

# Methodological and Structural Problems for Sovereign National Conference in Nigeria

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## Abstract

For more than two decades, the Nigerian political space has been preoccupied with the clamour for sovereign national conference (SNC), yet previous attempts (either officially or unofficially) at organising the conference has been fraught with legitimacy crisis, problem of reliability, and validity of its findings/recommendations, that always ends in controversial circumstances. These however represent methodological and structural shortcomings that often frustrate the ambitions of the proponents of SNC. This paper fleshes out the methodological and structural problems bedeviling the convocation of SNC by looking through the problematic nature of Nigerian state, various arguments for and against SNC, and history of previous national conferences. It is argued that holding SNC under ideal and normal circumstances is not realistic, given the plethora of conflicting interests among actors, interest groups and political gladiators, ethnic nationalities and the political/ruling class couple along with legal problems, structural bottlenecks and the methodological problem in the choice of delegates, ownership of the conference, national questions, and the definitional and conceptual articulation of issues to be debated. The paper concludes that Nigerians should look beyond the narrow lens and rhetoric behind SNC, as such clamour will further negate the fragility and stability of the country, and instead, Nigerians should agitate and fight for system change that will usher radical alterations in the existing socio-economic and political structure of the state, and rescue the country from the whims and caprices of backward ruling class, greedy and selfish politicians, and those interest groups who either resort to the politics of ethnicity and religion to divide Nigerians whenever their interest in intra-class conflicts is at stake or who employ the rhetoric of SNC to divert the attention of Nigerians from the everyday problems caused by the misrule and mismanagement of national resources and economy by the Nigerian political leadership.

**Keywords:** Sovereign national conference, methodology, state structure, Nigeria.

## 1. Introduction

At no time in Nigerian history has the agitations and clamor for the convocation of Sovereign National Conference<sup>2</sup> became more intense and profound than in the year 2012 when the spate of Boko Haram's

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<sup>2</sup>A national conference is different from sovereign national conference because the latter is prone to government interference in the choice of delegates, issues to be discussed, funding of the conference, and outcome and recommendations of the conference. While sovereign national conference possesses sovereignty over internal and external influences and free from government control. Sovereignty here thus connotes supreme political and legal authority. Therefore, national conference is considered sovereign because it enjoys absolute authority and supreme order in a state (Fassassi2005: 8) and authoritative decisions emanating from it outcome represents a supreme political order that is not subject to any authority. As KunleAjayi (2006: 124) noted that 'a sovereign national conference has sovereign powers in its deliberations. It sets its own agenda and has the authority to take any decisions on the issues before it. Government manipulations in the conference's decisions are limited, because the delegates of such conference are not nominated by government but in most cases by the varied interest groups of the civil society. The interest groups may include representatives of ethnic groups, political parties and associations, labour, students,

campaign of terror, bombing, kidnapping reached an alarming proportion. The resultant effects has been gruesome killing of Nigerians—minority groups, Muslims and non-Muslims, poor and destitute, sect's religious opponents and high profile political office holders in accidental and discriminatory fashion. The campaign of terror altered the fragile nature of tranquility implicit in the Nigerian federation, and sharpened the ethno-religion and sectarian divide, political blame-game and bigotry among the ruling class and elite, that eventually gave certain groups or section of the country to call for SNC in the interest of peaceful co-existence. Though, such call is not new in national discourse, but it was brushed raw by the division among the ruling class about the economic and political situation, the divisive politics of President Good luck Jonathan, unresolved national question, structural imbalance and the grievances of minority groups about the distribution of national wealth and political positions.

Nevertheless, these are the reflections of the changing nature of fundamental crisis of statehood that were laid at the colonial foundation of Nigeria, and reshaped by the post-colonial failures of leadership, and backward form of neo-colonial capitalism being practiced, which together are the critical factors influencing the call for national conference by different ethnic nationalities. Despite the concerted effort at organising national conferences in the past—1995, 1998 and 2005, the conferences ended up in controversial circumstances, given the problems of representations, conflict of interest among different actors and groups, and unwillingness of the Nigerian state to implement key recommendations. The combination of these factors suggest that methodological problem of choosing representations and the structural bottleneck created by the state acted as the springboard upon which the failures of these conferences fester. The salient issues of methodology and state structure are crucial to the discursive nature of SNC, which has either been oversimplified by the lay public, escape social scientific scrutiny or is an issue that social scientists have not critically delved into. This paper argues that social scientifically, SNC and its convocation is fraught with methodological and structural problems: the method to be used to draw participants at the conference; the complex nature of actors and interest involved; the failure to correctly contextualize the problems that require SNC intervention, and the lack of conceptual frame to situate these problems within the context of social scientific reality, role of the state institutions during and after the conference. Understanding the nature of these problems is necessary in order to lay bare obstacles militating against organising such a national conference in a multi-cultural society like Nigeria.

This paper is organised into five sections. The first section will be devoted to mapping out the problematic nature of Nigerian state. Arguments for and against the convocation of SNC will be espoused in section two below. Section three and four are devoted to unravelling the history of national conferences in Nigeria, and the methodological and structural problems facing SNC convocation. The paper concludes in section five.

## **2. The Problematic Nature of Nigerian State**

Nigeria as a state was created and fashioned after the ambition of British imperialists through colonial rule. Prior to the colonial rule, different ethnic groups and societies that make up today's Nigeria, lived in clans and empires. In the north, there exist Islamic Sokoto caliphates (of Borgu, Sokoto, Kano and Kanuri); while in the West, East and South exist in different empires and communities. The European colonists met centralised state system (traditional) in some places in the North, West and part of the old Eastern region, where political authority revolved around kings and chiefs while in part of the east, there was no centralised state system . The existence of tradition state structure in these societies stems from the existence of social classes. In this regard, certain individuals or groups who have accumulated huge economic surpluses became more dominant and were made kings and chiefs in these societies. Over time, they established traditional

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farmers, women and religious groups, and even that of government. The electorate can also elect the delegates. Such conference is commonly referred to as sovereign national conference (SNC). The SNC and its decisions are superior to the executive and the legislature because of its sovereign status. The outcome of an SNC may herald a new political order, and sweep away all vestiges of the existing system<sup>7</sup>.

state system to collect more taxes and tributes, and subject people to their control. The dominant (ruling) class used the apparatus and instrument of the state to hold the oppressive class into subjection and control. The traditional state structure that was prevalent in Sokoto caliphate in the north, Oyo and Benin empires in the west and some part of kingdoms in the east and south existed because there was an oppressive class to be held by the dominant class under tutelage (Ogunrotifa 2013: 36).

Through conquest and forceful invasion, the British state imposed colonial rule and ensured that different caliphates and kingdoms in North and middle belt were structured under a singular protectorate (Northern protectorate) for administrative convenience, while different empires and kingdoms that initially comprises Lagos colony and Niger coast protectorate in the south were merged under a single administrative unit known as southern protectorate. The amalgamation of Northern and Southern Protectorates in 1914 into what is today known as ‘‘Nigeria’’ marked the creation of Nigerian state under colonial tutelage. In a bid to consolidate its economic grip on the amalgamated state, the colonial power introduced the policy of divide and rule. The colonists deliberately gave certain privileges to some tribes at the expense of others. Divide and Rule (tribal divisions) were encouraged and intensified by the most Christian European rulers—the British were especially skilful at this game.

