can be dictated to, do not mean well for our democracy. A dangerous view had now been established namely that if the Supreme Court were to decide to annul the Presidential election of 2007, the quick conclusion is that this is part of the so-called Arewa agenda as foretold.”²¹

Unfortunately, the “conquest mentality” of the North is also present in the Judicial Arm of Government. The Head of the all Federal Courts are from the North; Supreme Court, Court of Appeal, Federal High Court and Federal High Court of the Capital Territory of Abuja and the majority of judges in these courts are from the North. If it is considered, it is unfair when it is considered that the first Northern Lawyer was called to the Bar in 1955 which is 67 years after the first lawyer from the South Christopher Sapara Williams in 1888. The North also has the Sharia Courts throughout the Region for Muslim clerics not lawyers. These advantages, to the North attract envy which is dangerous to the Body politic of Nigeria. When one travels abroad, there are more Nigerian graduates doing menial jobs from the South than the North, the reason being that there are more job opportunities in the country for Northerners than the Southerners. This is very unfair especially when ‘the Southern lady of means’ still provides for the upkeep of everybody in the family.

Homeland - Definition

A homeland is defined by Wikipedia, the Free Encyclopedia as: “**country of origin and native land, is the concept of the territory (cultural geography) to which an ethnic group holds a long history and a deep cultural association with – the country in which a particular national identity began. As a common noun, it simply connotes the country of one’s origin. When as a proper noun, the word, as well as its cognates in other languages (i.e. Heimatland in German) often have ethnic nationalist connotations: Fatherland, Motherland, Mother country, each having some distinct interpretation according to Nationality or historical usage.**” Homeland is synonymous with local Government in Nigeria where a chief or traditional ruler associated with the homeland is empowered to exercise powers conferred upon the homeland by law - a body corporate. In the letter inviting me to make this presentation, I was asked to “**have at the back of my mind such issues as unity of Nigeria, Bond of Brotherhood of all Nigerians,**

²¹ The Guardian Sunday September 21, 2008 page 70

consolidation of our nascent democracy; specific plan and action to improve political space for stability, based on the utilization of differences in tongue, tribe and religion as strong pillars for building a strong and vibrant State". I have therefore decided to look at the past, present, and my hope for the future. Homeland government for Nigeria seems to capture the essence of Nd'Igbo and the over 390 ethnic nationalities that make up Nigeria.

Homeland Community Development [HCD]

The problem with Nigeria today is that the federal government is attempting to do everything for everybody, young and old, male and female etc. It is also attempting to do everything for the individual, family, village, community, town, Local Government, State and Region. In the process, it has failed at all levels because Nigeria is too large to be centrally administered. We must therefore reverse the process. The Homeland Community Development [HCD] as explained below is that the village community must be able to provide community life that will enable residents in the homeland who, out of choice, can live from infancy to retirement without relocating from the homeland. To be able to achieve this, the homeland must provide: (a) Job opportunities, (b) Health facilities (c) Infrastructural development (d) Security of lives and property (e) Recreational and retirement facilities. With these the man or woman can keep a moderate family and enjoy life to the fullest without migrating to the city or out of Nigeria.

A homeland community in Nigeria should be able to provide all these from the resources available to it from direct Federal Government grants such as UBE and other Allocation to States, State Government Allocation from Federal Government and Taxes, Local Government Allocation, Rates from Motor parks, Markets, Income and other sundry Taxes. Taxation helps to unite a community. This unity is lost in Nigeria because taxation is being substituted with allocations from the Federal and State Governments.

Fortunately, these funds are available but the problem is that there are no structures in place to organize the homeland as a community. Rather, we have individuals who are allowed to corner the funds in order to become new "sheikhs". In the circumstance, Government must put in place at the homeland community level, a structure that will collect and utilize these funds for the development of the homeland and, in the process,

keep about 90% of the youths in the community gainfully employed thereby reducing youth insurgency in crime i.e. kidnapping, gangsterism and banditry etc if not entirely eliminated.

Relationship LGA and HCD

- ▶ LGA to recommend homeland villages or communities who desire to be upgraded to HCD status
- ▶ State to grant the homeland a Bye-Law that defines the management structure and responsibilities
- ▶ State Independent Electoral Commission to train appointed officers on the need and reason for election to ensure that the people elected to run the affairs of the community appreciate the necessity for elected personnel as a prelude to free, fair and credible state elections
- ▶ State tax offices to mount enlightenment campaign on taxation to replace collections by touts and party stalwarts
- ▶ LGA is to oversee the conduct and growth of the HCD from homeland status to a Municipality
- ▶ Constitute (Bye-Law) to be adopted by HCD
- ▶ HCD officers to perform duties that have to do with the day to day running of the community including security surveillance
- ▶ Offices of the HCD to be open to every member of the community except the Traditional Ruler or Head of the community, who serves as Patron
- ▶ Patron and HCD officers to have monthly emolument based on recommended funding mechanism.

