THE INTERNATIONAL JOURNAL OF HUMANITIES & SOCIAL STUDIES

The Legal Framework for the Corporate Existence of Nigeria

Anozie Miriam Chinyere
Associate Professor, Department of Jurisprudence and Legal Theory, Faculty of Law, University of Nigeria, Nigeria
Nwatu Samuel I.
Senior Lecturer, Department of Public Law, Faculty of Law, University of Nigeria, Nigeria
Onyeabor Emmanuel U.
Senior Lecturer, Department of International and Comparative Law, Faculty of Law, University of Nigeria, Nigeria

Abstract:
Ever since the creation of Nigeria in 1914, Nigerians have not been given the opportunity to adopt a constitution to govern them, despite the proclamation in the preamble of some of the Nigerian constitutions. All the constitutions applied during the colonial era were formulated and imposed on Nigerians by the colonial masters. On attainment of independence even the 1960 Constitution was a creation of the colonial government. Subsequently, after the military era, the 1979 and 1999 Constitutions were regarded as military legislations imposed on Nigerians by the military government. This has led to repeated agitation for a national conference which is an exercise in constitution making, to enable Nigerians adopt a constitution to govern them. If this happens it will redeem the falsehood provided in the preamble of the 1999 Constitution, that the Constitution is the collective authorship of the Nigerian people. The constitution will also secure the respect of the Nigerian people and produce in them an ethic or democratic behaviour which is essential for the survival of constitutional democracy. This will definitely strengthen the corporate existence of Nigeria.

1. Introduction

The New Webster's dictionary defines framework as a basic structure which supports and gives shape, or a broad outline plan thought of as having a similar function. The legal framework of any country is the constitution. It is the fundamental law under which the country is to be governed. The constitution should derive its legitimacy from the people in a referendum. Only by so doing can legitimacy be conferred and the people at long last are allowed to exercise their sovereignty, which belongs to them as a whole and not to individuals no matter what position they hold in the polity.

Ever since the creation of the country in 1914[i], Nigerians have not been given the opportunity to adopt a constitution to govern them. All the constitutions[ii] applied during the colonial era were formulated and imposed on Nigerians by the colonial masters. Subsequently after the military era, the 1979 and 1999 Constitutions were regarded as military legislations imposed on Nigerians by the military government[iii]. In fact, the only time in the constitutional history of Nigeria, that Nigerians would have been given the opportunity to formulate a constitution to govern them was during the making of the 1979 Constitution. Nwabueze rightly pointed out that:

- The return to civilian rule in 1979 was thus an opportunity for the people of Nigeria to exercise for the first time their birth-right to adopt a constitution for themselves. Lamentably however, the opportunity was all but spoilt by the method adopted by the Federal Military Government in constituting the Constituent Assembly and its arrogation of supreme power to amend in many significant respects the decisions of the Assembly[iv].

The above reasons have made it impossible for the past Nigerian Constitutions to be widely accepted. Ever since the inception of the fourth republic and the enforcement of the 1999 Constitution some ethnic groups have therefore called for a national conference which is an exercise in constitution making, to enable Nigerians adopt a constitution to govern them. Many issues prompted the call for a National Conference. The first is non-acceptance of the 1999 Constitution by majority of Nigerians because it is not the people's Constitution. Second, many deficiencies have been noticed in the Constitution. Third, Nigerians have experienced many political, socio-economic and religious problems associated with the application of the Constitution. These problems were similar to those experienced in the past,[v] and they combined to threaten the corporate existence of Nigeria. Examples are the events that led to the declaration of Biafra in 1967 and the 30 months civil war that followed subsequently[vi]. Fourth, the national conference will enable Nigerians address the deficiencies and problems associated with the Constitution, so that a constitution which enjoys the full confidence of the vast majority of people will be formulated. Finally, Nigeria should embrace the widely accepted process of using referendum to adopt its constitution since the 1999 Constitution provides that sovereignty belongs to the people[vii].

The agitation for a national conference led President Obasanjo to convene a National Political Reform Conference from February to July 2005. But the proponents of national conference refused to accept maintaining that this was not the kind of national dialogue they have been advocating. The group believed that a national conference will enable Nigerians from across ethnic and religious groups to deliberate and agree on the terms and conditions on which they are to live together in peace and unity. Furthermore, the adaptation of

a constitution whose source of authority, as the supreme law was formulated by the people, acting in a Constituent Assembly and a referendum[viii].

In response to the agitations for a national conference, the National Assembly initiated efforts to review the 1999 Constitution in 2012 and invited the public to submit their memoranda to the Senate Committee on Constitutional Review[ix]. This has led to a significant amendment of the Constitution and the process is still on going.

However this did not stop the agitation for a national conference, this led President Jonathan's administration to constitute a high powered Committee headed by Justice S.M. Belgore in 2012 with the mandate to examine the relevance and currency of recommendations of previous conferences which were not implemented, draft bills for consideration (where necessary) and propose policy guidelines for the implementation of those recommendations[x].Furthermore, on October 1, 2013, President Jonathan in his independence day broadcast informed the nation of the intention of his administration to organize a national dialogue as a way of resolving the intractable security and political crises in the country[xi]. The national conference was finally inaugurated by President Jonathan on March 17, 2014. The conference was made up of 492 delegates that represented a cross-section of Nigerians including professional bodies group[xii]. Working tirelessly, the conference on August 15, 2014, submitted the 3 volumes final draft report unanimously adopted by the delegates, to President Jonathan[xiii]. Unfortunately, the recommendations of the conference contained in the report to date have not been implemented, the reason for this might be because of the change of government. The government that organized the national conference is no longer in power.

Just like in the United States of America, ever since the making of the Constitution of 1787, it has almost been universally accepted that the constituent power to make or change the constitution of the country belongs to the people as a sovereign power inherent in the political entity[xiv]. Nigerians should also be allowed to exercise this sovereign power. This will be made manifest if Nigerians are given the opportunity to adopt a constitution for the country through a national conference and referendum. It is important to note that before the national convention is convened a law should be passed by the National Assembly to the effect that the recommendations of the national conference shall be binding on the present and subsequent governments and shall not be altered by any group of persons or person. These are necessary to prevent a repeat of what happened with respect to the 2014 national conference and during the making of the 1979 Constitution, when the Supreme Military Council amended in many significant aspects the 1979 draft Constitution formulated by the Constituent Assembly. This will encourage Nigerians give total allegiance to the Constitution as this is crucial for the survival and unity of the nation.