In Nigeria, the politics of divide and rule was first noticed when Lord Lugard and other colonial officials attempted to remove Nigeria’s capital from Lagos to Zungeru or Kaduna because he felt the northerners are traditionally submissive (to their local leaders) and in total cooperation with the colonial rulership. When the decision failed, ‘colonial state pursued its cardinal agenda of divide-and-rule policies that entrenched systems of ethnic segmentation and polarization. These included the ‘Warrior tribe’ policy of recruitment into the army and the police, the exclusion of Christians and southerners from the core north and their restriction to strangers’ quarters, and the privileges accorded leaders of the major groups in the regions, all of which bequeathed a fatal legacy’ (Osaghea 2011:17). The most condescending aspect of British colonial policy of divide-and-rule was discouragement of any official political contact between north and south until 1947, when politicians from the two regions sat together for the first time in the central legislative council. Using religion and ethnicity as part of the politics of divide- and –rule, was the dynamite that the colonist laid in the foundation of Nigerian state during colonial era.

Trailing behind this is the colonial policy of uneven development. Certain part of the colonial state was favoured in terms of industrialisation and economic development than other, and this led to the concentration of industries and infrastructural facilities in Lagos, Enugu and Kaduna while other were neglected. Third, the colonial power was perceived to have given Northern Nigeria undue political leverage and advantage over Southern Nigeria. It was reported that before 1954, there were 162 seats in the Federal House of Representatives distributed as follows: Northern Region (79 seats) and Southern Region (83 seats). But by 1954 when Oliver Lyttleton became the Governor General of Nigeria, he arbitrarily re-allocated Federal House of Representatives’ seats as follows in lieu of November 11, 1954 elections: Northern Region (92 seats), Eastern Region (42 seats), Western Region (42 seats), Southern Cameroon (6 seats) and Lagos (2 seats). This ignoble exercise was repeated in the months leading to the December 12, 1959 elections preparatory to Independence. The seats in the Federal House of Representatives were increased to 320, again without any Census, and allotted by the Colonial Government as follows: Northern Region (174 seats or 54.48%), Eastern Region (73 seats or 22.81%), Western Region (62 seats or 19.94%), Lagos (3 seats or 0.94%) and Southern Cameroon (8 seats or 2.50%)<sup>3</sup>. These structural imbalances and perceive injustices became the source of tension in the newly independent state of Nigeria.

Despite the fact that 1960 independence constitution guaranteed true federalism, regional government, and resource control that were later practised in the post-independence era, the political ruling elite in big ethnic groups marginalised the minority groups in revenue allocation, sharing of political positions and

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<sup>3</sup> See Nigeria - A Complete Fact finder, 9th Edition in Remi Oyeyemi ( 2013) on Ango Abdullahi's Lies And ‘‘Born To Rule’’ Mentality, available at <http://saharareporters.com/article/ango-abdullahis-lies-and-%E2%80%9Cborn-rule%E2%80%9D-mentality-remi-oyeyemi>

offices, and infrastructural development, and deepened uneven development in the country. The struggle for the control of national cake coupled along with the intra-class conflicts between different sections of the Nigerian ruling class snowballed into alleged manipulation of population census to favour North at the expense of South, federal election rigging of 1965, the political crisis in western region, the first military coup in 1966 and the counter coup that followed, illustrate the deepen crisis of statehood and dynamite foundation that were laid the foundation of Nigerian state by the British colonial domination. For more than 50 years after independence, the Nigerian state is being plagued with the pervasive conditions of corruption, misery, disease, economic stagnation, poverty, leadership failure, underdevelopment and other forms of negativities. This perceived backwardness is further compounded by the identity crisis exemplified by ethnicity and religious inclinations, in which the ruling class continuously exploited whenever their socio-politico-economic interest is at stake or when fighting against each other.

The fundamental crisis and problem of Nigerian state is deeply rooted in the colonial and post-colonial capitalist foundation of the Nigerian state itself. Though, some scholars have attributed leadership failure (Achebe 1983), corruption (Osoba 1996; Brownsberger 1983; Agbu 2003; Smith 2010), and resource curse (Watts 2004). However, all these are the symptoms of systemic failure that were laid at the heart of neo-colonial capitalist formation. The colonial capitalism is fraught with many problems and crises, and at the eve of independence, the colonist want to ensure that colonial type of capitalist system is entrenched and sustained in the post-independence era. In order to sustain the system, the colonial imperialist created a culture of subservience and ensured that political power were handed over to subservient leaders who will maintain status quo and protect their interest and the survival of capitalism they want to entrench in the post-independence era. Faced with aggrieved citizenry who are fed-up with colonialism, “the new Nigerian ruling class was increasingly divided and disoriented by the depth of a crisis they never expected and have no idea how to solve them. Suddenly, they find themselves unable to maintain control of society by the old colonial methods. Rather than showing leadership, the political elites of the ruling class resorted to the use of divide and rule, and ethnic/regional politics that thrived on strong patronage networks and rampant corruption” (Ogunrotifa 2013: 42).

The emergent Nigerian state is neo-colonial in nature, while the political elite of the ruling class who assumed leadership served the interest of the metropolitan capitalist class and that of its local beneficiaries (emergent petit bourgeoisie, the merchant class and the elite). This reflects the weak and embryonic nature of the Nigerian national bourgeoisie who depends on metropolitan bourgeoisie. As Abubakar Momoh noted, both economic and political wings of the ruling class benefited from the devolution of power to the regions in order to maintain their dominant class status on the new independent state in terms of getting government contracts, having access to credit and other accumulation-enhancing facilities (Momoh, 1996:3). They have shown little inclination or capacity to develop dynamic national economies and the people beyond what departing colonist left behind. Their policies and programmes are not fundamentally different from the same colonial policies of capitalist accumulation that consolidates neo-colonialism. Ehiedu Iweriebor observed that ‘the acceptance of economic philosophy of capitalism by the new ruling class couple with the socio-political structures they inherit and consolidate through bourgeoisie economic nationalism sharpens class antagonism—which is the dynamite of contradiction that were laid at the foundation of the newly independent states (Iweriebor, 1997: 27). The post-independence political leadership was imposed by the departing British colonial power and were subservient to their imperialist economic and political machinations. Those who refused to follow the economic and political dictate of the foreign imperialist (such as Murtala Muhammad and Muhammadu Buhari) were ousted in controversial circumstances through counter-coups. The myriads of contradictions such as bad leadership, corruption, poverty, underdevelopment, political crisis, terrorism and ethnic discrimination can be located in the capitalist root of Nigerian state, that has so far responsible for the current crisis of statehood in Nigeria.

### **3. Sovereign National Conference in Nigeria: Argument For And Against**

Because of the perennial nature of crises and problems facing Nigerian state, many scholars have advocated for the convocation of Sovereign National Conference (SNC) where over 250 ethnic nationalities making up the Nigerian state should seat together and discuss the future of the Nigeria, and negotiate how Nigerian state should be governed and structured, how Nigerians should live together in peaceful co-existence, and to proffer solutions to the hydra-headed problems of statehood. Ben Naanen (1995) argued that the clamour for SNC stemmed from the persistent problem of “national question” that is implicated by the domination of minority ethnic groups by the majority. He further posited that “a broad section of Nigerian society seems profoundly dissatisfied with the country’s political and administrative structure, and generally, the way it has been governed” (ibid: 46). Therefore, the call for political restructuring through the instrumentality of a national conference became imperative.

Consequently, Isawe Elaigwu (2002) in his diagnosis of Nigerian situation posited that unitary systems in post-military era in 1999 is the source of tension and grievances, as the power over natural resources, revenue, security are too concentrated in the hands of central governments. This distortion of federalism as enshrined in the 1999 constitution is a fundamental problem of the state, that requires resolution vis-à-vis sovereign national conference where adjustment “in favour of more appropriate power and revenue sharing formula among level of governments” would be espoused to push for a drastic reduction in the strength of central government.

