



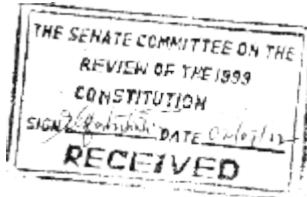
IJAW NATIONAL CONGRESS (INC)

"LEADERSHIP BY SERVICE"

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**A MEMORANDUM
PRESENTED TO
THE SENATE
AND HOUSE OF REPRESENTATIVES
COMMITTEES FOR THE
ALTERATION OF SOME OF THE
PROVISIONS OF THE
CONSTITUTION OF THE
FEDERAL REPUBLIC OF NIGERIA 1999
AS AMENDED**

BY

THE IJAW NATIONAL CONGRESS (INC)

27TH JUNE, 2012

27th June, 2012

The Clerk,
National Assembly Committees
on the Review of 1999 Constitution,
National Assembly Complex,
Room DG 10,
Abuja.

Sir,

PROPOSED ALTERATIONS TO
THE 1999 CONSTITUTION OF THE
FEDERAL REPUBLIC OF
NIGERIA: THE IJAW NATION
POSITION

In respect to the publications recently in
several national daily newspapers by the
Senate Committee requesting the
General public to submit memoranda on

the alteration of the provisions of the Constitution of the Federal Republic of Nigeria, 1999, we, the Ijaw National Congress (INC) the umbrella body of all the Ijaws, hereby submit this memorandum for and on behalf of all the Ijaws in Nigeria and those in the diaspora.

This memorandum seeks to alter the following sections of the Constitution: Sections 3(1) (2) (3) (6), 4 (6) (7), 5 (2) 6 (2) (3) (5) (e), 6 (5) (e) (g) (i), S. 7, S. 8 (2) S. 44 (3), S. 162 (2), S. 313, S. 315 (5) (d) and the part of the 1st Schedule and Parts 1 and 11 of the Second Schedule, to establish ten Zonal Governments to be known as ten Regions. In effect, there shall be four tiers of Government; Federal, Regional, State and Local Government. By this proposal States and

Local Governments, creation of States, fiscal Federalism are to be within the setting of these four tiers of government.

Section by Section Alteration:

Section 3 (1):

Establishment of Regions: Section 3 (1) is proposed to be altered to read, “There shall be ten Federating Regions, that is to say; Namely: (1) Northwest Region, (2) Upper Norther Region, (3) North Central Region, (4) North East Region, (5) Middle Belt Region, (6) Western Region, (7) Mid West Region, (8) Niger Delta Region, (9) Eastern Region, (10) Cor Region.

**3 (2) (3): Substitute the word “State”
with “Region”**

3 (6):

Is to be altered to read, “There shall be 36 States in Nigeria as shown in part 11 of that Schedule (Note: if other States are created the number will increase accordingly)”.

Sections 4, 5, 6:

Anywhere the word “State” appears, it is to be substituted with the word “Region”.
Section 6 (5) (e) (g) (i): should be deleted.

Sections 7 and 8 (a):

These sections are proposed to be deleted, since by our proposal, the power of State creation is devolved to the

Regions, while the power of creation of Local Government Areas is devolved to the States.

New Section 7:

By this proposal, a new section 7 is to be inserted. It is to read, “For the Purposes of proper recording of the number of new States created, each Regional Assembly, after the creation of a new State shall make adequate returns to each National House of Assembly which shall in turn list the new State(s) under the Region that created the State.

Section 8 (2):

Any where the word “State” appears, it is to be substituted with the word “Region”

since by this proposal boundary adjustment shall be between Regions and not States.

Section 9 (2):

The phrase, “not being an Act to which section 8 of the Constitution applies” is to be deleted since by this proposal section 8 of the Constitution is deleted.

Section 9 (3), (4) are proposed to be deleted too since they are meant for section 8 of the Constitution which we have proposed to be deleted.

Section 44 (3):

We proposed that this section is also to be deleted since by our proposal, each Region is to control its own resources and pay tax to the Federal Government.

Section 90, 92:

Anywhere the word “State” appears, it is to be substituted with the word “Region”.

Section 162 (2):

It is hereby proposed that this subsection is altered to read, “provided that each Federating Region controls its own resources and pays twenty per cent of the total sum of money or its total revenue as tax to the Federal Government”.

Section 313 (4) (d):

Is hereby proposed to be deleted since the Federal Government will not be allocating funds any more by our proposal.

