

MEMORANDUM ON THE CASE FOR A RIVERS STATE

by The Rivers Leaders of Thought (Sept 10, 1966)

Signatories:

1. (signed) Dr I.J.M. Fiberesima (Degema Division)
2. (signed) Barr. N. Nwanodi (Ahoada and Port Harcourt Divisions)
3. (signed) E. N. Kobani (Ogoni Division)
4. (signed) Barr. R. P. G. Okara (Brass Division)
5. (signed) Mr G.B.C Otoko (Opobo Division)
6. (signed) Barr. S.N Dikibo (Chairman, Rivers Leaders of Thought)

Preface

The object of this memorandum is five-fold.

It demands the creation of a Rivers State as the right of a mature and viable people to self determination and as the only abiding solution to the permanent minority problems of the Niger Delta which section 159 of the Constitution of the Federation of Nigeria has already recognised. It maintains that a Rivers State would improve the unity, peace and stability of Nigeria. It outlines a method of creating this desired Rivers State in order to ease tension.

The memorandum suggests that it is necessary to enforce these recommendations by decree in the interim period. It holds that this shade of opinion is not covered by programmes of any of the known delegations that are going to Lagos Conference to advise Government on Preparations for a Constitutional review. It claims that delegation of three natives of the Niger Delta should be permitted by Government to sit on the said Lagos summit Conference as one delegate and two advisers.

With due reverence to the Military Government, therefore, Rivers Leaders of Thought appeal to the Head of the Federal Military Government and to his Regional counterparts to kindly accommodate Chief Harold J.R. Dappa-Biriye as Niger Delta delegate and Mr. E.J.A Oriji, Mr. W.O Briggs, as Niger Delta Advisers on the Lagos summit. Similarly they should be allowed to table the text of this memorandum as an item in the agenda of the Conference.

S.N. Dikibo
Barrister-at-Law
Chairman

Self-Determination

1. Principle:

The right of self-determination is conceded to any viable group of Nigerians in our law. That accounts for section 4(3) of the Constitution of the Federation of Nigeria which sets out the procedure for achieving this right. Advantage was taken of that provision to create a Mid-Western Region in isolation out of an original Western Nigeria. It follows that other Nigerian groups who feel the way Mid-Westerners did in 1963 are entitled to take advantage of the same right and law of our country.

2. Procedure:

No decree proscribes this right up till now; and section 4(3) is not repealed; but Parliament which is a medium for asserting this right is suspended for the moment. It is considered necessary that this right should be claimed from the Lagos summit conference which has been ordered by the Supreme Commander and Regional Military Governors, to peg out major Constitutional issues and advise Government.

3. Policy:

A declared policy of the Military Government for this matter is that delegations sponsored by Regions to the Lagos Conference should include all shades of the opinion that reflect Constitutional rights. In pursuance of this policy the delegation from Northern Nigeria consists of peoples who have been known to symbolise conflicting interests in their Regions. The same is true of Western and Mid-Western Regions. Unfortunately, delegates and advisers for Eastern Nigeria were not selected by the Consultative Body that met in Enugu from August 31st to September 2nd 1966. Up to this moment, September 10, 1966, the public is not aware of whether the Eastern team has been selected and what its composition is.

4. Claim:

In this circumstance, Leaders of Thought of Rivers origin strongly represent to the Military Government that the right of Rivers people to self-determination can be properly protected only if a delegate of the Niger Delta origin who is sponsored by

the Rivers people themselves is allowed to take part in the proposed National Conference of all shades of opinion.

5. States:

It is consoling to read from leading newspaper reports that Leaders of Thought of the Northern Region have accepted the principle of creation of more states in Nigeria as a possible business of their delegation to the National Conference in Lagos. It is reassuring too that the Leader of the Yoruba people, Chief Obafemi Awolowo, has reiterated his personal stand for creating more states in the federation of Nigeria. Even so, it cannot be expected that these advocates for more states can rightly initiate on the Conference table claims of groups outside their own Regions. This would have been possible when party politics was in vogue. But with an existing decree banning party politics one is entitled to initiate only those programmes which relate to one in the Constitution.