Sulaiman Kura (2006) argued that the quest for SNC is as a result of an expression of many critical problems that have dominated the Nigerian polity since independence and which have been worsened by the unfortunate long period of military dictatorship. The conference is needed because of the persistent expression of the (i) failure of Nigerian constitution which contains several ambiguous clauses meant to protect the criminals and looters of Nigerian treasuries (ii) failure (or near failure) of Nigerian political structures (iii) failure of the Nigerian judicial system to uphold the true principles of the rule of law, which is the foundation of democracy and good governance (iv) failure of both the previous and present executives and the legislature to address issues that are knocking every now and then at the doors of their constituencies, which they are daily claiming to represent (and many of whom could not even have an office in their so-called constituencies), and most pragmatically (v) the conference is needed because of the failure to address the burning problems affecting the poor. Similarly, Abdul Rafiu Mustapha (2007) attributed the crisis of Nigerian states to the problems of national question that emanated from: educational, economic and political inequalities—which are extricably linked to the class politics being played out in the country.

Subsequent study by Eghosa Osaghae (2007) offered a more and thorough understanding of the national problems that warranted the clamour for the convocation of SNC in Nigeria. Osaghae advocated for SNC on the basis of structural disadvantages and disempowerment suffered by the minority groups as a result of big group hegemony and domination, and therefore, argued that in a result, the minority groups struggle to reduce the gross imbalances in power relations between themselves and the country’s three major ethnic groups (Hausa/Fulani, Igbo and Yoruba) and have therefore be at the forefront of the struggle to restructure the Nigerian state through SNC. He further argued that inequitable accommodation of minorities in the federalist structure is the basis of prevailing crisis of statehood in Nigeria.

Drawing on the concept of accommodation and self-determination nationalism, Osaghae (2007) posited that from 1960 to 1990, the minorities issue had transformed from accommodation to self-determination. Accommodation as conceptualised by Osaghae connotes “protection of minority languages, cultures, religions as well as separate states and a strong central government within the federation to counteract big group assimilation and domination” while self-determination is described “as a demand for greater political autonomy coupled with a weaker centre, and on that basis, greater access to power and local control over resources” (ibid: 2). Despite the inclination of Nigerian state towards accommodation project, Osaghae further articulated that the creation of separate states and local governments did not resolve the long-standing regime of minority grievances such as “restructuring and reconstituting the federal state on the basis of a (re)negotiated social contract”, and therefore concluded that the minorities demanded the restructuring of the

Nigerian federation through SNC and that without any forms of national forum where minority groups would be granted control over local affairs, self-determination nationalism of the minorities could inevitably lead to uncompromising separatism.

Adamolekun (2005) advocated for SNC so as to give room for more devolution of political power and economic management and policy to the federating units. He noted that federal dominance vis-à-vis the maintenance of the revenue-allocation system inherited from the military was enshrined and maintained in the 1999 constitution coupled with “the unending complaints since 1999 about marginalisation in the distribution of political and top bureaucratic appointments, social services, economic amenities and infrastructural facilities” (ibid: 393) was the cause of tension in the polity. Adamolekun thus concluded that Nigeria as a federalist state must devolve economic and political powers in order to accommodate the yearnings and aspirations of different ethnic, linguistic, religious and geographical divisions, and calm the fray nerves or cease to exist.

Mimiko (2007) traced the evolution of call for SNC to post-independent era, and posited that the annulment of June 12, 1993 presidential election brought SNC into the limelight of national discourse. Consistent with Naanen (1995) and Mustapha (2007)’s position, Mimiko argued that the call for SNC stemmed from central issue of national question—which emanated from “disagreement, some violently, over the proper and equitable formula for power and revenue sharing. It also includes problems-relating to the national census, location of industries and other infrastructural facilities, organisation and staffing of the military and the whole issue of the appropriate political, economic and administrative system” of a plural society like Nigeria (Mimiko 2007: 134). Mimiko further argued that calls for the fundamental restructuring of Nigerian federation to provide a sense of belonging to all ethnic, social and religious groups is embedded with the problems of unresolved national question which manifests in forms of how northern oligarchy maintained its hold on political power on behalf of northern Nigeria as a counterweight to the southern control of the national economy.

However, the clamour for SNC has been hotly contested by different groups, actors and interests who posited that SNC will leave Nigeria more divided than before, and the representative of federating units at the conference may not agree on resolution that may undermine their interests or that of the ethnic groups they are representing. A case in point is that of National political reform conference in 2005 where the conference end without reaching any consensus on pressing issues of resource control, derivation fund, tenure of political office holders and return to regionalism and true federalism.

Second, the opponents of SNC have consistently argued that such conference could result in the break-up of the country (Osaghae 2007: 389). Citing previous attempts and cases in Nigerian history, Adamolekun (2005) noted that the fear of SNC is premised on recent histories of threats of breakup, civil war and secession:

It is worth recalling that each of the constituent regions of the federation at its birth in 1954 had threatened to secede at one time or the other: the North in 1950 (before the federation was formally established) and in 1966 following the declaration of Nigeria as a unitary state; the West in 1953 (again, before the formal establishment of the federation) and a virtual “secession threat” in 1998–1999; and the East in 1966, resulting in a thirty-month civil war. A putative independent “Delta Peoples Republic” was declared in 1966, but the military promptly arrested its leaders and the so-called republic died. In 1990, an abortive coup d’état led by a military officer from one of the north-central zones announced the “suspension” of the Hausa-Fulani and Muslim states of the north eastern and north western zones from the federation.

Third, some individuals and interest groups were of the opinion that the conference was unnecessary because the power to effect any constitutional amendments is conferred on the National Assembly by the 1999 constitution (Ado-Kurawa 2005:84). As a result of this, National Assembly members strictly rejected the call for SNC on the ground that it is uncalled for as “every citizen has the right to submit proposals for constitutional amendments” (ibid). The Speaker of the Federal House of Representatives (2003–2007), Hon. Aminu Bello Masari was reported to have threatened that “the sovereignty of the people rests with the

constitution and that SNC did not have a single input from the people and that a constitution cannot emanate from it”, while one of National Assembly leaders, Abdul Ningi, posited that calling for SNC was a misnomer because it did not have the backing of Nigerians”. It is just a call for mere administrative body set up to advise the executive and legislative. Its decisions would not bind on anybody but subject to legislative scrutiny”<sup>4</sup>. While the Senate had opposed SNC on the ground that there can never be two sovereignties in one country. According to the Senate, the National Assembly is the embodiment of the sovereign will of the people. In that case, anything that had to do with the determination of the corporate existence of the country must have to be decided within the confines of the National Assembly.

The clamour for SNC intersects not only with institutional and structural imbalances inherent in Nigerian federal system but also ethnic, class, religion and cultural shades of interests that are embedded with such call. The ruling class and political elites want to maintain their hold on polity and sustain the status quo while the opponents want restructuring in order to benefit or partake in the sharing of the national cake or resources. Thus seems more of a struggle within the sections of the Nigerian ruling class and elites, who are apt in appealing to ethnic and religious sentiment and propaganda in order to make case or promote their own individual and selfish agenda. Through this, different sections of Nigerian ruling class and elites will use SNC as bargaining tool to either get what they want or undermine the unity of the country if issue involved is not favourable to their cause and interests.

However, argument for and against SNC is replete with the central issues of national question and structural imbalances that have been extensively discussed above. At the heart of the clamour for SNC lies the struggle for resource control and political hegemony in which different actors—activists, nationalists, NGOs and civil society groups, politicians and ruling elites substituting their respective interest with that of the interest they claimed to be representing, and used that as a ploy or pretext for personal and class agenda.