Functions of the HCD

- * Information agent between community and government, companies, NGOs and others
- * Negotiate payments and matching grants for Community Development Projects
- * Complement Government revenue drive i.e. taxes and levies
- * Fire, Safety, Health and Environmental management
- * Sustain Government educational standard in the community
- * Ensure Peace through conflict resolution
- * Employment through rural administration and projects
- * General Assembly to be presided over by the Traditional Ruler or Head of the Family

Sources of Funding

- * Annual Levies generally accepted by the community for individuals, organizations and businesses and approved by the government of the state
- * Fund raising, launching and voluntary donations
- * Appeal to government, companies, NGOs and others
- * Subventions and matching Grants from government, companies, NGOs and others
- * Community investment proceeds
- * Government statutory allocation from the LGA to be disbursed directly to the communities
- * Other levies such as rates paid on oil pipeline.

Anticipated Results

- * Significant changes of focus in homeland/village development paradigm directed towards leadership and security as the phases of development, providing management, administration, skills for self-supporting, self-sustaining and self-propelling economic system
- * Community owned resources brought to bear on the development-planning, administration, land, offices, staff, utilities-water and electricity, drainage, sewage, roads and transportation, security-civil defense to generate massive employment at community level and promote solidarity at the same level.

The Minister of Youth Development said that 80% of Nigerian youths are unemployed and 10% underemployed. HCD throughout Nigeria therefore, will reduce unemployment by 40% or more. The necessity for a Local - Police authority with trained police men and women, to replace vigilante etc, becomes apparent.²²

Peace, Reconciliation and Constituent Assembly

The vestiges and machinery of the military and the previous Federal Government are still there and need to be dismantled. This however can only be done under the frame work of Truth and Reconciliation in which principal actors especially former heads of state will be compelled to attend and render account of their stewardship and be questioned on such issues as whether it was morally and legally right to execute a coup plotter who plots against previous coup plotters. For this purpose, I suggest that the Ethnic Nationalities of Nigeria should present a bill to the National Assembly and Nd'Igbo must be an important part of the project to facilitate the Bill. A chamber for peace and reconciliation where Nigerians can tell themselves some home truths, forgive and, where necessary, compensate those affected has become urgent and necessary. At the end, we will all agree to accept Nigeria as our home country and write a Constitution based on our past experiences that would provide for unity, peace, justice, forgiveness, reconciliation and progress.

Suggested Terms of Reference

The following are the suggested terms of reference which could form the basis for constituting committees at a Constituent Assembly

- a. Trace the history of Amalgamation of Northern and Southern Nigeria and British Administration of the joint colonies of one Nigeria including the indirect rule system;

²² For similar, scheme see www.communities.gov.uk where these issues were addressed

- b. The struggle for Independence and the state of the Nationalities that make up Nigeria and how many they are and the nature of the struggle;
- c. Identify the influence of the three major ethnic nationalities - Hausa/Fulani, Nd'Igbo and Yoruba and their contributions to the growth and/or failure of the Nigerian Federation, before and after independence;
- d. Identify the reasons for our troubled past including the overthrow of constituted governments of 1966 – 1983;
- e. Identify the involvement of the Security and Intelligence agencies in the promotion or reduction in the insecurity now prevalent in the country;
- f. The involvement of the various Nigeria governments or organizations and individuals in the promotion and development of thugs, cultists, militias in the country and the solution to their problems;
- g. Identify the conflict of culture whether religion or ethnic as it relates to balance of power before and after since independence in 1960;
- h. Examine the history of the management of the oil industry in Nigeria and the role of oil companies and individuals in the industry and the reasons for environmental degradation and loss of revenue to the country;
- i. Examine and provide solution as to why at the slightest or no provocation, the Armed Forces and Police turn their guns against their countrymen and women;
- j. Investigate all cases of marginalization of any group or institutions and provide ways and means to prevent future occurrence;
- k. Revisit the purge of the Public Service in 1975 and subsequent purges and ascertain its effect on the Public Service; recommend ways of preventing re-occurrence and compensation and/or restitution were applicable;
- l. Ascertain the reasons for the loss of confidence in the Judiciary and the contribution of Election Tribunals to this loss of confidence;
- m. Examine the extent of corruption in the three arms of government – Legislature the Executive and the Judiciary and the part played by Bureaucracy in promoting corruption in the country;
- n. Identify the reasons as to why, at Independence in 1960, per capital income was about 8,000 – 10,000 USD and, today, our per capital income is about 1,000 USD notwithstanding oil windfall of 1992 and 2008 and apportion blame;
- o. Identify the reasons why Nigeria is unable to conduct a credible, free and fair elections and apportion blame;
- p. Find out why the nation's infrastructures were allowed to decay notwithstanding the amount of money voted for new developments and maintenance;
- q. Provide basis for reconciliation and forgiveness;
- r. Recommend apology and compensation to be paid to those affected and restitution where applicable; and
- s. Draft a Constitution that will provide for plural democracy, good governance, rule of law, human rights, Solidarity, Subsidiarity, Common Good, Free press, Fundamental objectives and directive principle of state policy for the unity, justice and progress of the Nigerian people.