The various problems associated with the 1999 Constitution, apart from being an imposed Constitution, will be examined under the following heads:

1. Political framework
2. Economic framework
3. Social framework

2. Political Framework

2.1. Federalism

Since Nigeria adopted the federal system in 1954, federalism has remained the basic feature of her constitutions. The 1960, 1963.1979 and 1999 Constitutions are based upon federal principles. For instance, the 1999 Constitution divides governmental powers between the federal and state governments; it enumerates power which are exclusive to the federal government; set out those that are concurrent to the federal and state government and leaves the residue to the states.

Federalism essentially means, 'the method of dividing powers so that the general and regional governments are each within a sphere, co-ordinate and independent'[xv]. In other words, federalism involves distribution of governmental powers or sovereignty between one central and a number of state governments, with each supreme and sovereign in its own sphere. This distribution is made on the principle of granting powers to the central government in matters of national concern or in matters where the uniformity of law throughout the country is desirable while granting powers to the state in matters which concern the state or can be described as principally of local interest.

There are two types of federations, namely federations by disaggregation and federations by aggregation[xvi]. Nigerian federation which is a typical example of a federation by disaggregation was formed by breaking up in 1954 the unitary state centrally administered by one sovereign and all-powerful government. Australia is an example of a federation by aggregation and was formed by the surrender of states with independent constitutions of their own enumerated powers to the central government.

Ever since federalism was embodied in our constitution in 1954, it is regarded as the most acceptable system of government for the country being big and comprising of a diversity of ethnic groups and cultures. This was why the two attempts to adopt a unitary system for the country failed. The first attempt was from 1914 – 1951. The second was in 1966 when General Ironsi promulgated the Unification Decree No. 34 of 1966. Hence the Ad Hoc Constitutional Conference in 1966 had been reminded that the country has had two attempts at a unitary system of government. The first attempt proved unsatisfactory, the second proved a disaster[xvii]. In the memorandum to the Ad Hoc Committee Constitutional Arrangement for Nigeria in 1966 submitted by the Western Nigerian Delegation, it was clearly stated as follows:

- The diversity in language, cultural patterns, political and social institutions, levels of economic development and customary usages among the various national groups in the country, generates centrifugal forces and tendencies. A study of the constitutional evolution of many countries of the world shows that in any country where there are such divergences – particularly of language – a unitary constitution is always a source of bitterness and hostility on the part of linguistic or

> natural minority groups… since Nigeria is a multi-lingual and multinational country, per excellence, the constitution that is best suited for its peculiar circumstances is a federal constitution[xviii].

Although the federal system I suited for Nigeria and is accepted by generality of the people[xix]as the best system for dealing with the country's perennial conflicts, it has been afflicted with numerous problems in its practical working. In order to resolve these problems an institutional framework that builds mutual confidence and trust must be provided. This can be achieved if in our constitution powers and functions of the federation are shared between the federal and state governments by weaning the federal government those functions and powers it took the advantage of the military era to usurp. For instance, under the 1954 Constitution the exclusive list had 43 items. In the Independence Constitution of 1960 it was 45 items. But in 1999 Constitution there 68 items in the exclusive legislative list. This is more than a 50 percent increase. This shows concentration of powers and functions in the federal government. This is clearly contrary to federal principles which encourages deconcentration of powers and co-operation among the federating units. In the interest of peace and stability, it is necessary to limit the exclusive powers of the federal government to what they were under the Independence Constitution of 1960. This will enable the federal government to deal with matters of truly national interest, giving the states adequate scope and power to address matters of development closely affecting the states. This will ensure that the national clamor for an urgent restructuring of the federal system for effective decentralization of power is actualized.

2.2. Control of the Police Force

The 1999 Constitution provides for the establishment of a single police force for the whole country styled the Nigerian Police Force[xx]. The section also provides that no other police force shall be established for the federation or any part thereof, thereby denying the state governments the power to establish their own police force.

The single police force was adopted for the first time in the country under the 1979 Constitution. The main reason why Nigeria adopted the unified police system, which is different from what obtains in other federations, such as America, Canada and Australia[xxi], is the fears of some Nigerians that if the state governments are allowed to establish their own police force, the police will be politicized and used as an instrument of victimization against political opponents and opposing political parties in the state[xxii]. But from our experience during the second republic, even a single police could be politicized and used to the advantage of the party in control of the federal government, especially where the control of the police is unduly centralized in the federal government. This was why the late Governor Ambrose Alli of the former Bendel State lamented his championship of a single police force during the making of the 1979 Constitution. According to him, a single police force is the most potential source of danger in our federal system[xxiii].

That the control of the police force is firmly in the federal government is evident in the power of the President to appoint the Inspector General of Police head of the police force[xxiv]. The Constitution also provides that a commissioner of police shall be appointed by the Police Service Commission for each state of the federation. The commissioners are answerable to the Inspector General of Police. For the purpose of maintaining and securing public safety and public order in the federation, the President or any duly authorised Minister of his government may give such lawful directions as he may consider necessary to the Inspector General of Police[xxv].

The Commissioner of Police of a state is similarly required to comply with the orders and directions of the Governor of the state or his duly authorised commissioner[xxvi]. But the Commissioner of Police may request that the matter be referred to the President or Minister of the government of the federation before carrying out such directions. This provision ensures that the ultimate control of the police remains with the federal government, and it has been the cause of dissatisfaction among some civilian Governors since the inception of the fourth republic, because being responsible for the maintenance of peace, security and stability within their respective areas, the Governors are anxious to have the power to deal with occasions when prompt law enforcement action may avert a bigger crisis. If the Commissioner of Police insists on getting clearance from the federal government before obeying the directions of the Governor the damage might have already been done before the police comes to the scene[xxvii]. Having regard to the political immaturity of most developing nations, it is not difficult for the Commissioner of Police to use this power to frustrate effective government in a state to the extent that an emergency situation may be created. Explaining the implication of the provision, Joye and Igweike wrote that:

- This provision indicates the delicate balance of power between the federal government and the state governments with to public safety. It indicates that in order for public safety and order to be effectively maintained there must be a harmonious working relationship between the state Governors and Commissioners of Police. Otherwise Commissioners could frustrate the efforts of Governors in this area by simply referring all security matters to the federal government, the resulting delay in police action necessary to deal with emergencies would inhibit and perhaps prevent effective maintenance public safety and order[xxviii].