#### **4. History of National Conferences in Nigeria**

The quest for national conferences has been one of the problems brought by the unresolved national questions in the annals of Nigeria political history. The imposition of colonial rule in 1914 and the creation of Nigerian state in 1960 was a catalyst that accelerated the agitations by different ethnic groups to have a say in state governance, access to the state power and fair distribution of political office and positions, resource control, protection and preservation of languages, culture and identity within the Nigerian federation. Most of these issues are being raised by the minority groups who are aggrieved by their exclusion from the regional government and federalism imposed by the departing colonial power. The civil war and the long interregnum of military dictatorship delayed the agitation towards resolution of national questions in the contemporary Nigeria. The return to civil rule in 1979 had brushed raw hitherto unanswered questions about the structure of Nigerian federation, state governance and distribution of national wealth. Mimiko (1994) noted that the national question stemmed from the disagreement, sometime violently, over the proper and equitable formula for power and revenue sharing.

What triggered the quest for SNC in Nigeria were the 1983 presidential elections that were massively rigged to return President Shehu Shagari (Mimiko 1994:136). Chief Obafemi Awolowo, who was allegedly rigged out of the election has been known to have championed fundamental restructuring of the Nigerian federation to provide a sense of belonging for all ethnic, social and religious groups, to participate actively in a self-determined way on how state should be run, power distributed and resource or wealth shared and control within the Nigerian state. The aborted civil rule by the military coup led by General Muhammadu Buhari delayed this agitation for SNC until 1987 when “ a group of human right activists under former Nigerian Bar association (NBA) president Alao Aka-Bashorun” made independent effort to hold the conference (ibid: 135). Unfortunately, it did not take few months before the military regime of General Ibrahim Babangida aborted it. Nevertheless, the agitation for the convocation of a national conference began in 1990 in response to the unending transition programme implemented by the Babangida administration.

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<sup>4</sup>Daily Trust Tuesday 10, May 2005 p. 3 cited in Ado-Kurawa 2005:87

The annulment of June 12, 1993 presidential election added much impetus, as the scale of political conflicts and violence that followed the annulment made clamour for SNC a national agenda and issue. Even the Abacha coup was insufficient to douse the increasing agitation for such conference. Fortunately, Abacha regime that was suffering from legitimacy crisis conceded to the idea of conference and organised a constituted assembly conference in 1995.

### **1994/1995 Constituent Assembly and National Conference**

The 1995 constitutional conference was established by section 1 of Decree No. 3 of 1994 which came into force on 30th April, 1994. The Decree was amended by the Constitutional Conference (Amendment) Decree No. 4 of 1994 which came into force on the 24th June, 1994. The conference was inaugurated on the 27th June, 1994 by General Abacha. The conference was called following the spate of political crisis that followed the annulment of June 12, 1993 presidential election. Abacha had promised in his maiden speech after taken over power that the conference would enjoy "full constituent power" (Agbu 1998: 251). As a result of the illegitimacy crisis faced by the regime, unresolved problem of June 12 and the increasing opposition to its rule by the Nigerian civil society coalitions, the regime hurriedly "stepped up plans for the constitutional conference which it promised to convene by hastily arranging the "elections" of two-thirds of the delegates while nominating the remain one-third. The turnout of voters for the "elections" was pitifully low, with some delegates returned on a majority which indicated widespread voter apathy across the country generally and in South-west in particular. Of the total 365 delegates to the conference, 272 were purportedly elected. The total numbers of Nigerians who bothered to vote was a mere 300,000 out of about 25 million registered and eligible voters. 93 delegates were nominated by the government" (News watch, 10 July, 1995 cited in Agbu 1998:251). The Abacha regime nominated the chair and deputy chair of the conference and ensured that delegates who would toe anti-june 12, anti-Abiola posture were "elected" (Agbu 1998: 252). The conference consists of 273 elected, and 94 nominated delegates. Each state of the federation elected 9 delegates. The Federal Government nominated 3 delegates for each state and 1 for the Federal Capital Territory, Abuja. Also one delegate was nominated to represent each of the special interests such as the Nigerian Labour Congress, Nigerian Union of Students and the Nigerian Union of Teachers. There were therefore a grand total of 380 delegates. The conference was chaired by Justice Adolphus Karibi-Whyte

From the outset, the regime stated that delegates were barred from discussing or debating certain issues relating to unity and territorial integrity of the country and posited that the outcome of the resolution is subject to review by the highest decision making organs of the regime—Provisional Ruling Council, who will have power to veto any decision the regime finds uncomfortable (ibid). The proceedings of the conference was without rancour especially when contentious issues of resource control, power sharing, revenue allocation, federal character and political succession were raised and debated. However, what really sent jitters down the spine of the regime was the declaration by a delegate—Gen Shehu Musa Yardua that the conference should fix 1<sup>st</sup> of January 1996 as the terminal date for Abacha regime to leave office, and it was unanimously adopted<sup>5</sup>. Following the official protest from the regime and harassment of the delegates by the security agencies, the resolution was reversed and new resolution was passed. The new resolution stated that "it was up to the government to fix a date for the termination of military rule whenever that was deemed appropriate in accordance with the "national interest"<sup>6</sup>. The aftermath was the arrest and detention of Yardua on phantom coup plot against the regime. The work of the National Constitutional Conference of 1995 culminated in a two-volume report, Volume 1 of which was report of the constitutional conference containing the draft constitution 1995 conference, that provided for the following:

- Recognition of six geo-political zones (of North-Central, North-Eastern, North-Western, South-Eastern, South-South, South-Western)
- The diffusion of federal executive responsibility. The draft constitution provided in addition to the offices of President and Vice President and Ministers, the Constitution provides also for the offices of

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<sup>5</sup>Newswatch 8 May 1995 cited in Agbu (1998), pp. 253

<sup>6</sup>Vanguard 26 April 1995 cited in Agbu (1998), pp.253

Prime Minister and Deputy Prime Minister: S. 149(2): "Subject to such reservations or conditions as may be made by him, the President shall assign to the Prime Minister responsibility for the general administration of the Government of the Federation".

- 5 years single term for president, vice-president, governors, deputy governors and Speakers of House of Assembly.
  - The principle of rotation of political offices vis-a-vis power sharing.
- S. 229(1) of the draft 1995 constitution states that "the following six principal offices shall rotate among the six geo-political zones created under subsection (4) of this section, namely: the office of the President; the office of the Vice President; the office of the Prime Minister; the office of the Deputy Prime Minister; the office of the President of the Senate; and the office of the Speaker of the House of Representatives".
- The elimination of incumbency and its abuse to the electoral process vis-à-vis single term rotational elected political office.
  - The representation of political parties in Federal executive council. Section 148(7) of the draft constitution of 1995 states that "the majority of the number of ministers appointed pursuant to subsection (3) of the section shall come from the political party or parties on whose platform the President is elected.". Furthermore, Section 148(8): "Any political party which wins not less than 10 per cent of the total number of seats in the National Assembly or of the total number of votes cast at the election, shall, subject to the provisions of subsection (7) of this section be entitled to representation in the Federal Executive Council in proportion to the number of seats won by the party in the National Assembly".
  - Federal Character Commission was recommended to cater and ensure that all appointments into federal civil service, the judiciary and political offices were adequately reflected the multi-ethnic nature of Nigerian state.