Section 315 (5) (d):

“The land use Act” is hereby proposed to be deleted since the Regions are to control their resources.

Part 1 of the First Schedule:

In line with the proposed alteration in section 3, this part is proposed to be altered to read,

Regions of the Federation

	REGION	TRIBES	STATES
1.	Northwest Region	Hausa / Fulani	Sokoto, Zamfara, Katsina, Kano (+ any new state)
2.	Upper Northern Region	Kanuri / Shuwa / Arab	Yobe, Borno, Bauchi, Gombe (+ any new state)
3.	North Central Region	Busa / Kambari / Nupe	Kebbi, Niger (+ any new state)
4.	North East Region	Margi / Chamba / Daka / Bata	Adamawa (+ any new state)
5.	Middle Belt Region	Jukun / Tiv / Idoma / Igala	Plateau, Taraba, Benue, Kogi, Kwara (+ any new state)
6.	Western Region	Yoruba	Oyo, Ekiti, Osun, Ondo, Lagos, Ogun (+ any new state)
7.	Mid West Region	Edo	Edo, part of Delta (+ any new state)
8.	Niger Delta Region	Ijaw	Bayelsa, parts of Akwa Ibom, Rivers, Delta, Edo and Ondo (+ any new state)
9.	Eastern Region	Igbo	Anambra, Enugu, Imo, Abia, Ebonyi, parts of Rivers and Delta
10.	Cor Region	Efik / Ibibio	Cross River, Akwa Ibom (+ any new state)

Please see attached restructured regional map of Nigeria.

Federal Government Powers:

The exclusive list should be altered to have only the following as the Powers of the Federal Government.

- i. Defence and Defence matters;
- ii. Foreign and External Affairs;
- iii. Central Banking, Currency, Coinage and Legal Tender, Bills of Exchange and Promissory Notes.
- iv. Immigration into and emigration from Nigeria;

- v. Citizenship, Naturalization and Aliens;
- vi. Aviation Policy and Regulations;
- vii. Nuclear energy

All other items on the Exclusive list, the Concurrent list and those under Local Government are to be deleted as they are to be devoted to the Regions and States respectively.

It is proposed that each Regional Government will have its own Constitution.

Justification

It is generally agreed that Nigeria is in a perpetual state of crises that now border

on a revolution. The question on the minds of all well meaning Nigerians are; “What are the causes of the militancy, protest, bloody intertribal wars and recently, terrorism? And what could be done to arrest the situation before it gets out of hand?”.

The Ijaw Ethnic Nationality is committed to the indivisibility and indissolubility of Nigeria and it is this commitment that has prompted it to present this memorandum. The Ijaw Nation ardently believes that if the alterations above are adopted and they come into effect, they will solve the Nigerian problems.

These problems facing Nigeria now are rooted in Three (3) events that took place many years ago. These the Merger of

Ethnic Nationalities which were autonomous sovereign nations, the amalgamation of the Southern Protectorate and the Protectorate of the Northern Nigeria in 1914 and the use of the River Niger and the River Benue to arbitrarily divide Nigeria into Northern, Western and Eastern Regions. All these acts were done without the consent of the people.

The amalgamation brought two (2) different sets of people that have very different culture, climate, religion, traditional background. These two (2) groups have no bases of affiliation, yet they were (are) against their wish put together under one (1) administration. The effect is that each group consistently strives to dominate and lord it over the

other group with its religion, and culture which is the continuous case of violence.

In many other cases, by the mergers and the division, some otherwise independent, autonomous sovereign Ethnic Nationalities were submerged under other nationalities administratively. Those that were (are) against their wish being administered, did not and do not like it. These Nationalities continue to protest, sometimes, violently for their administrative and political freedom which results in bloody clashes. As a result of these, there is lack of contentment and so much bitterness in the Nation.

The Ijaw case seems to be the worst and could be used to illustrate the above assertions. Before the division of the Southern Protectorate, which is the area occupied mainly by the Ijaws, the people lived and worked in their various city-states where they enjoyed political and economic autonomy. The sovereign Ijaw city-states signed numerous treaties with the Portuguese and the British for mutual interest.

With the division of the Southern Protectorate into East and West the Ijaw nation, that was by the 1963 census the fourth largest tribe in Nigeria, was put under the Yoruba and the Igbo Ethnic Nationalities as minorities administratively. Since then, the Ijaw nation had been protesting to be united

together in one administrative unit. Unfortunately, the more they protest, the more they are Balkanized. As at now, the Ijaws are in Six (6) States. Except Bayelsa, they are almost minorities in Five (5) States where they are dominated and treated, in the worst case, as second rate citizens and are being seemingly assimilated without success.