The undue centralization of the police powers in the federal government could be eliminated if the power to appoint and remove the Inspector General of Police, is given to a non-partisan body, such as the Police Service Commission, and the Commissioners of Police are made responsible to the state Governors. The state governments should also be involved in the organization administration of the police. Lastly, the proviso to section 215 (4) should be expunged from the Constitution.

2.3. Local Government Elections

The provision of section 7(1) of the 1999 Constitution empowers the state government to establish a local government, to define its structure, composition and function. It therefore follows that the local government is a creation or agency of the state government[xxix]. The local government under the Constitution is not an independent third tier of government.

The intense controversy[xxx] generated by the Electoral Act over extension of tenure of elected local government officials would have caused a major constitutional crisis. All the officers of the 774 local government councils in Nigeria[xxxi] were elected in December

1998 under the Local Government (Basic Constitutional and Transitional Provisions) Decree No. 36 of 1998. The Decree provided in its section 7 a tenure of 3 years for all the elected local government officials:

- A local government council or an area council shall stand dissolved at the expiration of a period of 3 years commencing from the date of the first sitting of the council.

With the abrogation of Decree No. 36 of 1998 by the Constitution of the Federal Republic of Nigeria (Certain Consequential Repeals) Decree No. 63 of 1999 the local government councils operated under the 1999 Constitution. This is clearly provided for by section 312(2) of the Constitution which provides that;

- Any person who before the coming into force of this Constitution was elected to any elective office mentioned in this Constitution in accordance with the provisions of any law in force immediately before the coming into force of this Constitution shall be deemed to have been duly elected to that office under this Constitution.

Since the 1999 Constitution did not expressly provide for the tenure of the local government councils, the burning issue was what should be the tenure of the local government councils under the 1999 Constitution or who under the Constitution should determine their tenure? To resolve the above issue the relevant constitutional provisions will be examined.

Section 4(1) provides that the legislative powers of the Federal Republic of Nigeria shall be vested in the National Assembly which shall consist of a Senate and a House of Representatives. The section further provides that the National Assembly shall to the exclusion of the State House of Assembly make laws with respect to any matter included in the exclusive legislative list. The National Assembly shall also make laws with respect to any matter included in the concurrent legislative list.

In the same vein, the legislative powers of a state which are vested in a State House of Assembly are spelt out in section 4(7) of the Constitution. By this subsection the State House of Assembly is empowered to make laws on any matter in the concurrent legislative list and any other matter which the Constitution provides. Take note of section 4(5) of the Constitution which states that:

- If any law enacted by the House of Assembly of a State is inconsistent with any law validly made by the National Assembly, the law made by the National Assembly shall prevail and that other law shall to the extent of its inconsistency be void.

Section 7(1) provides that:

- The system of local government by democratically elected local government council is under this Constitution guaranteed; and accordingly, the government of every state shall, subject to section 8 of this Constitution, ensure their existence under a law which provides for the establishment, structure, composition, finance and functions of such councils.

Item 22 of the exclusive legislative list stipulates as follows:

- Election to the offices of President and Vice-President or Governor and Deputy Governor and any other office to which a person may be elected under this Constitution excluding election to a local government council or any office in such council.

Items 11 and 12 of the concurrent legislative list state as follows:

- 11 The National Assembly may make laws for the Federation with respect to the registration of voters and the procedures regulating elections to a local government council.
- 12 Nothing in paragraph 11 hereof shall preclude a House of Assembly from making laws with respect to election to a local government council in addition to but not inconsistent with any law made by the National Assembly.

A critical examination of the above sections shows that the Constitution did not expressly vest the regulation of the tenure of the local government councils in either the National Assembly or a State House of Assembly. But it seems that a State House of Assembly has the legislative competence to regulate the tenure of the local government council by virtue of the provision of section 7 of the Constitution which empowers it among other things to establish a local government council. The word procedure in item 11 shall not be expanded to include tenure but should be limited to the method of conducting elections and the National Assembly cannot rely on the above provisions to make a law to determine the tenure of the local government council. The Supreme Court in Attorney General Abia State v Attorney General Federation[xxxii], rightly held that the National Assembly does not have the power to extend the tenure of the elected local officials. Uwais CJN (as he then was) affirmed that; 'No law enacted by the National Assembly can validly increase or otherwise alter the tenure of elected officers as Chairmen and councilors'[xxxiii].

In the interest of peace and stability a new provision stipulating the tenure and qualifications of the elected local government officials should be introduced into the Constitution. This will also ensure uniformity in the tenure of the elected local government officials throughout the federation.

2.4. Rotational Presidency

Rotational principles are aspects of the federal principles or federal character recognised by our Constitution. In civilized political communities, they operate to guide the actions and decisions of those at the helm of affairs both in the government and in various political parties[xxxiv]. Rotational presidency was for the first time adopted in the country under the 1995 draft constitution, because of the complaints made by some ethnic groups that the office of the President has been monopolized by one section of the country for the past forty years. Hence, the committee of Constituent Assembly, which dealt with the executive recommended as follows:

- Realizing that the election of the Nation's number one citizen has been a major source of our political crisis and upheaval, and determined to fashion out a constitution that will be acceptable to the majority of Nigerians and mindful of the need to avoid concentration of power in the hands of a few or a sectional group, and the need to allay the fears in certain quarters that the position of the number one citizen of Nigeria is reserved for a particular area of the country, or that particular sections of the country cannot aspire to occupy that coveted number one seat, the conference, in its wisdom and by consensus agreed that the presidency rotate between the North and the South[xxxv].

This recommendation was never implemented because the 1995 draft constitution was promulgated into because of the death of the then head of state General Abacha. However, rotational presidency was again adopted during the making of the 1999 Constitution by the Constitution Review Committee but was dropped by the Supreme Military Council when the draft constitution was submitted to it.
In the interest of justice and equity and also to establish lasting peace and stability in the country the constitution should specifically provide for rotational presidency. In fact, the office of the president should not just rotate between the North and South but among the six geographical zones which are: South East, South West, South, North East, North West and North Central. This will take care of the interest of the minority groups. The rotational principles should also be extended to other elective offices i.e. the governorship office and the post of local government chairman.

3. Economic Framework

3.1. Combating Corruption

The factor of corruption has proved to be one of the major obstacles to the enthronement and sustenance of a genuine constitutional democracy in Nigeria. Since Nigeria attained nationhood corruption related accusations have accounted high for the various transition from democracy so far experienced. So deep-seated is this malaise called corruption that it has completely monetized our value system and eroded morality and patriotism. As Professor Nwabueze tersely observed:

- By far the most tragic consequences of corruption is its effect upon the attitudes and mentality of the people. It has created a widespread feeling of frustration, of disgust and cynicism, which has in its turn undermined enthusiasm for, and faith in, the state[xxxvi].