The outcome of the conference also ushered the creation of six states (Ekiti, Ebonyi, Bayelsa, Zamfara, Nassarawa and Yobe) in 1996 and the 'democratization' process that attempt to pave way for Abacha to transition from military dictator to civilian president. Unfortunately, it was aborted due to pressing political criticism by the pro-democracy activists. Apparent unwillingness of the military to relinquish power and return to civil rule couple with excessive corruption, violation of human rights, repression of pro-democracy activists and opponents, suppression of press freedom, banning of political rallies engendered the continuous call for SNC that will address the fundamental problem facing the country. However, the death of Abacha in June 1998 marred the promulgation of draft constitution of 1995 into substantive constitution vis-a-vis military decree. The new military regime rejected the draft constitution and dumped its entirety into rubbish heaps of history. This however led to the convocation of Conference of nationalities by Campaign for Democracy in December 1998.

### **1998 Conference of Ethnic Nationalities**

The 1998 Conference of nationalities was an independent national conference organised by civil society groups to address the problems of injustices, state structure and transition to democratization. Ebere Onwudike, in his study of 1998 conference noted that "Nigerians of impeccable reputation organised the conference in their capacities as nationalists and leaders of civil society groups that bravely fought against that expired dictator, General Sani Abacha. These include the venerable nationalist, Chief Anthony Enahoro, chairman of the National Democratic Coalition (NADECO), the esteemed activist, Professor Wole Soyinka of the United Democratic Front of Nigeria (UDFN); and the eminent and highly principled physician, Dr Beko Ransome-Kuti, chairman of Campaign for Democracy (CD)" (Onwudike 1999:66). In critiquing the conference, Onwudike (1999) noted that:

None of these groups has anything to do with Nigerian nationalities, except that they are constituted mainly of people southern ethnic origins. The programme read more like a seminar for constitutional construction complete with a comparative section entitled: ‘Experiences from other lands: South Africa, Ethiopia and Asia’ rather than Benin, Chad, Gabon, Niger, Togo and any other neighbouring francophone countries with experiences in sovereign national conferences. It is safe to state first, that the conference was hardly national, and second, that its focus appears to be more on constitution making than on instituting genuine federalism in Nigeria.

What is clear from Onwudike’s critique is the problem of methodology posed by the convocation of such conference in the first place—whose idea is the conference, whose interest does it represents, how is ethnic nationalities identified and represented, who have the mandate of ethnic nationalities to represent them at the conference, what is the mandate of the conference, and other issues that is difficult to articulate in the paper. Moreover, the conference like its predecessor—constitution conference of 1995, ushered little or no impact, as most of its recommendations were consigned to the backwaters of history, while the idea about SNC, resource control, true federalism and effective government were completely suppressed through the jackboot authoritarianism of Nigerian military dictatorship until May 1999.

However, following the return to civil rule, the clamour for SNC gained new currency in the Nigerian political space as various interest groups, sectarian organisations and ethnic associations intensified its call to address the age-long problems of political, economic, social, cultural and religious injustices rooted in the Nigerian state. For instance, in March 2000, the late human rights activist and lawyer, Chief GaniFawehinmi, stressed the importance and urgency of SNC in a Press Conference, and argued that ‘there are so many grievances and accusations against Nigeria and by Nigerians which the Sovereign National Conference must consider and resolve with the sole objective of designing a new Constitution (the Peoples’ Constitution) for the country which will cast into extinction all the evil tendencies which have conspired to make Nigeria a virtual ‘ghost’ country, deeply and invidiously polarised in all directions since 1914 to date and more seriously since January 15, 1966’’<sup>7</sup>.

Ever since GaniFawehinmi’s agitation for SNC, a state of relative lull has been witnessed until 2005 when former President Olusegun Obasanjo yielded to such call but unilaterally limited to discussion on political reforms in the federation. The Obasanjo capitulation towards national conference was decried by critics as a ploy to extend his rule in the botched third term project. This is because prior to the time, Obasanjo had rejected the idea of SNC on the ground that he is not ready to relinquish the presidential mandate given to him by the electorates and unwilling to subject his rule to the dictate of such conference, and that a sovereign national conference would have only been apt under the circumstance where the ‘structures of governance have collapsed’, and instead opted for political reform conference—whose outcome may have little or no impact on the status-quo.

### **2005 National Political Reform Conference**

The 2005 National Political Reform Conference (NPRC) was initiated by President Olusegun Obasanjo to strengthen the structure of democratic governance in Nigeria, and reform the existing state structure. Prior to the commencement of the conference, President Obasanjo had set up Mohammed Makarfi Committee to produce a background paper for the new political reform committee. The Makarfi committee outlined areas to be discussed by the NPRC and fashioned it into 18 points agenda for debate. The areas according to Femi Ajayi (2005) are:

The Economy: - agriculture and food, land tenure system, oil and gas, manufacturing industry, services, foreign trade, monetary policy and protection of the national currency, debt (external and internal) and foreign exchange and national development, Human and Social Security, Human rights and the rule of law, Education: Primary, secondary and tertiary; Health; Youth development; The development of the Nigerian child; Pro-gender policies; Food and water security; Culture & sports; Social security (Pension); National

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<sup>7</sup> Understanding the Sovereign National Conference available at <http://www.openmindfoundation.com/index.php/understanding-the-sovereign-national-conference-snc/>

Security: - Armed forces, The police, SSS, Prisons, Customs, Citizen & Immigration, Substance abuse. Social Infrastructure: - Energy, Railways, Road transport, Information and communications technology, Models and Structure of Government, Tiers of government (federal, regional/zonal authority), State, Local, Federal, state and local or federal, region and state. Power Sharing: - Exclusive list for Federal Government (without any concurrent list) with Region/state government or local sharing, Residual power, Power sharing between regional authority and state<sup>8</sup>.

President Obasanjo later streamlined the Makarfi committee into eight-point objectives, which should be the basis of discussion at the conference: constitutional reforms, political party reforms, electoral reforms, and judicial/legal reforms, civil society reforms, consultation and consensus building, police/prison reforms, and reforms of the structure of governance, and also listed some areas, 'no-go areas', like the past Military administrations, for the conference stressing that "the oneness of Nigeria; federalism and federal system of government; presidentialism; multi-religiosity; federal character; popular participation; the fundamental objectives and directive principles of state policy; and separation of powers. The Conference is free to strengthen, update, and refine these in their recommendations; nothing should be done to undermine our national integrity and sovereignty or weaken our national cohesion. These areas constitute the bedrock of our unity identity, and political praxis"<sup>9</sup>.

Obasanjo nominated Supreme Court Judge—Hon Niki Tobi and Rev Hassan Kukah as chairman and secretary of NPRC respectively. The conference consists of about 400 members. The conference had a time frame of three months and not more than 50 members appointed by the President (Tenuche 2011). On the total number of participants, six persons are to be selected from each state so that, as much as possible, ethnic compositions from each state could be covered. There are also to be six representatives each from the students' bodies, civil liberties organisations and civil society, organisations such as the Manufacturing Association of Nigeria, Nigerian Bar Association and the disabled. While the nominations of state participants would be based on political parties, the conference was peopled by PDP representatives who are elected by a total of 28 PDP governors out of 36 states' governors of the federation.

In the run-up to the Conference, Hank Eso (2005) noted that "a Federal High Court in Abuja quashed a suit filed by 57 legislators last February, asking the court to halt the conference. However, the court ruling did not stop Hon. Victor Lar (PDP- Langtang Federal Constituency) from questioning President Obasanjo's statutory authority to convoke a national dialogue that might alter corporate Nigeria without an enabling act from the National Assembly. Others have similarly questioned the propriety of not backing the conference with a legal instrument, thus ensuring the sanctity of its outcome"<sup>10</sup>. Nevertheless, the conference began on 21<sup>st</sup> February, 2005 and ended on controversial circumstances on 11<sup>th</sup> of July, 2005.

