

REPORTS OF THE PRESIDENTIAL COMMITTEE ON THE REVIEW OF THE 1999 CONSTITUTION HELD IN IDU URUAN ON MONDAY 9TH APRIL 2001

The Great Debate – i.e. Reviewing the 1999 Constitution of the Federal Republic of Nigeria shifted base to Uruan.

In the process, the Court Hall of Uruan Local Government Council was packed full as early as 10.00 a.m. on the Day of Review – Monday 9th April, 2001.

The main features of the day were :-

1. The composition of the High Table which was presided over by a seasoned and an accomplished Retired Permanent Secretary – Chief B. E. Akpan who was flanked by equally distinguished personalities like OBONG B. A. Nyong – the Obom of Uruan, Dr. Ukpong of the University of Calabar and Mr. Donatus E. Okon – The Co-ordinator of the PCRC for Uruan Local government Area.

Essentially, a total of 19 papers were presented which articulated on certain features of the 1999 constitution. The academia, interest groups such as Nka Iberedem Ndito Uruan, Niger Delta Youth Movement (Uruan Chapter), the Uruan Nation – an aggregation of Political Class in Uruan, Traditional Rulers and individuals with vested interest in the principles and structure of the 1999 constitution, articulated in the constitution which was seen as that of “Tailoring the tailored”.

ON CONSTITUTIONALISM AND FEDERALISM:

The assembly had a common concensus that the 1999 constitution was a military contraption and therefore was not sufficiently representative of the views of Nigerians hence its major flaws.

Arising from the flaws contained in the supreme document, Uruan people noted that a constitution, the world over, is the collective will of the people. It is a supreme or fundamental law of the land, which should seek to serve and protect the interest and legitimate aspirations of the people.

On the principles of Federalism, the people agreed no less with professors K. C. Wheare, A. Appadorai and Francis Adigwe that federalism is a political system where there are autonomous units and each of the component units derives its power and authority from the constitution. They contended further that the distinguishing character of a federal system is that neither the central nor the Regional Governments are subordinate to each other but that the two levels of governments are coordinate and independent.

The idea of a federalism, the people contended, is the coming together of the component states that make up the federation. It is the federating units that create the center and not vice versa. Therefore, since Nigeria is a British or colonial creation where peoples of various and distinct nationalities were fused together, the constitution should

guarantee a reasonable degree of liberty to the federating units. For True Federalism to thrive, justice, they contended, must be seen to reflect the conduct of government business and not parochial interest.

Other salient areas which Uruan people articulated upon were:-

- Revenue Allocation
- Resource Control
- Devolution of Powers
- Judiciary
- Language Issue
- Minority Rights
- Religion
- Tradition Institutions
- Human Rights.

ON REVENUE ALLOCATION:

The assembly contended that States should generate revenue from their natural endowments. Each of the federating units should be autonomous in harnessing its resources in the best way it deems fit and from it pay equal contribution to the center.

Since there are more responsibilities in the States and Local Governments, it should be the duty of the States and Federal

Government, to create more local governments based of course on available resources.

Consequently the formula for Revenue Allocation should be on the basis of

- (a) Viability and Derivation Principles.
- (b) Absorptive Capacity
- (c) Land Mass
- (d) Population
- (e) Equality of States

Translating the above, the Revenue sharing formula should be

Federal Government	-	20%
State Government	-	50%
Local Government	-	30%

ON RESOURCE CONTROL:

Before control, Resources were defined to mean asset, a country's wealth, which is not restricted to production of petroleum products. Resources in the view of the people include all natural, material and human resources found in the territory of a particular state.

Section 4 (3) of the constitution 1999 gives the central (Federal) Government via the National Assembly exclusive power to make laws on

items found in the Legislative List which are set out in part 1 of the 2nd schedule to the constitution.

In the opinion of Uruan people, item 39 in the exclusive list should be amended and transferred to the concurrent list where the state government would have powers to make laws on its control.

The germane of this position becomes clear when one realizes that mines and minerals including oil fields, oil mining, geological surveys and mineral gas included in item 39 are found in the territory of the states and it is the states that suffer all forms of deprivations. The territory of each states comprise both land and water. In line with this, Uruan people reasoned that there should be nothing like Onshore/Off shore Dichotomy.

They reasoned further that to ensure true federalism the component states should be able to make laws to regulate how their resources are being exploited. They should take part in oil exploration, exploitation and control the company (ies) that taps oil in their territory.