There is a plethora of laws designed to combat corruption in our statute books[xxxvii]. Also, in the last two decades there have been a number of special enactments to address certain economic crimes which have had devastating effects to the Nigerian economy and international image. These special enactments were also geared towards providing institutional measures to cover the full ramifications of particular crimes, plug loopholes, create stringent penalties, and provide for speedy, effective and more appropriate procedures for dealing with the crimes[xxxviii]. These special enactments were directed at such economic crimes as money laundering[xxxix].
To further improve anti-corruption strategies President Buhari forwarded two bills: Money Laundering Prevention and Prohibition Bill 2016 and The Mutual Legal Assistance in Criminal Matters Bill 2016. President Buhari's money laundering bill expands the scope of money laundering crimes and also provides legal protection for the employees of institutions and professional bodies that may uncover such illegalities. The second bill seeks to obtain more international legal assistance in criminal investigations, recovery and forfeiture in respect of laundering cases etc. The new money laundering bill when passed will repeal the Money Laundering (Prohibition) Act, 2011.[xl] Under the new bill a new agency namely; Bureau for Money Laundering Control (BMLC) will be established to tackle money laundering related cases. The question is why the new Act and agency when no fundamental flaw has been discovered with the 2011 Act.[xli] Advanced free fraud,[xlii] robbery[xliii] and bank frauds.[xliv] Apart from these enactments, the federal government has initiated a whistle-blower policy in 2016. The primary goal of this policy is to support the fight against financial crimes and corruption, by increasing exposure of financial crimes and rewarding whistle-blowers.[xlv]
The urgent need to stem the general negative impacts which corruption has exerted on our national economy inspired the Obasanjo's administration to secure the enactment of the Corrupt Practices and Other Related Offences Act, 2000. The Act has, as it were, brought the whole body of statutes dealing with corruption under one statute.
The Act provides for the punishment of corruption, fraud and allied offences as well as general offences applicable to money or property belonging to the federal, state or local government, statutory corporations wholly owned by any such government or jointly with others, as well as to all persons, both private persons and those employed in any capacity in the services of any such government organization.[xlvi] Section 3(4) of the Act provides for the establishment of a Commission to be known as the Independent Corrupt Practices and Other Related Offences Commission (ICPC), which is under section 6 charged with the responsibility of receiving and investigating allegations of or complaints against any person including public officers and also with power to prosecute offences.[xlvii]
There are two remarkable innovations introduced under the Act. The first relates to the discarding of the unnecessary dichotomy between the private and public sectors as maintained under the Criminal Code. This is achieved by the use of the words 'any person' in section 9(1) of the Act as against the use of words 'any public official' in section 98(1) of the Criminal Code. The second relates to the provision for an independent counsel in section 52 of the Act, to investigate allegations of corruption against the President, Vice President, or any state Governor or Deputy Governor. It is important to mention that the investigatory powers of the independent counsel do not in any way impugn the immunity conferred on these public officers by section 308 of the 1999 Constitution, which immunes these officers from civil and criminal proceedings. Thus, even if the independent counsel's report indicts any of the mentioned public officers, the affected officer cannot be prosecuted by the former. At best, such an indictment may constitute a ground for the removal of the public officer by the National Assembly or relevant State House of Assembly.[xlviii]
However, it is disheartening that in spite of the potency of the Act as a formidable legal instrument for combating corruption in Nigeria, the general lack of political will power has castrated the Act and rendered it a mere paper tiger. Thus notwithstanding the innumerable incidents of corruption chronicled in press daily, the ICPC is still searching for work to do.
We must hasten to add that if the Act is to yield expected dividends by reducing or eradicating corruption then the rules of evidence as they relate to the burden of proof and the right of an accused to be silent in any proceedings relating to corruption must be dispensed with. Our adversarial system of criminal justice makes it imperative that the burden of proof of the guilt of the accused person beyond reasonable doubt is on the prosecution[xlix] and that the accused person has a right to remain silent.[l] Unarguably, acts of corruption are in most cases carried out on a quid pro quo basis thereby making it difficult to establish the guilt of the accused person. Besides, these

rules of evidence create the negative impression that while the accused deserves to be protected, the victims, who are in this case Nigerians, deserve no protection.[li]

Corruption is a serious problem for Nigeria, it therefore deserves a serious solution. To this end, it is suggested that a provision similar to the provisions of section 69(3) of the Recovery of Public Property (Special Military Tribunals) Decree, be inserted into the Act. The section provides:

- The onus of providing at any trial that there was no enrichment contrary to the provision of section 1 of the Decree shall lie upon the public officer or the person concerned.

The insertion of such a provision in the Act will ensure that our public officers who have devised highly ingenious avenues of corrupt enrichment, will scarcely evade conviction. Although there is need to support the Act, the intendment of the Act to apply to all categories of public officers, i.e. at the federal, state and local government levels[lii]is likely to pose constitutional problems. Professor Nwabueze has argued that the Act is subversive of the principles of federalism enshrined in the 1999 Constitution because it impinges on the principle of autonomy which is a fundamental feature of federalism.[liii] The reason is that it legislates on offences which are residual in nature and therefore fall more appropriately within the legislative competence of the State House of Assembly. Also, the Act being a federal enactment subjects' official of state and local governments to the powers of the Commission. But on the contrary it would seem that going by the doctrine of covering the field there is a limitation on the powers of the states, especially where concurrent power is shared between the National and State Assemblies in respect of matters in the legislative list.[liv]

Furthermore, it is perhaps in acknowledgement of the monumental decay which corruption has plunged the country into and its devastating effects on the corporate existence of the country, that every Nigerian Constitution since 1979 had deemed it necessary to provide a framework to combat corruption. In that vein, the 1999 Constitution mandates every public officer to conform to a Code of Conduct scheduled to the Constitution. The Code of Conduct stipulates that a public officer must make a written declaration of all his properties, assets and liabilities and those of his unmarried children under the age of eighteen years within three months after the Code of Conduct or immediately after taking office and thereafter, at the end of every four years, and at the end of his term of office.[lv]

The declaration is to be submitted to the Code of Conduct Bureau,[lvi] which body is to examine the declarations to ensure that they comply with laid down requirements and to receive complains about non-compliance with or breach of the Code, and in the case of contravention of any of the provisions of the Code refer the matter to the Code of Conduct Tribunal.[lvii] The Constitution also provides that any property or assets acquired by a public officer after a declaration and which is not fairly attributable to income, gift, or loan approved by the Code is deemed to have been acquired in breach of the Code unless the contrary is proved.[lviii]

Undoubtedly, the Code of Conduct scheme, with its reliance on assets declaration has been ineffective.[lix] There is a lot of bureaucracy in the verification of declared assets and most political of holders now resort to exaggerated declarations so as to legitimize anticipated loot by the end of their tenures. It is important to remark that Nigerians are interested in both the political and financial accountability of their leaders. One therefore wonders why asset declaration should not be public, in the sense that any Nigerian citizen can as a matter of right request and obtain a copy of the assets declared by a public officer. In this way, the watchdog functions of Nigerian citizens and the press will be made easier.