The NPRC received 705 memoranda from the public and made 187 recommendations out of 189 issues deliberated to the federal government that was submitted in a six-volume report. But there was no agreement on two of the recommendations - the sharing of the oil wealth and the tenure of the president and state governors - leaving the federal government with a choice on the majority and minority reports on the contentious issues. Other recommendations are the restructuring of the Independent National Electoral Commission (INEC), participation of Nigerians in the Diaspora in future elections and review of the existing formula for sharing the revenue from the federation account. However, the conference ended without reaching a consensus on the issues of resource control and tenure for governors/president. The end of the confab recorded two adjournments when the South-South delegates walked out of the proceedings over disagreement on the issue of derivation percentage. While the matter of the tenure of governors and the president sparked off some furore, the more contentious bordered on whether the oil-producing South-South region would get 17 per cent or 25% derivation from oil resources. The South-South delegates insisted that

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<sup>8</sup> Femi Ajayi (2005) The 2005 national political reform conference: Nigeria's last hope accessible at <http://nigeriaworld.com/columnist/ajayi/031405.html>

<sup>9</sup> *ibid*

<sup>10</sup> Hank Eso (2005) Nigeria's National Dialogue: Crossing the Rubicon. Accessible at [www.kwenu.com/publications/hankeso/2005/national\\_dialogue.htm](http://www.kwenu.com/publications/hankeso/2005/national_dialogue.htm)

they would not have anything less than 25 per cent; the North insisted that the 17 per cent given by the Elders Committee and adopted by the plenary session would remain. As Chioma Anyagafu (2005) observed that the ‘‘South-South had challenged the 17% derivation on oil, demanding for 50% and later settling for 25%. The North had argued that the 17% was even too much but for the purpose for peaceful co-existence, that the status quo be maintained’’<sup>11</sup>. The report of the Conference was finally submitted to Mr. President at the Banquet Hall of the State House at a ceremony, which was boycotted by the delegates from the South-South. Mr. President hurriedly dumped the recommendations of the Conference on the National Assembly—who had viewed the Conference with suspicion throughout the period it lasted. The initial agenda of Obasanjo regime as to have a favourable constitution like tenure elongation was frustrated while the key recommendations of NPRC conference was consigned to dustbin of history by the National Assembly under pretext of botched third term agenda.

### **2005/2006 Pronaco National Conference**

The disagreement over methodology, principle and procedures adopted in organising 2005 NPRC conference, culminated in the convocation of alternative conference by a group of civil society organisations and ethnic nationalities, under the aegis of Pro-National Conference Organisation (PRONACO), led by Chief Anthony Enahoro and Professor Wole Soyinka. These two PRONACO organisers (Enahoro and Soyinka) declined official invitation to join the government's political reform conference, in protest against the mode of selection of participants. Their position is that any conference to be organised at this point in time in the history of Nigeria should be sovereign, while representation should be by election. The four major grievances of PRONACO against 2005 NPRC conference are: first, all the delegates were chosen either by the federal government or by the state governments, they were all seen therefore as hand-picked government appointees or supporters who could not be trusted to address the country's political problems and come up solutions that would be acceptable to the majority. The second issue is the non- representation or incomplete representation of the ethnic nationalities. The third reason was gross under-representation of womenfolk—who was seen as constituting more than 50 per cent of Nigerian population. The final issue was the fact that the federal government was not prepared to submit the outcome of the conference to a referendum. In other words, government was seen as intending to impose the conclusions of the conference and its own will on the people.”

According to PRONACO working committee, the 2005 NPRC conference was merely for constitutional amendment that would not lead to structural transformation of the country, hence the need for 2005/2006 PRONACO conference that sought to restructure the federation and settle the issues of devolution of powers, fiscal federalism and democratic rights as enshrined in a new constitution that would guarantee peace and progress among all the people. The PRONACO conference was scheduled to commence on 1st of October 2005 but it did not start until January 2006 when they stage a mock conference. The two-day mock conference came up with resolutions on the structure, composition, agenda and time-table for the national conference, and later established six committees to make recommendations in the areas of government's geo-political structure, fiscal arrangement, and system of government, security forces, citizenship, and human rights. The PRONACO mock conference assured that there would be no ‘‘no go areas’’ at the proposed national conference, and the conference would not lead to the disintegration of the country.

However, the conference started in April 2006 and its delegates are chosen from more than 100 participating organisations—nine political parties, civil society organisations and ethnic nationalities-based groups. Among issues being proposed for discussion are: regionalism, indigeneship rights and devolution of power from the centre which will make the centre less attractive and consequently shift much attention from the centre to the regions, Justifiability of welfare grants and social rights, constitutional provision of human rights and civil liberties, parliamentary democracy or a parliamentarisation of the presidential system, three political parties to manage the electoral commission, clear definition of women’s rights, statement of rights of minorities, marginalized peoples and disadvantaged areas, the place of traditional rulers in the new order,

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<sup>11</sup>Chioma Anyagafu (2005) Harsh verdict by eminent Nigerians: ‘This confab was a monumental failure’. Accessible at <http://www.utexas.edu/conferences/africa/ads/893.html>

rule of law to compel all public servants, including even the commander in chief, to observe and be subjected to the law and boundary problems.

Though, the report and key recommendations of PRONACO conference was not made public, an independent source observed that:

The conference sought for the division of Nigeria into 18 regions sub-divided into 12 mono-ethnic and six multi-ethnic units where the basis of such regions' existence would be predicated on linguistic and cultural affinity/geographic proximity with nationality serving as the basis for the creation of local governments. Participants also canvassed the replacement of the three tiers of government with four tiers viz : federal, zonal, state and local governments. The clamour for regional government also included delegates' demand for regional autonomy which will empower the regions to have their own constitution and laws that will be subsumed under the Constitution of the Federal Republic of Nigeria. Observing that the Federal Government has assumed too much of power, delegates canvassed the need to prune the power of the Federal Government to such an extent that it only performs few roles such as foreign relations, defence, monetary and currency issues while the bulk of government responsibilities including transport, employment, agriculture, commerce, housing, health care, education, industry and commerce will shift to the regions<sup>12</sup>.

The PRONACO conference report was later submitted to the National Assembly and Federal government of Nigeria. Though, PRONACO wanted the conference's resolutions to be subjected to a national referendum and then forwarded to the GON for implementation. But the fundamental question is that how national referendum would be conducted without imprimatur and participation of Government of Nigeria? PRONACO conference seems more like another exercise in futility as PRONACO leaders do not have clear plans for actualizing conference resolutions and lack power to do so. The second question is can PRONACO organise a successful and relevant sovereign conference for Nigeria? Independent organisations cannot organise a sovereign national conference for the country that can be free from legitimacy, legal, methodological and structural problems. The PRONACO conference and its recommendation are more of wishful thinking that does not have basis in methodology and state structurality as far as Nigerian situation is concerned. That explains why the conference recommendation has been neglected by the Federal Government of Nigeria.

Ever since 2005 NPRC and PRONACO conference, the quest and agitation for SNC has been intensified as many ethnic, social and interest groups are clamouring for its convocation. Apart from the economic and political interest of certain groups who are favourable dispose to the status-quo) who may undermine or frustrate its convergence, the calls for SNC seems more of hot airs, while official attempt at addressing the issue and convoking the conference looks more superficial, unrealistic and unworkable due to the methodological and structural problems that are likely to undermine its convergence. These problems would be critically espoused in the next section.