The agitations for the union started in 1951, when the Ijaw Union in Lagos demanded the Colonial Governor of the unification of all Ijaws in East and West of the Niger under their own single administrative union. So many of these agitations culminated in that of 1957, when a memorandum duly signed by the elected Ijaws of the Western and the Eastern Regions in the House of

Assembly and the Federal Representatives was presented to the Constitutional Conference requesting for the unification of all Ijaws in a separate Rivers State. All these were ignored.

When these protests were being made, Nigeria had only three (3) Regions. The three (3) regions have since been increased to 36 States with a Federal Capital Territory within 774 Local Government Council Areas. Out of these, the Ijaw nation, that is the fourth largest in the country, they produce much of the mineral Oil that sustains the Nigerian economy, has only one (1) State, Bayelsa State that was only created in 1996 with only eight (8) Local Government Council Areas. The whole of the Ijaw Area has only 24 Local

Government Council Areas. Kano State with its 44 Local Government Council Areas has more than the whole of the Ijaw Area. Since elected positions and appointments are based on state and local government areas, the Ijaws comparatively have only six (6), while out of the 360 members in the House of Representatives, there are only twelve (12) of the Ijaw extraction. This shows how much the Ijaw Ethnic Nationality is short-changed in the Nigerian State.

Interventionist Agents:

As a result of the agitations, in 1957 the Henry Willink's Commission, otherwise known as the Minority Commission was setup. In its report, the Commission noted:

“The need of those who live in the creeks and swamps of the Niger Delta are very different from those of the interior. Not only because the area involves two (2) regions, but because it is poor and neglected”.

The Commission recommended the designation of the Ijaw Territory as a “Special Area” and the creation of a Special Development Board as an intervention Agency. On 29th August, 1959, the then Governor General of the Federation of Nigeria made a proclamation of the Niger Delta a “Special Area” for the purpose of the Niger Delta Development Board established under the provisions of the

Nigerian (Constitution) order in council. Unfortunately, the Niger Delta Development Board (NDDDB) did not take off. Instead, after ten (10) years, ten (10) River Basin Development Authorities were established. The powers that be categorized these authorities from A-D in order of importance for discretionary funding.

The Niger Delta Basin Development Authority that is supposedly an offshoot of the defunct Niger Delta Development Board (NDDDB) that would have been the only one (1) in the country, was placed in category 'D' for least funding. After that the Oil Mineral Producing Areas Development Commission (OMPADEC) was established in 1992 and now the Niger Delta Development Commission

(NDDC) and the Ministry of Niger Delta Affairs. All these are not benefitting the Riverine Niger Delta. In fact, the Ministry of Niger Delta Affairs is expending almost all its allocation on the East West Road that is not connected or impacting on the Riverine Niger Delta that is the place in question.

Mineral Oil and Derivation Principle:

Oil has been the cornerstone of the Nigerian economy accounting for 80% of the Gross Domestic Product, 95% of the National budget and 90% of the National Foreign exchange earnings. The Ijaw is responsible for more than half of the oil and almost all the crude oil exports like that of Shell, Agip, Chevron, Texaco and others pass through the Ijaw area.

Unfortunately, the Ijaw people do not benefit from the oil resources. Despite the huge contribution to the economy, they live in absolute abject poverty, pain, deprivation, oppression, exploitation and genocides against them. The riverine Ijaw area is devoid of infrastructure. There are no motorable roads, no functional health facilities, no potable drinking water, no electricity and no tertiary institutions.

As a result of this neglect, when the youths protest, villages are wiped out with extra judicial killings. On November 26th 1999, 2,845 people many of them women and children, were killed in Odi in Bayelsa State. Since then, Gbaramatu Clan and Ayakoromo had suffered the same fate. Unarmed Ijaw

youths had earlier in Kaiama, on December 11, 1998 gathered to decry the over four decades of neglect to make the historic “Kaiama Declaration” and they were visited with sophisticated military force that resulted in the death and maiming of thousands of the youths and some elders.

Deprivation Policies:

When mineral Oil became the main stay of Nigeria economy, since it was mainly from the Ijaw area, the Federal Authorities since the post January 1966 military coup and ensuing civil war reduced the percentage of derivation to almost zero. For instance, it was 100 percent in 1953 (Chicks Constitution), 50 percent in 1960 (Independent

Constitution), 45 percent in 1970 (Gowon), 20 percent in 1982 (Shagari), 1.5 percent in 1984 (Buhari), 3 percent in 1992 (Babangida) and not less than 13 percent in 1999 (Abubakar Constitution).