6. Rivers State:

In this light the demand for a Rivers State as a right of self-determination that is protected by section 4(3) of the Constitution is a case which can properly be raised by accredited Rivers delegate on the National Conference at issue. The pre-occupation of the Government of Eastern Nigeria appears to be to retain this Region in its present size and in fact ask for more powers at the expense of permanent minorities like the Niger Delta. On account of this it is assumed that Government may hand-pick a team that will undermine the demand of a Rivers State. The duty of the Military Government to ensure that a Rivers delegate with his advisers is admitted to the Conference cannot, therefore, be over-emphasized in this memorandum.

7. Niger Delta:

It is understood that the Consultative Body of Eastern Nigeria advised the Military Governor that the Niger Delta Development Board in section 159 of the Constitution of the Federation should be repatriated to respective Regions. This shade of opinion is strongly opposed by all Rivers People. Our own shade on the subject is outlined in a chapter of this memorandum and we appeal that it should be relayed like that to the National Conference and be represented there by an accredited delegate of the Niger Delta origin. It should be remembered that sub-section 2(d) of Section 159 of the Constitution of the Federation implies that inhabitants of the Niger Delta have a stake in the fate of the Niger Delta Development Board at any Constitution Conference. In an exclusive interview of Rivers people with the Military Governor of

Eastern Nigeria at Enugu on Saturday September 3rd, 1966, His Excellency indicated that he would brief the Eastern Nigeria team from recommendations of the East Consultative Body. His Excellency's appointed team cannot rightly play the part of the inhabitants of the Niger Delta on the National Conference because our interests are certainly at cross purposes with those of other integral units of the Region.

8. Precedent:

In fairness to the right and principle of self-determination too much stress cannot be laid on the absolute necessity for ensuring that a delegation of the Rivers minority at the proposed National Conference is arranged by Government in order that the issues of a Rivers State and the future of the Niger Delta Development Board may best be equitably resolved in favour of a recognized permanent minority.

In the civilian era Rivers people were accorded distinct representation at the several constitution conferences that took place from 1950 to 1963. These representatives were appointed by the people themselves and not by Government. It seems clear therefore that our claim is legitimate and is supported by strong precedents.

RIVERS MINORITY PROBLEMS

9. Special Area Future:

Rivers minority problems are outstanding Constitutional issues in the law of our land. Subsection 7 of Section 159 of the Constitution of the Federation has the following to say:-

This section shall cease to have effect on the first day of the July 1969 or such later date as may be prescribed by parliament.

If the legal provision made for solving these problems is to vanish from the Constitution without succeeding with its assignments then the country as a whole has a duty of improvising a permanent solution which is the creation of the desired Rivers State.

10. Background of Issue:

The 1958 Constitutional Conference in London evaded this obvious remedy for three reasons. It did not want to create even one single State before Independence if the agreed date of October 1, 1960 was firm, It had agreed to creation of States for allaying minority fears only as a last resort. Thirdly, it wanted to give a fair trial to the

Niger Delta Development Board as basis for further Constitutional reforms for the area.

11. Niger Delta Development Board:

The Niger Delta Development Board is enjoined to survey the area of its jurisdiction to advise three different Governments on how to develop the Special Area to the standard of the rest of Nigeria. It is, however, for each of these Governments to determine priority for any of the schemes recommended by the Board and to carry them out if funds are available. The Board started off its work with its first Headquarters in Lagos. Then it became clear to all Governments in Nigeria that no authority which is remotely based from the Niger Delta itself will succeed to discover problems of the area much less to execute solution to them. The Board, therefore, had to move its headquarters from Lagos to Port Harcourt at the fringe of its area of jurisdiction.