## **5. SNC in Nigeria: Methodological and Structural Problems**

Sovereign National Conference like many other serious-minded socio-political and national platforms has to be convoked in an organised manner if its outcome is to be successful, and resolutions acceptable and legitimate on the overwhelming majority of Nigerians. Organising SNC requires a particular logic of method that will help to provide conducive environment where all ethnic nationalities, civil society groups, interest groups engage in important national discussions, dialogues and debates without any form of ill-feeling and suspicion from any of the participants, and the appropriateness of such method over others.

This implies that organising SNC is imbued with methodological issues and problems that have far greater consequences and concerns such as reliability, validity and dependability in the choice of delegates, issue scheduled for discussions/debates, legitimacy of the conference, outcomes and general acceptability of

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<sup>12</sup>Pronaco: One Conference, Many Battles. Accessible at [http://www.nigeria-planet.com/nig\\_Pronaco\\_one\\_conference.html](http://www.nigeria-planet.com/nig_Pronaco_one_conference.html)

the conference's resolutions across broad spectrum of Nigerian society. If the SNC ends in limbo or many interest groups, elites and delegates faulted the proceedings and resolutions of the conference or disown the conference's report, the issue might be in the method/methodology adopted in: organising the conference itself; electing or selecting the delegates; articulating the issues; and the procedures, process and proceeding of debate and decision making.

Methodological problem stem from whose idea is the conference? Where does it derive its power from? Who are the organisers? Whose interest does SNC represents? How are ethnic nationalities identified and represented? What will be the sitting arrangement? How would the delegates/ participants to such a conference be selected or elected? Would it be by elections? Or would delegates be chosen on the basis of ethnic groups or professional bodies? In the event that the delegates would come in through elections, which body would organise the elections? Would it not be the same Independent National Electoral Commission (INEC) that would conduct the elections? And who determines who represents who? Would contestants go for representation on the basis of their political parties? Who have the mandate of ethnic nationalities to represent them at the conference? What is the mandate of the conference? Who is going to fund the conference? How sovereign is the conference going to be? What is the class interest of the participants? What are the issues to be discussed at the conference? These issues represent a significant problem that have to be well-thought out at the outset, as they are crucial in determining the legitimacy of the conference, how is going to end up, and how resolutions would be accepted and implemented. It is quite plausible to think that organising SNC in Nigeria as far as the methodological posers outlined above are concerned, is unlikely to be undertaken given the peculiar nature of Nigerian factor.

Second, another methodological aspect of the problem that may arise is the lack of conceptual scheme to articulate fundamental issues that formed the basis of discussion, debates and deliberation at the level of SNC. The agitators for SNC—who are mostly lay folk have not demonstrated how issues to be addressed can be articulated within the conceptual frame of reference and espoused correctly. The issues like ‘injustices’, ‘structural imbalance’, ‘true federalism’, ‘resource control’, ‘restructuring’ and ‘national questions’ has to be conceptualised in a define way that they can be measured and ensure that its working can really be juxtaposed with reality. How are such issues defined and conceptualised? If one may ask: in what way are you defining ‘injustices’, ‘true federalism’, ‘resource control’, ‘restructuring’, ‘marginalisation’ and ‘national questions’. The terms are empty phraseology and just too bogus that explains nothing as far as serious discussions like SNC is concerned. They have to be defined, break down and correctly conceptualised and operationalise in a workable pattern; its components, features, indices and variables have to be spelt out and articulated in a convincing way that can stand the test of arguments, debates and disagreement. The conceptual scheme illustrates the intellectual component of issues and questions that different ethnic groups may want to put forward. These charters of demands must be defined in a less ambiguous way and place on the table for all participants to peruse and discuss. In fact, for proper SNC, the idea and submission of different actors and ethnic nationalities has to be clearly thought out, and present to the organising committee before the conference starts, while the organising should be able to share all memorandum or charters of demand to all participating interests, so as to be kept abreast of different issues to be discussed and offer robust response. The idea of any group refusing to disclose their grievances, share their conference proposal and demands until the conference open is tricky and unworkable.

### **Structural Problems**

The sovereign nature of SNC at least in theory requires that the conference is supreme, autonomous, and has unrestraint authority and power to exercise and make decision over any national importance and state matters without any form of external influence, internal manoeuvring and administrative impairment. In other words, the sovereign nature of SNC implies that it has power over executive, legislative and judicial organs of the government, and powers or some powers and authorities of these institutions can be stripped, suspended and revoked by the resolutions of the conference because it is a ‘congress of the people’, mass-oriented and mass-powered convocation, pro-people's conference whose authority and power does not flow or derive from any of these institution. SNC can suspend sections or all of the constitution of the country, and render null and void the actions, activities and powers of certain agencies, departments, ministries,

national assembly, state assemblies, National judicial council, local government administrations if they are found to be inconsistent with the spirit and letters of the constitution or undermine matter of national or state importance upon its resolution at the period it is held.

However, SNC in practice is likely to be faced and undermined by structural problems. The structural nature of the problems to be confronted with resides in the institutional structures of the state mechanism—executive, legislative and judicial institutions or structures. First, SNC has to be established by either military decree or act of the parliament in order to make it legitimate and possess supreme powers. In the military clime, the SNC bill may be approved by the highest decision making organs of military echelon (for example Supreme Military Council or Armed Forces Ruling Council) and be channelled to appropriate agencies for implementation and organisation. It is unlikely that military regime will want to subject its authority and power to the dictate of SNC and its resolution on how government and state of a society like Nigeria is been run or want part of its organ to be suspended or stripped of its illegitimate powers. Nevertheless, Nigeria has since return to civil rule and the agitation of SNC has to be subjected to the democratic structures and organs of the government. Under democratic government, the SNC bill may have to be sponsored by the executive arms of government as executive bill so as to have governmental backing and effect. Though, it may be sponsored as private bill by member of the national assembly but may not carry necessary legal weight compare to that of the executive.

If the executive is sponsoring the SNC bill, they will ensure that certain provisions, clauses, sections and sub-sections that will undermine its hold on the country, expose its shady deals, relinquish its electoral mandate, and truncate their interest and that of their personal authority are not included in the final draft of the bill. No President or Federal Executive Council will sponsor SNC bill that will allow his/her power to be contained and suspended by the resolution of SNC while ministers and other political office holders/appointees in the executive arm will not watch their roles and responsibilities suspended or stripped by the proceedings of the SNC. In this regard, the actions and interests of actors in the executive organs of government will determine and dictate how final SNC bill looks like before it is eventually sent to national assembly for approval. However, it is unlikely that executive will kowtow or submit to the agitations for SNC and grants the demand of its agitators.

Second, if the bill is under consideration by the legislative arms of government (National Assembly) either as executive sponsored bill or private member bill, it will still face critical and thorough scrutiny that may water down the key provisions, clauses, sections and sub-sections at different stages of law making processes. It is possible that the bill may not see the light of the day by being thrown out at the first reading on the floor of the parliament. If it scales through the first reading, it may be because of the rising pressure from the society especially mass demonstrations by the labour unions, civil society groups, student movement, extremist and nationalistic groupings and other associations of ethnic nationalities. By moving from the first through the second reading involves referring the bill to the standing committee of the house who will examine the legality and illegality of the bill critically.

The committee may include or remove key clauses, provisions, sections and sub-sections that may grant SNC supreme powers over country's affairs. The legislators at the committee level may even water down more clauses, provisions, sections and sub-sections more than what the executive have done. Nevertheless, the recommendation of the committee will be presented to the whole house at third reading stage where clause-by-clause consideration will be undertaken by all the lawmakers. At this stage, the class, ethnic/tribal, regional interests of members of national assembly and the pressure from their constituency may either usher the killing or passage of the bill. Whichever way it is, the outcome may not be favourable to the agitators as SNC bill passage may mean removal of clauses, provisions, sections and sub-sections that may pose threat to the executive and legislative arms and the interest they represent in government, and ensure that structure of Nigerian state remain unchanged.