We must observe, however, that legal and institutional mechanisms for combating corruption, alone, cannot drastically reduce or eradicate corruption. The socio-economic indices which makes it thrive must equally be addressed. There is no gainsaying the fact that the misery index of Nigerians is on the increase, there is high job insecurity, many Nigerians live in houses unsuitable for modern day poultry, the take home pay of many workers cannot really take them home, irregular payment of salaries have led many public servants to anticipate their income etc. Though it may be of sociological interest, we believe that if these socio-economic factors are taken care of the incidents of corruption would greatly diminish.

3.2. Privatization and Commercialization

Privatization and commercialization are some of the strategies for achieving economic democratization. By economic democratization we mean a process of qualitative as well as and quantitative resources management within the framework of a mixed economy which possess in-built and autonomous mechanism for equity and empowerment and in which access to the system is open, free and equal.[lx]

The indigenization policy of the government in the 1970s and the oil boom of that era provided the needed impetus for government to take over the 'commanding heights of the economy' by intervening in the management and ownership of enterprises. Unfortunately, these enterprises have proved to be largely inefficient and unprofitable. This remains a national paradox, especially when it is observed that the average Nigerian records high productivity and efficiency in his private business than in public enterprise. These problems have been attributed to excessive and undue government interference in the management and operations of these enterprises, serious misallocation of resources, absence of, or inadequate motivation, corruption and fraudulent practices.[lxi]

It is for these reasons that the federal government embarked on the privatization and commercialization of public enterprises, with a view to achieving 'stability of the economy, the provision of opportunities to citizens to become co-owners of national enterprises, the reduction of the patronage culture, and the discouragement of the tendency to view public office as a means to amass wealth'.[lxii] Thus in 1988, the Privatization and Commercialization Act[lxiii] was enacted. By privatization the federal government aims at relinquishing all or part of its equity and other interest or those of its agencies whether wholly or partly owned. By commercialization the federal government seeks to re-organize enterprises wholly or partly owned by it in such a way that the commercialized enterprises shall operate as profit making commercial ventures and without subventions from government.[lxiv]

It is noteworthy that the Privatization and Commercialization Act 1988 was repealed by the Bureau of Public Enterprises Decree of 1993,[lxv] which in turn was repealed by the Public Enterprises (Privatization and Commercialization) Decree of 1999.[lxvi] The 1999 law has since been repealed and replaced with Privatization and Commercialization of Public Enterprises Act, 2003. However, the major

goals of the 2003 Act remain the same as under the 1988 Act. Under the 2003 Act there two schedules of enterprises listed for privatization and commercialization. Enterprises listed in Part I of the First Schedule are those to be partially privatized while those in Part II are to be fully privatized.[lxvii] Also, enterprises listed in Part I of the Second Schedule are to be partially commercialized while those in Part II are to be fully commercialized.[lxviii]

Nevertheless, it is submitted that in pursuing the privatization and commercialization policies the provisions of section 16 (1)(b) and (2)(c) of the 1999 Constitution which fall under Chapter II on fundamental objectives and directive principles of state policy, should serve as guiding beacons. They provide:

> 16(1) The state shall, within the context of the ideals and objectives for which provisions are made in this Constitution –
> (a) …
> (b) control the national economy in such manner as to secure the maximum welfare, freedom and happiness of every citizen on the basis of social justice and equality of status and opportunity.
> (2) The state shall direct its policy towards ensuring –
> (a) …
> (b) …
> (c) that the economic system is not operated in such a manner as to permit the concentration of wealth or the means of production and exchange in the hands of few individuals or of a group.

With the benefit of hindsight, it will be recalled that the indigenization policy of 1970s was by sheer laxity on the part of policy makers shunted unto the equitable concentration of wealth in the hands of a few Nigerians. For now, the downward trend of the economy which has financially strangulated majority of Nigerians and placed them at the level of subsistence living coupled with the high lending rates of our financial institutions make it almost impossible for the average Nigerian to participate meaningfully in the current privatization exercise. What may emerge at the end of the current privatization exercise if caution is not applied, are pockets of local imperialists masquerading as the Nigerian public.

So, if history must not repeat itself, the federal, state and local government must empower their workers by, for instance, giving them salary advances or loans to purchase shares in the privatized enterprises. After all, one of the goals of privatization is to democratize the economy by making Nigerians equal stake-holders in their national economy.

3.3. Resource Control

Before delving into the main issues, it is paramount to enter an important preliminary caveat. The principles of derivation and resource control are conceptually different. Basically, the principle of derivation is a constitutionally guaranteed principle which provides a compensatory framework for the expropriation of natural resources located within a beneficial region or state within the country. This explains why the 1999 Constitution in section 162(2) provides that not less than 13 per cent of the revenue accruing to the Federation Account directly from any natural resource located in a state, should be paid to the state.[lxix] On the other hand, the quest for resource control can at best be described as a political agitation for the recognition and conferment of the exclusive right to the ownership and control of natural resources within a state. Thus, at the moment it has no constitutional backing.

The heat generated by the agitations for resources control is on. Admittedly, the agitations seem to be the product of prolonged bottled-up emotions following the many years in which the Niger- Delta area has been laid waste by environmentally harmful oil exploration activities and the attendant utter neglect, poverty and misery of the peoples of that area. It is sad commentary that an area from which the nation derives most of its wealth should almost be rendered desolate and their rights muzzled for no justifiable reason. As a commentator despondently observed:

- The Niger-Delta of Nigeria, one of the world's top oil producers has been the center of violent despair for years. A swampy patch of land laced with tributaries, it yields almost all of Nigeria's million barrels a day of crude oil bill, because of the country's complicated history of ethnic politics delta residents have remained stunning and desperately poor… fearful Nigeria will one day break up.[lxx]

Therefore, for the Niger-Delta, the struggles for resource control is the psychological equivalent of the war for decolonization of the mind and territories demystification of the senses, liberation of the intellect and emancipation of total humanity of the natives of ethnic nationalities of the coastal states from the manacles of indigenous colonialism.[lxxi]

The establishment of the Oil Mineral Producing Areas Development Commission (OMPADEC)[lxxii] was the first indication that the debilitating conditions of the coastal states had started pricking national conscience. Yet the OMPADEC option was a scratch of a thick surface of injustice. Thus, the clamor for resource control has continued unabated. The situation is ventilated by the corruptiveness and flatulence displayed by the Nigerian leadership.