12. Board's Report:

Experts of the Board completed their surveys and have compiled reports that beat all existing records on their subject-matters in respect of the Niger Delta. It is elementary to understand that these Reports will be shelved in Lagos, Benin and Enugu for obvious reasons: no priority for completing schemes and of course no funds for them for ever. And so the neglect continues. Under Nigerian circumstances, priority oftener goes to schemes that benefit the immediate environment of any Government. And none of the three Governments involved would appear to have initiated any programme for financing recommendations of the Board. The special equipment needed for executing schemes inside the Niger Delta cannot be provided by remotely based Governments at Enugu, Benin or Lagos. Fears of Rivers people are therefore in no way allayed by the present arrangement.

13. Solutions:

Niger Delta members of the East Consultative Assembly have raised this issue at a recent meeting in Enugu and the points involved are recounted below as our recommendations on the subject:-

- The Niger Delta Development Board should continue to exist in the Constitution of the Federation or of a Confederacy and should discharge its present functions.

- The Niger Delta Development Board should tender its advice to one Government alone instead of to three Governments as at present.
- That Government should be based inside the Niger Delta Special Area itself for all purposes and should absorb the Board after July 1, 1969.
- Boundaries of the Niger Delta Special Area should be expanded to include Ahoada Division, Port Harcourt Division and County Council areas of Obolo and Opobo in Opobo Division.
- Constitutional allocation of funds should be made for services of the Special Area Government.
- This embryo State should develop at its own pace as a direct unit of Federated or Confederated Nigeria.

14. Result:

Henry Willink's Report has this to say:-

"The declaration of the Ijaw Country as a Special Area would direct public attention to a neglected tract and give the Ijaws an opportunity of putting forward plans of their own for improvement."

It must be said that no half measures will solve the complicated and permanent problems of the Niger Delta. Natives of the Niger Delta desire not only to put forward their plans for improvement but also to have a Government of inhabitants of the area inside the area to solve these problem themselves. When a Government is based inside the area, financial aids and public attention will be more attracted to the area and all benefactors will rest assured that their benevolence is channelled only to the problems for which it was intended.

15. Peoples:

Peoples of the enlarged Niger Delta number about 1,865,242. They are:-

- (a) Ijaws of Western Ijaw Division
- (b) Ijaws of Brass Division
- (c) Ijaws of Degema Division
- (d) Ogonis and Elemes of Ogoni Division
- (e) Ikwerres and other tribes in Port Harcourt

(f) Etches, Ikwerres, Ekpeyes, Ogbas, Egbemas, Engennes and Abuas of Ahoada Division.

(g) Obolos and Opobians of Opobo Division.

These various ethnic groups have historical, economic, social and cultural community of interests and are desirous of continuing this centuries-old association in one new political entity. Among them no one ethnic group will be able to dominate all others and their fears as Nigerian minorities will vanish once and for all time.

16. Viability:

There is no doubt that among these two million people there are many seasoned citizens who will contribute to the administrative viability of the Rivers State. Financially the enlarged Niger Delta Area will have enough resources and revenue to meet all its obligations as a direct unit of Nigerian Federation or a customs union. Suffice it to say that the area abounds in mineral oils, refined oils, commercial timber, arable lands and fishing waters. When a Government is based inside the Niger Delta to stimulate the speediest development of these resources a Rivers State would become a very rich unit in Nigeria.

17. Nigerian Unity:

Rivers people feel very strongly that a Nigeria which is firmly united in greater diversity will ensure continuous peace and progress for its people. To this end the country should be a Federation of not less than twelve and not more than twenty-six states. Each State should exercise authority over a settled list of subjects and residual powers with the central authority. This would nip the budding passion among existing regions to liquidate the country into four sovereign entities. The greatest challenge of our age is to keep Nigeria intact as one sovereign entity; to avoid anarchy and further bloodshed in the country and to create favourable climates for peaceful development of every part of the nation.

18. Model State:

A Rivers State of about two million people and an area of some 10,500 square miles is a model unit that cannot threaten a strengthened Federation nor undermine the harmonious co-existence of other member units of the country. This model will assuage all fears of ethnic minorities in Nigeria and improve our sense of one Nationality. On the other hand, if Nigerians of this age opt for a more customs union of viable components, a Rivers State would still survive and develop. It is not far to

see that Kuwait which has a population of some 300,000 people and an area of 3500 square miles is a wealthy nation of world standards. A Rivers State that directs much of its resources to speedy development and solidarity will surely make the grade in a very loose Nigerian association.