Third, the structural problem that may undermine the SNC act if passed by the legislative is the judicial interpretations of the bill. The first issue that may warrants judicial review is the interests of judiciary itself and what roles they may play in the SNC process. If the act circumvents the duties, functions, responsibilities

and prestige of the judicial arms and its judges, they will not hesitate to strike down such the entirety of the act as unconstitutional. Though, judges cannot independently declare any sections of the constitution or law passed by the legislature as null and void unless it is being considered as a legal case under its jurisdiction, it is possible that entire judicial arms or certain judges may collude with groups who are aggrieved with the SNC act, to bring forward such legal case to be considered for adjudication. Therefore, use that medium to declare the act unconstitutional. The second issue that may warrants judicial review is that certain groups and interests who are not favourably disposed to the act may challenges its legality in court. The struggle for the convocation is a reflection of class interest, and balance of force between the beneficiary of the system (status-quo) and those who want to bring ‘‘social change’’ to the Nigerian state structure, which inevitably find its expression in the larger interest of executive, legislative and judiciary intrigues and manoeuvring as a whole.

The methodological and structural issues facing the idea of SNC is intertwined with the problem of legal framework that may undermine its convocation in Nigeria. This stemmed from the fact that SNC must derive its power either from constitution, act of parliament, referendum or military decree. The legal framework establishing the conference must clearly spell out: the rule and regulation guiding the convocation of such conference; different arms and organs (for instance, political, legal, media constitutional committees) couple along with their function, roles and responsibilities, and the power they possess; the procedure for submitting memorandum, how representatives at the conference should be selected or elected; how principal officers of the conference be elected; code of conducts for the representatives; practice guidelines and laid down procedure for conducting its proceedings; how the conference should be closed; how its resolutions would be upheld, and binding on the government and people of Nigeria; how its resolution be transmitted into new constitution vis-à-vis constitution review panel; the functions, roles and relationship between SNC organs and other organs of government. The legality of SNC should be clearly worked out alongside methodological and structural problems before agitation for the conference should take place. Without this, it is likely that such conference may end up like 1998, 2005 and the PRONACO conferences, whose resolutions were ignored and consigned to the garbage heap of history.

## **6. Conclusion**

This paper has revealed the methodological and structural problems that will undermine the convocation of SNC in Nigeria. It has also shown that the clamour for SNC is quite different from its convocation, and its hold is not as strait-jacket as the advocates and proponents wants Nigerians to believe. Convoking SNC is far more complex and complicated than what is advocated or anticipated. First, it has to undergo serious methodological test case that will shape how congruent its acceptability, participation and implementation of resolution align with the reality of the Nigerian situation. Thus, if SNC has to be organised, at least better than previous conferences, the advocates has to anticipate methodological issues that may undermine its legitimacy and affect the implementation of its resolution.

Historically, there have been national conferences (either officially—government or unofficially—private/independent organisations-led) and there may be many more in the future but it is unlikely that none of the incoming ones would be sovereign national conference. What really makes national conference to be sovereign is that such conference must possess supreme power over executive orders, legislative acts and judicial pronouncements, and other actions and activities of the existing governmental institutions. In other words, the actions and decisions of SNC supersede that of the three organs of government, and they can be dissolved by the resolution and pronouncement of SNC. It is unlikely that this will happen because none of the existing organs of government (executive, legislative and judiciary) will watch its privileges, prestige, responsibilities and functions to be taken over by SNC, and are such they will fight perpetually to ensure that such conference never comes to fruition. Holding SNC under sincere, normal and principled ground is unlikely to fester as various actors, interests and status-quo defenders and apologists may not be favourably disposed to such idea. This is structural bottlenecks that will mar the convocation of SNC couple along with the problem of methodology to be used in organising such a conference. Even if there is SNC, the advocates

and proponents of the conference will likely to be disappointed by its outcome especially if issues under consideration are properly debated and subjected to thorough scrutiny. In this regards, three possibilities are likely: first, the balance of struggle between the competing interest and their various arguments within the conference will be dialectically opposed to different factions and thus, its outcome may not be favourable to those who are the fore-front of its convocation. The advocates/proponents of SNC would not be happy with most of the decision that will be taken at the conference. Second, different interest groups may not agree on some fundamental issues that will be discussed. It is tripartite that Northern region holds tenaciously to political power as a counter-weight to the economic power of the south (Mimiko 1994: 134-135). Therefore, issues such as resource control, abolition of local governments, true federalism and regional government via restructuring into six geo-political regions (of North West, North-East, North-Central, South-East, South-South and South-West) may not be favourably disposed to by the northern elites and its representatives who are alleged to be comfortable with the status-quo rather than structural reforms. Also, delegates from the south may not agree to the revisit of debate on offshore-onshore dichotomy. There is a possibility that delegates may walk-out of the conference if overall decisions and resolution is not favourable to them or if consensus on critical issues are not reached. Third, the administrative (bureaucracy) and elected political office holder may sabotage the implementation of key recommendations of SNC. It is likely that SNC may be labelled as advisory body with catalogues of advisory recommendations or mere resolutions for constitutional amendments, and use politics and administrative bottleneck to frustrate the implementation of key recommendations. It is equally possible that they may use the instrumentality of judiciary to up-turn some or certain aspects of SNC recommendations.

However, since organising SNC under normal and ideal circumstances is not possible, Nigerians must think beyond the narrow lens of SNC that is sectarian, elitists, diversionary, petty-bourgeoisie ridden, opportunistic, divisive and anarchy-prone in nature, and should rather agitate and organised for radical transformation of Nigerian state and rescue it from the whims and caprices of imperialist agents and allies; backward ruling class and their representatives in government, and petty-bourgeoisie politicians who have dragged the country more backward by their politics and divide the populace along the fault lines of ethnicity and religion. The recent case of occupy Nigerian movement and Arab spring revolt have demonstrated that Nigerian problems and the struggle to liberate has international dimension, and they must collectively fight imperialist imposed policies of neo-liberalism that have put more than eighty per cent of the population at the brink of destitution and poverty. The similar problems of poverty, food insecurity, underdevelopment that are been faced by in the north is what obtainable in the south, and Nigerian political/ruling class (irrespective of their ethnic groupings) are the culprits who perpetuated these problems for too long. They often use religion, ethnicity, resource control, militancy, terrorism, true federalism, northern interest, rotational presidency, oil derivation formula and marginalisation to distract Nigerians from everyday problems caused by their misrule.

Finally, it is safe to posit that SNC will further aggravate the Nigerian problems and make the society more divisive and fragile than ever before. The feasibility of holding SNC is not realistic and the everyday problems faced by the Nigerians will not be resolved even if SNC holds under normal and ideal conditions. Therefore, the agitations for SNC, resource control, true federalism, regionalism and national question have not been properly linked with the problems of ravaging poverty, youth unemployment, power (energy) crisis, infrastructural decay, terrorism and corruption that are together stemmed from the systemic failures of neo-colonial being practised. Without agitations for system change or what can be regarded as political/social change—radical alterations in the socio-politico-economic structure of Nigerian state vis-à-vis political revolution, the agitations for SNC will remain a hot air and its forceful push will worsen the relative and fragile peace and stability enjoyed in a country that is being perpetually haunted by the specters of civil war and disintegration, and hemorrhage of tribalism, religious bigotry, economic problems, social intolerance and divisive ideology.

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