

PERSPECTIVES TO RESTRUCTURING NIGERIA IN THE SEARCH FOR LEGALLY VIABLE MEANS OF EXTRICATION

Olaolu S. Opadere, PhD
Department of International Law,
Faculty of Law, Obafemi Awolowo University,
Ile-Ife 220005, Osun State, Nigeria
Tel: +2348030686455 E-mail: laoluopadere@gmail.com

Abstract

Since the emergence of the current political regime in May 2015 with a four-year tenure, agitation for restructuring has gained magical momentum, spontaneously and simultaneously, across the country; though with different tilts, as suits the peculiarities and/or interests of the agitators. The promise to restructure Nigeria was a major component in the manifesto of the ruling party that resonated with majority of the polity, which eventually enhanced its ability to topple the preceding ruling party. About three years down the line, restructuring remains a mirage for manifest political reasons, among others, leaving the polity distraught and sometimes sharply divided; with the term 'restructuring' becoming virtually nebulous and engendering more futile debates than ever envisaged. Against this backdrop, this paper explores the various perspectives proffered for restructuring Nigeria, by distilling the major perspectives into two: dominant and suppressed perspectives. This is with a view to drawing attention to the meaning/concept of restructuring; locating/discerning why the views on restructuring are divergent; what are the underlying factors for the aggravated clamour for restructuring; and the envisaged legal and socio-political consequences of restructuring, vis-à-vis propositions for legally viable means of extricating the country from the myriad quagmires threatening to submerge her if drastic measures to salvage the current abysmal situation are not urgently taken.

Keywords: Nigeria, Restructuring, Perspectives, Legal & Socio-political Consequences

1. Introduction

Nigeria, without doubt, is a nation with huge human and natural-resource endowments. The human count is estimated to be about 180 million people, comprising about 374 different ethnic groups (National Population Commission Nigeria 2010). However, since the emergence of the current political regime, the clamour for 'restructuring' seemed to magically gain momentum, spontaneously and simultaneously across the country. The heightened clamour, in this regard at this time, may be attributed to at least two elements. One, the campaign promise made by the ruling All Progressive Congress political party, which apparently resonated with many Nigerians, regardless of what 'restructuring' meant and still means to them, but at least to the end that: "APC will...initiate action to amend our Constitution with a view to devolving powers, duties and responsibilities to states and local governments in order to entrench federalism and the federal spirit" (Onyekpere 2017). Two, and more importantly, is the age-long 'fundamental' desire and aspiration of Nigerians to have a nation truly guided and guarded by unity, faith, peace, and progress, as proposed by 15(1) of the Nigerian 1999 Constitution. Sadly, however, rather than attain the constitutional proposition, Nigeria has drastically lost unity, faith, peace, and progress. Currently, the APC government has hitherto shied away from the promise to 'restructure' the obviously skewed and unsustainable structure of the Nigerian nation; hence, the aggravated clamour for restructuring.

Therefore, in an attempt to meaningfully contribute to the restructuring debate, this paper shall, further to giving a conceptual definition to the term 'restructuring', endeavour to consider, essentially, what it means to the different people and/or groups advocating it, on the one hand; and why it is opposed by others, on the other. It shall also bring to the fore the unanimous elements from the divergent views of the various angles from which restructuring is advocated; and from those opposing it. Furthermore, this paper shall consider, within its context, why restructuring may actually be considered inevitable at this stage of the Nigerian nation, beyond mere politicking. The paper shall also take a careful look at the likely consequences of restructuring, from all possible ramifications. In conclusion the paper shall consider whether Nigeria, with or without 'restructuring'; along with our modest but frank propositions.

2. Restructuring in Context

Structure, from which restructuring derives, is described as "any construction, production, or piece of work artificially built up or composed of parts purposefully joined together...; the organization of elements or parts" (Black's Law Dictionary (BLD) 2004). Restructure, on the other hand, is described as "to organize something such as a system or a company in a new and different way" (Oxford Advanced Learner's Dictionary (OALD) 2001). Thus, restructuring is the present participle of restructure, which indicates a reorganization or alteration of structure. Restructuring Nigeria's present configuration cannot, however, be discussed without reference,

howbeit cursorily, to the 1914 amalgamation of the different nation-states to form what is now known as Nigeria. Literature is replete with comprehensive accounts of the amalgamation, and the various efforts at containing the aftermath, hitherto (Cole 1960, Odumosu 1962, Awa 1964, Ekeh & Egbosa 1989, Olugbade 1992, and Amuwo et al 1998). Therefore, we shall not deploy the constricted space of this discourse to rehearse it again. It however suffices to mention that the amalgamation of the North and South Nigeria, as originally comprised, and the subsequent inability or failure of the Nigerian government to manage and harness the new configuration thereafter have been the cause of distrust, disunity, violent conflicts, and life threatening reactions of various degrees from then till now. Consequently, the clamour for restructuring, with its numerous and/or divergent connotations, has been endless. The issue of restructuring became all the more necessitated as a result of the militarization of the Nigerian polity, particularly from 1966; despite the interspersed democratic regimes in-between a protracted military dispensation—from 1966 to 1999. As a result, the emergence of a democratic government from October 1979 to December 1983 had no material effect on the composition of the country; which is a major reason for the restructuring clamour. This is primarily because Decree No... of 1966, that sought to legitimize the military incursion of that year, introduced a unitary cum federal form of government into Nigeria, to make sole administrator-ship easy for the military dictators. As a result, this altered the formations of both the 1960 and 1963 constitutional arrangements, which had assumed a federation format. Unfortunately, the perverted unitary cum federal format has been retained by the subsequent 1979 and 1999 Constitutions, which on the whole have made the centre of the Nigerian Federal Government unduly strong, and amassing enormous wealth and other resources, at the expense of the States and Local Governments. The distrust, disunity, and violent conflicts over the years have repeatedly resulted in state creation, at different times in the past, during military dictatorship (Akinyele 1996). At present, the clamour has taken a vigorous dimension of deafening calls for restructuring, though intermittently muffled.