The protagonists of resource control anchor their argument on the ground that the demand accords with the spirit and tenets of true federalism as is obtained in other countries with federalist arrangement. They believe that there cannot be true political federalism without fiscal federalism. Consequently, the various Houses of Assembly of the Niger-Delta states passed motions calling for the amendment or repeal of certain expropriatory provisions of the Constitution and other enactments.[lxxiii]

Expectedly, the potency of these arrangements has been berated by some elite from the Northern part of the country. They contend that if the oil producing states are allowed to control such a huge chunk of the nation's resources, the country would become a union of 'haves and have nots', which will elicit negative socio-economic and political consequences. Also, they assert that the demand for resource control is myopic and anti-federalism.[lxxiv] They were quick to remind resource control advocates that revenue generated from

tin, groundnuts, cocoa, hide and skin, etc., was at one time one of the resource bases of the nation, and that parts of the North have also suffered environmental and ecological degradation.[lxxv]

It was not, therefore, by coincidence that soon after President Obasanjo's administration established the Niger-Delta Development Commission (NDDC) to assuage the feelings of the peoples of the Niger-Delta, the Northern states sponsored a bill in the National Assembly captioned Hydro-Electric Power Producing Area Development Commission (HYEPPADEC) Bill and was passed into law in 2010[lxxvi]. The Act established the Hydro-Electric Power Producing Areas Development Commission to take care of displaced communities in the Northern states arising from generating activities from Kainji, Shiroro and Jebba power stations.

Be that as it may, it must be stated without equivocation that the struggle for resource control is a justifiable cause, but it must be admitted at the same time that it has to crystallize over time through negotiated settlement. Indeed, what appears to be a possible way out, is the amendment of section 162(2) of the 1999 Constitution by increasing the distributable revenue based on the principle of derivation from thirteen per cent to thirty per cent. This will go a long way in taking care of the developmental needs of the Niger-Delta area.

4 Social Frameworks

4.1. Religious Neutrality of the State

From the colonial era until 1960 the Alkali courts administered the sharia in criminal matters subject to the changes introduced by the British government.[lxxvii] Though the sharia criminal was written in the Koran, Hadith books etc., the punishment for some of the offences were not prescribed. The Alkalis had to use their discretion and this led to miscarriage of justice by some Alkalis. It therefore became imperative to codify the sharia criminal law.

In 1958, the Northern Nigeria Regional Government appointed a panel of international jurists headed by the Chief Justice of Sudan to recommend a code. A draft bill of code based on the penal code of India, Pakistan, Malaysia, Indonesia and Sudan was submitted to a group of Nigerian sharia jurists. After scrutinizing and vetting the draft bill they agreed that it conformed to the tenets and injunctions of sharia. Thereafter, the Northern Region House of Assembly passed it into law with effect from 1st October, 1960 and this gave birth to the Pena Code. The Penal Code since 1960 has been applicable to Muslims throughout the Northern part of the country until Zamfara state government 27th of October, 1999 followed by some other Northern states adopted the pure sharia legal system.

Most of the ethno-religious conflicts since the inception of this republic are associated with the introduction of the sharia legal system in some states of the federation, particularly the Northern states. The adoption of sharia in these states was made possible by the inconsistencies in our Constitution. For instance, the 1999 Constitution in its section 10 forbids the adoption of a state religion by the adoption of state religion by the federal government or state government. It enshrines the right to freedom of religion in section 38. It specifically provides in section 275(1) for the establishment of sharia Court of Appeal for any state that requires it. Finally, section 277(1) provides that the Sharia Court of Appeal of a state shall, in addition to such other jurisdiction as may be conferred upon it by the law of the state exercise such appellate and supervisory jurisdiction in civil proceeding involving questions of Islamic personal law which the court is competent to decide in accordance with the provision of subsection (2) of this section. Zamfara state, the first state to adopt sharia legal system, relied on the provision of section 277(1) and extended the jurisdiction of the Sharia Court of Appeal to cover criminal matters.

The adoption and implementation of the sharia legal system not only affronts the fundamental rights provisions, such as the right to dignity of the human person and freedom of religion, it also violates section 10 of the Constitution which deals religious neutrality.[lxxviii] The basic question that calls for answer is whether the adoption of the sharia legal system is constitutional? The answer is No. The supremacy clause in section 1 of the Constitution prevents it from being constitutional because the sharia legal system contravenes many sections of the Constitution. Section 1 provides that:

> (1) This Constitution is supreme and its provisions shall have binding force on all authorities and persons throughout the Federal Republic of Nigeria.
> (2) …..
> (3) If any law is inconsistent with the provisions of this Constitution, this Constitution shall prevail and that other law shall, to the extent of the inconsistency be void.

The ethno-religious conflicts generated by the adoption of Sharia threatens harmonious co-existence of various religious groups in the country and jeopardizes the unity of Nigeria. The ethnic groups should therefore dispassionately address this religious issue which has polarized the country into two i.e. sharia states and non-sharia states,[lxxix] in the interest of peace and lasting stability. Thereafter, the Constitution should have definite and clear provisions on religious matters.

4.2. Behaviour of the Political Elite

The behaviour of the political elite is crucial to the stability of any political system. The elite factor is, therefore, one which cannot be underplayed in any analysis of the framework for the corporate existence of Nigeria. As a country with a multi-ethnic, multi-lingual and deep-seated religious cleavages there is need for cohesive political culture among our political elite. However, except during the nationalist struggles when a common enemy – British imperialists – had to be dealt with, the Nigerian political elite have demonstrated fragmented political behaviour which shockingly suggests a preparedness to commit a political class suicide. This has resulted in the various transitions to and from constitutional democracy.