The revenue extracted from resource exploitation should be paid to the State Account. 50% of this should be paid to the Federal Pool Account. When this is done, each state will develop according to its pace and cater for the needs of her residents.

The people of Uruan contended that if the issue of resource control is properly addressed by the polity devoid of self-parochial interest, no more shall there be Ogoni and Niger Delta problems on whose heels the

NDDC arose. The interpretation of section 162 of the 1999 constitution will become unnecessary.

The advocacy by Uruan people for Resource control falls in line with the Republican constitution of 1963 where cocoa, Groundnut and Palm Oil were controlled by the Regional Governments – Western, Northern and Eastern Regional governments respectively. This, in comparative terms, they reasoned, had been the case since the Norman conquest of 1066.

ON DEVOLUTION OF POWER:

The 1963 constitution was very explicit on this and equitable. The people of Uruan urged a revisit to that.

The idea of the presidency summoning Local Government Chairmen to Abuja at short or even long term notice is wrong and derogatory on the powers of the Third Tier of Government to be independent.

The assembly believed in True Separation of Powers between the levels and arms of government in the federation – namely the three Tiers of government viz.

Federal, State and Local Governments and between the arms of governments at each tier – viz.

The Executive, Legislative and Judicial arms of government.

In terms of power sharing among the federating units, Uruan people opined that the federation should be split into six Geopolitical Zones.

There should be Rotational Presidency among the six Geopolitical zones in the country.

These six Geopolitical zones should comprise –

- (1) South - South
- (2) South - East
- (3) South - West
- (4) North - East
- (5) North - West
- (6) North Central or Middle Belt.

There shall be six Vice Presidents with each tenure terminating with that of the president.

Tenure of the President – 5 years for 1 tenure.

Same for the six Vice Presidents who should act in their zones as if presidents. Tenure of Office of Governors 4 years for 1 tenure based on popular demand/performance while in office.

LOCAL GOVERNMENT CHAIRMEN AND CONUCILLORS:

4 years of 1 tenure.

However, the political system of Nigeria is based on 3 tier system Government of - Federal, State and Local Governments. Sections 130 –

175 of the 1999 constitution and section 197 – 212 spell out clearly how the Federal and State governments should run and relate. But section 7 is both ambiguous and nebulous. The section gives the State House of Assembly Powers to make law for the establishment, structure, composition, finance and functions of the Local Government Councils.

Uruan posited the question: “Why didn’t the constitution allow the establishment, structure, composition, finance and function of the Federal and State Governments into the hands of the National and State assemblies respectively”?

Our view is that section 7 of the constitution should be amended to make for stability and uniformity in the polity. The constitution should outline the procedure for the election and removal of the Local Government Chairman and Councillors as well as the political structure and separation of powers in the Local Governments.

When this is done, the spate of suspension, impeachment and near anarchy or anomie currently besetting the Local Government Councils between Chairman and Councillors would be eliminated.

Elected officials into the councils should possess a minimum qualification of OND to make room for better articulation and provision for local needs while in the council.

ON JUDICIARY:

Uruan people articulated that the appointment of Judges into the State High Courts and Magistracy should be state responsibility and not federal.

The composition of the Supreme Court should be expanded to reflect the multilingual, multiethnic nature of the State of Nigeria. It should be more than the present 7.

Age of Justice into the Apex Court should be a minimum of 45 years with at least 15 years post call experience.

Judicial Officers should be allowed to exercise the independence the constitution provides.

ON LANGUAGE ISSUE:

Since Nigeria is a composition of multiethnic and multilingual nationalities, it is immoral for the constitution to arrogate the use of any particular Nigerian Language as alternative to English – our colonial heritage – as a medium of expression in either Unity Schools or in the National Assembly.

The aspect of the constitution relating to the use of Hausa, Igbo and Yoruba should be expunged completely from the constitution or any national document. The use of either of the languages listed above if encouraged will bring about acculturation or extinction of other ethnic

nationalities. This, in the opinion of Uruan people negates the principles of democracy and spirit of federalism.

In the view of Uruan people, each ethnic nationality should continue to speak their language while English, as a language should serve as the medium of communication. Our justification on this is drawn from the strength that for some 99 years, the various peoples of Nigeria came under one form or the other of British colonialism where English was widely used as the medium of official communication.

Our other justification for wishing English adopted, as a Nigerian language is the fact that much of Africa and the world uses English and French in international transactions. Our only adjunct to English in Nigeria is French in the sense that most members of ECOWAS and OAU are French speaking.