Other Ethnic Nationalities:

The oppression, marginalization, exploitation and inhuman treatment are not limited to the Ijaws alone. Many other Ethnic Nationalities, particularly other oil producing areas such as Ogoni suffer it in varying degrees and in different ways. This is the cause of the continuous crises. With the Regions as federating units based on ethnic nationalities, they will have self determination and Nigeria will be a better country.

What is being practiced now in Nigeria, as illustrated above, is against the lofty policies of democracy, federalism, rule of law, national unity, due process, peace, order and good governess. It is also an aberration and contravention of the Constitution of the Federal Republic of Nigeria, 1999. For instance Section 14 (1) provides, “The Federal Republic of Nigeria shall be a state based on the principles of democracy and social justice”. Section 15 (1) provides, “The motto of the Federal Republic of Nigeria shall be unity, faith, peace and progress”. Section 17 (1) (d) provides, “Exploitation of human or natural resources in any form whatsoever for reasons other than the good for the community shall be prevented”. The Federal Government

annexing the resources of the people without their consent is in contravention of the human Rights of the people.

Peace: It is our conviction that these proposed alterations will contribute to the reversal of the decades of economic impoverishment, political subjugation, environmental destruction, social neglect and human rights violations of many Ethnic Nationalities as they will control their resources. In turn, these will bring about lasting peace and stable Constitution.

True federalism is the pillar of democracy as the government will be truly for the people; there will be better representation of the people since each ethnic Nationality, without oppression and

suppression, will freely choose the people that will represent them.

By the proposal, the Nigeria Constitution will be more enduring and will last longer as the ethnic nationalities' interests are taken care of, and there will be no more agitations for constitution review. For instance, in the short history of our country, Nigeria has had many constitutions while the American Constitution that came into force in 1789 is subsisting to date and is respected by every citizen. Similarly, other great federations like Canada, Switzerland, etc continue to be stable and wax strong but the defunct U.S.S.R., Yugoslavia, etc are different stories of disintegration as we witnessed.

The control of the resources by the Regions which will pay tax to the central Government as proposed is also a trade mark of democracy that will bring about contentment to the people. As our respected statesman, Chief Obafemi Awolowo, of blessed memories said, when he was reflecting on the bounties of resources ownership:

“In a capitalist society, whether it is federation or not, it is dishonest in the extreme to insist on sharing another states wealth on any basis other than that which the rules of the capitalist game allow. In this kind of society, every state is entitled to keep whatever accrues to it either by the sweat

of its bro, by cunning or the unaided bounty of nature. And to accuse a rich state of lack of fellow felling or patriotism simply because it insist on keeping practically whatsoever accrues to it is unrealistic and untenable”.

The alterations that are proposed are almost akin to that of the Independence Constitution of 1960 and the Republican Constitution of 1963. They lay down appropriate foundation for the sustenance of true federalism at least in the application of the fiscal arrangements whereby the component Regions will have relative fiscal autonomy. As such if the alterations are accepted and they

come into force and are implemented without prejudice to size, responsibilities and obligations of a given Region, they will bring about the desired contentment, peace and good governance. In other words, every Region will be challenged to creatively source for resources to strengthen its internal revenue base. This will in turn encourage creativity and fiscal accountability.

The Ijaw National Congress (INC) for and on behalf of all Ijaws in Nigeria and diaspora, with due sense of responsibility, believing sincerely that the alterations if implemented will promote democracy, federalism, rule of law, nationality, unity, due process, peace, order and good governance in Nigeria, submit this memorandum.

We want to add that many ethnic nationalities are agitating for true federalism which is in line with other proposed alterations.

Signed



Chiet Joshua Ebiakpo Benamaisia
President INC



Barr. (Chief) R. E. O. Esite
Secretary INC

ADDENDUM

This addendum is made with particular reference to item 8 page 3 of this memo; Niger Delta Region, Bayelsa, parts of Akwa Ibom, Rivers, Delta, Edo and Ondo (and other states to be created).