A Truth, Reconciliation and Constituent Assembly has become urgent and inevitable where Nigeria can be re-negotiated by all the Ethnic Nationalities who are the actual owners and the terms of the marriage clearly defined with emphasis on what is generated and not what is shared. One must remind past leaders who legally ignore the Oputa Panel

that charges could be brought against them outside Nigeria and the sooner they gave account of their stewardship, the better it will be for everybody and Nigeria.

Representation

Members of the TRCA will be from the following: Nationalities, Professional Associations, Trade Unions, Non Governmental Organizations, notable unblemished individuals, Religious organizations, Students and Gender equalization (30% female) principle.

Remuneration

A budget will be prepared by every ethnic nationality and funds made available to each ethnic nationality by their State Governments which will subsequently be disbursed to their members to command loyalty. Students and the disabled will be paid by their states and will form part of the ethnic delegates.

Stage I Duration

The duration for TRCA will be two (2) years. The first one year, TRCA will sit as Truth and Reconciliation Assembly collating materials of previous Commissions accept no memoranda and sit as committees based on its terms of reference.

Stage II Drafting State

Constitute itself into a drafting committee and prepare a draft Constitution. This should take four (4) months.

Stage III Constitute itself into an Assembly and prepare a Constitution that will be subjected to a referendum six (6) months.

Committees

The Ethnic Nationalities Movement of Nigeria should set up three (3) committees:

- a. Contact Committee: to discuss and invite other ethnic Nationalities, professions, NGOs etc to join in the project;
- b. Drafting Committee: to present a draft Bill for the National Assembly to pass into Law and;
- c. Peoples' Action Committee: to provide strategies for peoples' action – a visible protest but non-violent, should the Legislators and Governors refuse to co-operate.

Conclusion

One has attempted in this presentation to see Amalgamation as a platform for Nigerian unity not as merely a geographical accident or a mistake. However, the foundation of Nigeria was built on a "marriage" between the North-husband and South - wife and, as it

is usual with wives in Africa, she has been and is being abused by the husband notwithstanding the fact that it is the wife – the South, that provides all the funds that keeps the family going. The fact that both husband and wife come from different backgrounds with different cultures that posed challenges are not the basis for a divorce as this can be surmounted and we can also have one Nigerian culture. I have suggested two ways of approaching the problems, the short term solutions are New Public Management [NPM] and Homeland Community Development [HCD]. The long term solution however is a bill to the National Assembly for the establishment of a **Truth, Reconciliation and Constituent Assembly** where we can tell ourselves some home truth and provide a Constitution based on our experiences since 1914 and our hopes for the future.

The marriage between the 'well conducted youth' and the 'southern lady of means' is now 94 years old. During this period, the 'well conducted youth' dominated the marriage and mistakes were made on both sides especially the attempted divorce of 1967 – 1970 when over one million Nigerians lost their lives. This fact notwithstanding, it is time for change and the wife or wives must come out of their harems and take charge of the family affairs. Harem politics has made the family backward and stagnant. When the bride and groom were granted freedom in 1960, they were at par with Brazil, India, Indonesia, Singapore and Malaysia etc. Today they are poorer notwithstanding oil wealth, fertile land and intelligent people. Past politics have reduced the country into one of the most dangerous and corrupt countries in the world where gangsters dominate and the most intelligent ones have to migrate and where greed, evil and criminality are acclaimed. All these must stop and give way to better politics and better management where democracy and Rule of law will hold sway and provide for a Nigerian dream which everyone look up to. With this in place we can have one Nigeria and not one North in one Nigeria. We all agree that "life is better than death"; "health is better than sickness"; "liberty is better than slavery" "education is better than ignorance"; "justice is better than injustice"; "prosperity is better than poverty"²³ order is better than anarchy; peace is better than war. Our undoing which translates to the undoing of Nigeria is that we allowed 'the well conducted youth' to ride rough-shod over 'the lady of means'. It is time that we call a halt to the arrogance and brutality in the family. An actualization of the Republic of Biafra is not the solution; rather it is to strengthen the Ethnic

²³ Harrison and Huntington page xxvii

Nationalities Movement. We therefore call on all Executive Governors of the South to emulate their Northern counterparts after all, no ethnic nationality in Nigeria has a better claim to Nigeria than the other. We must therefore join hands to build a better Nigeria and contribute to a peaceful world.

Thank you and God bless Nigeria