19. Peace:

So long as wealthy Rivers area is controlled by remotely based Governments so long will the controllers contrive unrest in Nigeria. So long as wealthy Rivers area is denied effective defence so long will its present controllers continue to threaten the peace of this country. So long as remotely based controllers have a blank cheque and direct this wealth towards amenities for its tribal principle, there will be no peace in all public organs in Nigeria. If peace is to come to the country any more a Rivers State must be created post haste.

20. No Secession:

Rivers Leaders of Thought wish to register the view that secession of any of the existing Regions from Nigeria is not the answer to the problems confronting the country now. Secession was no part of the conditions under which majority and minority groups embarked upon an independent constitution. Any existing Region which conducts its affairs in a manner that violates the national constitution unilaterally has no support of the Rivers people. To this effect it is maintained here with emphasis that the enlarged Niger Delta area which delimited in paragraph 15 above wishes to remain in a Federation of Nigeria as a direct State in the national association.

21. Administrator:

The Federal Government has to appreciate that by reason of section 159 of the Constitution it has special obligation to perform its duties in the enlarged Niger Delta. This becomes more obvious when the country seems charged with subversion. In fact a country that has witnessed two successful coups d'etat within eight months is surely in a state of emergency. The executive head of the Federation can in such circumstances administer any Region or part of a Region by his agents. It will be to the best interest of the nation if an Administrator for Niger Delta affairs is appointed without delay and posted inside the Special Area pending further constitutional advance during review.

22. Decree:

This measure can be effected by a decree; and nothing but the strongest necessity will justify any delay in adopting this recommendation. The Administrator should be assisted by a Council which the Military Government proposes to enlarge. The decree should prescribe sources of the funds for services of the Administrator in Council to issue edicts to regulate public services in the Niger Delta. The decree should immune the area from any further jurisdiction of existing Regional authorities; and empower the Administrator-in-Council to repeal any repugnant Regional laws by edicts.

23. Security:

It is essential that the police base at Port Harcourt be raised to Regional Rank, and the employment of Senior Officers to serve in the New State re-adjusted to correspond with the policy adopted for and in the existing regions. This will enable Lagos to be directly fed with security information from the area itself. As a matter of national policy Nigeria's militia should be disarmed for the moment and national demobilisation could be considered. One battalion of British soldiers should be borrowed by the Federal Military Government for five years to serve in Nigeria. These could help in reconditioning our country's until a homogeneous cream of loyal Nigerian troops emerges again. The mobile Police should be moved more frequently from area to another throughout the country.

24. Civilian Rule:

It is gratifying that the present Military Government in Lagos is anxious to return to power to civilians soon. This is commendable indeed since our civilians soon. This is commendable indeed since our civilian populations have successfully kept their peace in many parts of the country. Nothing is wrong with choice civilian running the affairs of the country while our soldiers concentrate on repairing serious in-roads that now exist in our militia.

25. Summary:

In view of the several points raised in this memorandum the recommendations made are summarised as follows:-

- (i) That a Rivers State be created forthwith for the area of the enlarged Niger Delta.
- (ii) That this shade of opinion should be represented at the national conference of Nigerian shades of opinion holding in Lagos shortly by a delegation of Niger Delta identity.

(iii) That after the Lagos Conference a decree should be made to create and fill the office of the Administrator for the Niger Delta affairs.

(iv) That security plans should be made for the Niger Delta on the lines of paragraph 23 above.

N.B. The Niger Delta Delegation indicated in the Preface is:

1. Chief Harold J.R. Dappa-Biriye (Delegate)
2. Mr E.J.A Oriji (Adviser)
3. Mr W.O. Briggs (Adviser)

Shared on Ijaw Nation Forum by Owei Alfred, Editor at Publisher@adakaboro.org on Oct 25, 2014