As a solution to the problems enumerated in pages 4 and 5 of this memo, the justifications for the creation of Toru-Ebe State and Oil Rivers State (as contained in pages 2 to 4 and pages 8 to 17 of the memos of these respective State Creation Movements), the Ijaw National Congress (INC) as the umbrella body of all the Ijaws in Nigeria and in diaspora, in full

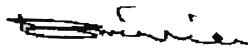
support of these requests do hereby demand for the creation of the following states.

1. Toru-Ebe State - for the geographically contiguous Ijaws of Delta, Edo and Ondo States; and
2. Oil Rivers State - for the geographically contiguous Ijaws of Akwa Ibom and Rivers States.

These two documents which have already been submitted to the National Assembly Constitutional Review Committees of both Chambers are hereby adopted for your necessary action.



Chief Joshua Ebiakpo Benamaisia
President INC



Barr. (Chief) R. E. O. Esite
Secretary INC

IJAW NATIONAL UNION
NIGERIAN PEOPLES CHARTER:
FEDERALISM, ETHNIC NATIONS
AND NATURAL RESOURCE
CONTROL

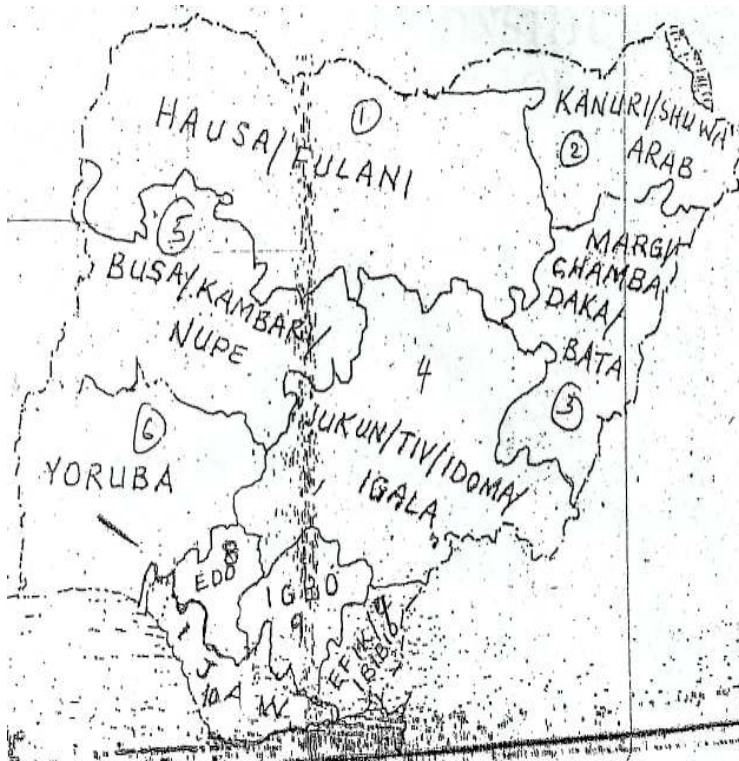
Addressed to the entire Nigerian People
and the World community

Following the failure by the Military
Administration of General Ibrahim
Babangida to create the homogenous
Ijaw States demanded by the Ijaw nation
in Nigeria, we the sons of Ijaw-land for
and on behalf of our people hereby
present to our fellow country-men and
the international community at large our
recommendations for a sober and logical
devolution of Nigeria into internationally

recognizable ethnic states for justice, stability and progress.

Ten such well-defined ethno-linguistic nation states are easily identified, and we put forward this recommendation as the much-sought panacea, for repeated census fraud, electoral malpractices, destructive tribalism and outright brigandage manifested in the form of seizure and expropriation of the natural resources of certain currently disadvantaged groups within Nigeria by their supposed fellow-country-men. These ten states are: An Ijaw State, an Edo State, a Yoruba State, an Igbo State, an Efik/Ibibio State, a Hausa/Fulani State, a Kanuri/Shuwa Arabic State, a Margi/Chamba/Daka/Bata State, a Jukun/Tiv/Idoma/Igala State, a Busa/Kambari/Nupe State as shown in the map.

NIGERIA: ETHNIC NATIONS



IJAW NATIONAL ANTHEM

The Izon race of the illustrious we
Cradled on the bosom of rivers
A wrap and weft of waters
Flowing fresh brackish and salt

The umbilical of the land we
Feeding sustenance to the land
Stretching from sea to sand
The web of unity we

Oh Tamuno of justice and bounty
Whose Godly pleasure it has been
To fill our waters and soils
With frolicking and flowing favours

Grant us the will and wherewithal
To shield and share our own
Under a flag flapping free and fair
Over people with a name and face