In his influential work[lxxx]on the relationship between elite behaviour and political instability, Arend Lijpart, maintains that the level of political stability in a plural society depends on the degree of unity, accommodation and co-operation existing among the political

elite. For Lijpart, there must be the readiness and commitment on the part of the elite to the continued existence and unity of the country. These strands of thought refer to what Lijpart calls 'consociational democracy'. With reference to Dutch politics, Lijpart asserts that:

- There must be a minimum agreement on fundamentals. Dutch national consensus is weak and narrow, but it does contain the crucial component of a widely shared attitude that the existing system ought to be maintained and not be allowed to disintegrate.[lxxxi]

In the same vein, another protagonist of the consociational model Joseph La Palombara insists that:

- …political stability is fundamentally brought about by political elite and the political culture that characterizes them. Where they view as an all-or-nothing phenomenon, they are likely to turn rigid about concessions, and even more rigid about accepting new demands for elite status. Where their level of partisanship remains high they are less likely to learn to compromise. Where political leaders remain highly isolated from each other, it will be difficult and perhaps impossible to accept political opposition as legitimate.[lxxxii]

In words and deeds most sectional or bloc elite in Nigeria have not demonstrated a willingness to maintain the unity of the country. They often fan micro-ethnic and religious issues out of proportions. The highly inflammatory remarks made by these elite in respect of national issues that call for dispassionate analysis and moderation are self-evident. Indeed, among the Nigerian political elite it has become an irreversible equation that appeals to ethnic and religious sentiments are more rewarding with regard to capturing or maintaining political power than universalistic appeals to merit and reason.

The emergence of pan cultural political organizations such as Afenifere, Ohaneze Ndi Igbo, Arewa Consultative Forum, etc., has reinforced centrifugal democracy. This trend possesses serious negative socio-political consequences.[lxxxiii]Thus, it will create social and political hard lines which will hinder individual and group crosscutting, which is so essential for the politics of accommodation. The dismantling of these organizations is therefore, of immediate importance.

5. Conclusion

The 1999 Constitution which provides the legal framework for the authoritative allocation of values and powers for the corporate existence of Nigeria is weak. To the extent that it claims in its preamble the collective authorship of the Nigerian people, it is undoubtedly a false document. It, therefore, cannot secure the respect of the Nigerian people or produce in them an ethic or democratic behaviour which is essential for the survival of constitutional democracy.

The political, social and economic fabrics of the Nigerian polity have been stretch to a breaking point by micro-ethnic manipulations, religious bigotry, corruption, ineptitude of the political class, excessive political bickering, fear of domination, general lawlessness and lack of respect for human rights and welfare. These national paradoxes hint at the imperativeness of a national conference renegotiate and reassess the bases of Nigeria's corporate existence. What is perhaps oblivious in the minds of many is that any constitutional document is as important as the process of its incarnation. The process of the birth of a constitution determines its respectability and the inviolability with which it is held.

Although danger ominously looms in the horizon, it is hoped that with a proper legal framework, institutional devices and drastic socio-economic reordering the corporate existence of Nigeria will be maintained and strengthened.

6. References

i. Ezera, K. (1960)Constitutional Development in Nigeria. London: Cambridge University Press, p. 12
ii. See 1914, 1922, 1946, 1951 and 1954 Constitutions.
iii. See these 2 Decrees: The Constitution of the Federal Republic of Nigeria (Enactment) Decree No.25 of 1978; and Constitution of the Federal Republic of Nigeria (Promulgation) Decree No. 24 of 1999 which gave the force of law to the 1979 and 1999 Constitutions.
iv. Nwabueze, B.O. (1982) The Presidential Constitution of Nigeria. London: Hurst & Co., p.7.
v. From 1960 – 1966 Nigerians experienced some political crisis in the country i.e. (a) the problem of tribalism (b) the power tussle between two rival political factions within the Action Group. This led to the declaration of a state of emergency in the Western Region. (c) The controversial population census exercise in 1962 which was widely criticized as rigged.
vi. Achike, O. (1980)Groundwork of Military Law and Military Rule in Nigeria. Enugu: Fourth Dimension Publishers, p.93. The declaration of the Republic of Biafra has continued in 2014 the leader of Biafra Zionist Federation was arrested midway into his live broadcast to declare the Biafra Independence and detained for three years. Even after his was released from prison on February 2017 he went ahead to declare that Biafra will become independent on March 15, 2017. See Biafra leader to declare independence for Igbo people on March 15 available at https://www.naij.com> [29/8/17]
vii. See s.14, The Constitution of the Federal Republic of Nigeria, 1999.
viii. See Adopted Report of the National Conference 2014 (1) p.22 available at thewillnigeria.com>Home>Headline [29/8/17]
ix. Ibid
x. Ibid
xi. Ibid
xii. 2014 National Conference, Nigeria; available at https://en.m.wikipedia.org>wiki>2014 [29/8/17]
xiii. Ibid note 8.
xiv. Speech by B.O.Nwabueze, at a meeting of delegates from the 6 Geo-Political Zones held in Abuja, 29 – 30 May 2001.
xv. Wheare, K.C. (1963) Federal Government. London: Oxford University Press, p.10