All languages in Nigeria should be given equal opportunities.

ON MINORITY AND HUMAN RIGHTS:

Chapter 4 of the constitution should be amended to include Right to dignity of the Human Person.

There should be right to decent living where individuals unable to compete in the economy should be empowered economically.

The Rights of minority enclaves in the Republic should not be trampled upon by the majority.

The constitution should guarantee and enforce the rights of all the people in the republic that are not against the purpose of the State.

Appointments into the Civil Service of the Republic should reflect the Federal character and not lopsided parochial interest.

ON RELIGION:

There should be no State Religion in the Republic. The State should be secular to make way for the worship of God according to one's conscience, conviction or belief/knowledge of Him and not an imposed system of worship. In short, we advocate Freedom of worship.

ON TRADITIONAL INSTITUTION:

The Traditional institutions was represented by their royal Highnesses – the kings- who articulated the creation of a council of chiefs synonymous to what obtained in the first Republic.

Such council of Chiefs should be in Advisory capacity where states would be advised based on cumulated experience of the Paramount Rulers, Clan and Village Heads.

Besides, the Traditional Rulers should be accorded proper recognition and commensurate remuneration to reflect their stations as custodians of custom. Traditions and culture of the people from generation to generation.

ON STATE SECURITY AND ELECTIONS:

The Police Force should continue to be Federal concern. States could be empowered to set up vigilante groups to complement efforts of the Police in maintaining and enforcing law and order.

Elections into all Legislative and Executive offices should be conducted and supervised by INEC and any State Electoral system should be abolished or expunged from the constitution.

The INEC should delineate more Federal and State constituencies to make room for greater and more widespread representation by the people in both the State and National Assemblies. The provisions of the 1979 constitution in this regard should be adopted.

States and Local Governments not viable should be merged with more viable ones to avoid waste of funds.

Uruan people concluded the session with a belief that it is only a **TRUE FORM** of federalism that can guarantee the corporate existence of Nigeria and Nigerians.

APPENDIX

**LIST OF CONTRIBUTORS TO THE GREAT DEBATE IN
URUAN LOCAL GOVERNMENT AREA**

1. Mkpisong J. B. Ikpe - State Co-ordinator PCRC.
2. Mr. Donatus E. Okon - LGA Co-ordinator PCRC
Uruan Local Government
Area
3. Obong Barr. Nyong E. Udoh - Executive Chairman -
Uruan Local Government
Area
4. Chief B. E. Akpan - Chairman of the Occasion
PCRC - Uruan - Mbiaya
Uruan
5. Obong B. A. Nyong - FSTAN - Obom Uruan -
Mbiaya Uruan
6. The Rapporteurs (1) P. A. Essoh - Ibikpe Uruan - Lecturer
University of Uyo
(2) Ken B. Mkpa - Idu Uruan - Lecturer
University of Uyo
7. Nka Iberedem Ndito Uruan (NINU) - Represented and paper
Presented by its Secretary -
General - Iberedem Peter A.
Essoh
8. Niger Delta Youth Movement (NDYM) - Represented by its State
Organizing Secretary/Uruan
Youth Leader - Hon.
Michael Nsima Okon -
Eman Ikot Ebo
9. The Uruan Nation - An aggregation of the
Political class in Uruan -
Represented by Chief Eliok
Tom Nyong - Mbiaya Uruan

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| 10. | Mr. Edwin Basseý Okon | - | Emman Ikot Ebo |
| 11. | Mr. Victor B. Eno | - | Ikot Otoinyie – Lecturer –
University of Uyo |
| 12. | Dr. Jerome B. Mbat | - | Idu Uruan – Lecturer –
University of Uyo |
| 13. | Chief Barr. Tom E. Udonsek
(Moderator) | - | Ibiaku Ishiet - Legal
Practitioner – Wisdom
Chambers |
| 14. | Uruan Council of Chiefs | | |
| 15. | Dr. Ukpong | - | Ndon Ebom – Lecturer –
University of Calabar |
| 16. | Mr. James E. Asuquo | - | Ekpene Ukim – Lecturer –
University of Uyo |
| 17. | Mr. Godwin Usen Akpabio | - | Mbiaya Uruan |
| 18. | K. B. Mkpa | - | Idu Uruan – Lecturer –
University of Uyo |
| 19. | Linus Etim | - | A School Teacher from
Uruan |