xvi. Carnell, F.G. 'Political Implications of Federalism in New States. In U.K. kicks et al (eds.) Federalism and Economic Growth in Under-developed Countries. New York: George Allen & Unwin Ltd., 1961 pp. 53 – 55.
xvii. The Ad Hoc Conference on the Nigerian Constitution (Nigerian) Crisis Series vol. 4 1966 The Government Printer Enugu, p.2.
xviii. Ibid, p. 23.
xix. Nwabueze, B.O. (1983)Federalism in Nigeria under the Presidential Constitution. London: Sweet & Maxwell, p.354.
xx. The Constitution of the Federal Republic of Nigeria, 1999, s.214 (1).
xxi. Proceedings of the Constituent Assembly, vol. 1 1979, Federal Ministry of Information Printing Division, Lagos, p. 115.
xxii. Tamuno, T.N. (1970)The Police in Modern Nigeria. Ibadan: University Press, p. 184.
xxiii. Sunday Times, Lagos, October 18, 1981, p. 17.
xxiv. Ibid, s.215(1) note 20
xxv. Ibid, s.215(3)
xxvi. Ibid, s.215(4)
xxvii. It was reported that the Sagamu crisis in 1999 would not have escalated but for this proviso.
xxviii. Joye, M.E. &Igweike, K. (1982) Introduction to the 1979 Constitution. London: The Macmillan Press Ltd., p.82.
xxix. The Guardian, April 18, 2002.
xxx. See A.G. Abia State v A.G. Federation (2002) 6 NWLR (Pt. 763) 264.
xxxi. See ibid, s.3(6)
xxxii. Id., note 30
xxxiii. Id, at p.278 note 30
xxxiv. Ewelukwa, D.I.O. A Critical Review of the 1995 Draft Constitution; Being a paper presented at the workshop on the Draft Constitution held in Enugu on the 19th – 20th September, 1995.
xxxv. Report of the Constitutional Conference 1995, vol. II p.68.
xxxvi. Nwabueze, B.O. (1985)Nigeria's Presidential Constitution 1979 – 83: The Second Experiment in Constitutional Democracy. London: Longman, p. 326.
xxxvii. See Chapter XII, Criminal Code, Cap C39 LFN; The Penal Code C53 LFN 2004, Corrupt Practices Act, 2003.
xxxviii. Okonkwo, C.O. Legal and Institutional Mechanisms Against Corruption in Nigeria; Being paper presented at the National Conference on Problems of Corruption in Nigeria, held in Abuja on 16-20 March 2001.
xxxix. Money Laundering Act 1995, replaced by Money Laundering (Prohibition) Act 2011 amended in 2012. Under this Act the Economic & Financial Crimes Commission (EFCC) is the coordinating enforcement agency.
xl. See New Money Laundering Bill: 7 years prison term without option of fine… available at www.vanguardngr.com>News[3/9/17].
xli. EFCC Advises against Passage of Money Laundering Bill, 2016/This Day Live available at https://www.thisdaylive.com>Politics[4/9/17]
xlii. Advance Fee Fraud & Other Related Offences Act (No.13) of 1995 amended by Advanced Fee Fraud & Other Fraud Related Offences (Amendment) Act, 2005. These two Acts were subsequently repealed by the Advance Fee Fraud & Other Fraud Related Offences Act, 2006.
xliii. Robbery & Firearms (Special Provisions) Act, Cap. 398 LFN 1990; Act Cap. R11 LFN 2004.
xliv. Failed Banks (Recovery of Debts) and Financial Malpractices in Banks Act (No. 18) of 1994 (as amended).
xlv. See Nigeria's whistle-blower policy – Punch, available at punch.ng.com>nigeria'swhistle-blowerpolicy (accessed on 29/8/17).
xlvi. See generally ss.8-26 of the Act.
xlvii. For other powers of the ICPC see ss.27-43 of the Act.
xlviii. See ss. 143 & 188 of the 1999 Constitution.
xlix. S.139 (1) Evidence Act, 2011
l. S. 36(11) of the 1999 Constitution.
li. Osipitan, T. & Oyelowo, O. (1999) Legal and Institutional Framework for combating Corruption in Nigeria. In E.O. Akanki (ed.) University of Lagos Readings in Law. Lagos: Lagos University Press, p.268.
lii. See the definition of 'Public Officers' in s.2 of the Act.
liii. NDDC, Anti-Corruption Act and their Subversion of our federal System, The Guardian, Tuesday, August 1, 2000.
liv. Ogwugwua, A. (2000, September 15) 'Anti-Corruption Act: Application on States and Council Officers', The Comet, 32-35.
lv. See generally Part I of the Fifth Schedule, 1999 Constitution.
lvi. Ibid, para. 11.
lvii. Ibid, para. 18.
lviii. Ibid, para. 11(3).
lix. Id. at p. 272 note 51.
lx. Obansanjo, O.& Mabogunje, A. (1991) Elements of Development. Abeokuta: L.F. Publication, p.134.
lxi. Akande, R. (1988) A Critique of the Privatization and Commercialization Decree. Ado Readings in Law vol. 1 115 at 117 – 118.
lxii. Id at p.133, note 60.

lxiii. Cap 369 L.F.N. 1990.
lxiv. Ibid, s.14.
lxv. Decree No. 78 of 1993.
lxvi. Decree No. 28 of 1999.
lxvii. Privatization & Commercialization of Public Enterprises Act 2003, s.1(1) & (2)
lxviii. Ibid, s. 2(1) & (2)
lxix. In A.G. Federation v A.G. Abia & 35 Ors (2002) 6 NWLR (Pt.762) 542, the issue for determination is the seaward boundaries of a littoral state within Nigeria for the purpose of calculating the amount accruing to the Federation Account directly from the natural resources derived from the state pursuant to s.162(2) of the 1999 Constitution.
lxx. New York Times, August 11, 2002.
lxxi. The Genesis of Resource Control, The Vanguard, April 5, 2001.
lxxii. OMPADEC was established by Decree No. 23 of 1992.
lxxiii. Ss. 44(3) & 315(5) (d), 1999 Constitution; Petroleum Act Cap. P10 L.F.N. 2004; Land Use Act, Cap. L15 L.F.N. 2004; s. 19 of Urban & Regional Planning Act, No. 88 of 1992.
lxxiv. Alhaji Sani Yerima, former Governor of Zamfara State in a communique issued at the end of the Conference of 19 Northern Governors held at Hassan Kastina House, Kaduna on 19th April, 2001.
lxxv. Ibid
lxxvi. The Hydro-Electric Power Producing Areas Development Commission (Establishment, Etc.) Act No. 7, 2010. This Act was amended in 2013 to among other things expand the membership of the representations of the communities affected by the activities of hydro-electric power producers. See Hydro-Electric Power Producing Areas Development Commission (Amendment) Act, 2013.
lxxvii. M. Bello, Sharia and the Constitution; Being a keynote address at the National Conference on Sharia in Kaduna held on 1-12 February, 2000.
lxxviii. Id. at p.7 note 36.
lxxix. Ewelukwa, D.I.O. Federation, Concentration and Decentralization of Powers, being paper presented on the review of the 1999 Constitution held at Enugu on 18th January, 2001.
lxxx. A. Lijpart, A. (1968)The Politics of Accommodation: Pluralism and Democracy in the Netherlands. Los Angeles: University of California Press, p.95
lxxxi. Ibid p. 105.
lxxxii. La Palombara, J. (1974)Politics within Nations. Englewood Cliffs: Prentice Hall, Inc. pp. 504-505.
lxxxiii. This is seen in recent happenings where the Arewa Youths Consultative Forum gave an ultimatum in July 6, 2017 to all extracts from the South-East zone to leave the Northern part of the country before October 1, 2017 or face the consequences. However, the forum suspended the quit notice on August, 24 2017 in the interest of peace and unity. See Arewa Youths to review quit notice Ultimate. Channels Television available at https://www.channeltv.com>2017/07/24[29/8/17]