3. Perspectives to Restructuring

In years past, as noted above, the feelings of distrust, perceived disunity, and fear of domination of one section of the country by another (usually called marginalization) have led to the eventual creation of more states. It could be safely assumed that the creation of states, as embarked upon by the military regimes that held Nigeria to ransom for many years, was in an attempt to give effect to some of the Willink Commission's Recommendations, particularly on state creation (The Willink Commission Report 1958). Perhaps, it was assumed that state creation was the final solution and/or magic wand to resolving Nigeria's problems. It may now be surmised, being obvious, that the military was wrong; and that the creation of more and more states within the existing geographical structure, merely aggravated the many problems bedeviling the nation from the angle of ethnicity; which is one of the major elements of the structure. The other major element is religion. In recent times, however, the clamour is not just for more states; but for restructuring on the one hand, and outright secession, on the other. With respect to secession, it may be said without much fair of contradiction that only 'one voice' has been loud and clear enough in its desire for it: the voice from South-East Nigeria (Federal Character Commission Act, Cap F7 2004). It was a similar voice that culminated in the bitter civil war, which has reverberated till date. In this regard also, call for secession has emanated from the South-South Zone, although not with the same intensity as has been experienced in the South-East. More often than not, the South-South's conditional and intermittent clamour for secession has most times been assuaged by the promise of, or actual larger share of the 'national cake'; or a form of palliative, like the amnesty support programme, among others. It would appear however, that Nigerians generally, and even the Government, have always been reluctant or afraid to rigorously debate the subject of secession, examining its merits and demerits vis-à-vis the best interest of the nation and the various ethnic/people-interests therein represented (Opadere 2016).

Restructuring, on the other hand, though gaining much attention and/or wider acceptance in recent times, is fraught with diverse and virtually confused/confusing interpretations soothing to the perspective of the many and diverse proponents. For instance, to the political class, restructuring means one thing, different from what it means to the average Nigerian; it means one thing to the North and another to the South of Nigeria. South-East, South-South, and South West each talk differently on the same subject; hence this attempt at reconciling or distinguishing the divergences, all at once in this study, in an effort to proffering means of extrication from the ongoing imbroglio, which if care is not taken may sooner than later consume the nation; God forbid! For this purpose, a number of daily newspaper publications, particularly in 2017 and 2018, will be appraised in order to distill the major perspectives to restructuring, as being debated in the Nigerian polity, to enable this discourse achieve its objective of proffering some viable legal means of extrication. For ease of approach, therefore, the perspectives shall be grouped into two main categories: the dominant and suppressed perspectives. These perspectives—though not exhaustive, but considered to capture the contents of the many variants of the perspectives—shall be interrogated.

3.1 *The Dominant Perspective*

The term ‘dominant’ here is used with the inflection of ‘domination’ in mind; in terms of controlling or having a lot of influence in a particular situation (Oxford Advanced Learner’s Dictionary 2001). In this regard, the dominant perspective is not necessarily the majority or popular perspective, but the dominant political perspective maintained by the political force(s) holding the reins. This perspective can be distilled from various submissions, beginning with that of the stalwarts of the ruling Party. In June 2017, Mallam Nasir El-Rufai, governor of Kaduna state was captured as not being favourably disposed to the ‘suppressed’ perspective of restructuring, when he was quoted as saying “state governments are now much more involved in economic policies at the national level than ever before. We meet every month under the auspices of the National Economic Council; and working together with the Federal government, we chart direction for our economic policy. That is part of shifting the federal-states balance” (Odebode 2017). In essence, by El-Rufai’s estimation, restructuring is already taking place. To further buttress this dominant perspective, in the same write-up, the National Chairman of the APC, Chief Odigie-Oyegun was quoted as saying:

It is contentious and a lot of people talk about restructuring without any commonality. We have stated clearly what we want to do; devolution, true federalism. We really avoided the word restructuring because it means so many things to so many people.... So, yes (is the) short answer to your question. We are coming to that but our priority for now, for today, is to fix the economy and restore hope, provide jobs (for) the teeming millions of our youths all over the country (Odebode 2017, Onyekpere 2017, and Onabanjo 2017).

The dominant perspective somehow reveals a lacklustre attitude to the idea of restructuring as once attributed to the Bauchi State governor, Mohammed Abubakar, when quoted as saying:

I think what Nigerians should be agitating for is to ensure that this attempt looks at the exclusive legislative list with a view to releasing those functions that are co-state functions such as the areas of population. For example, agriculture happens in the states only. The Federal Government has no land where they would do agriculture. So if you tinker with the exclusive legislative list, I think it will satisfy the agitation for restructuring (Charles 2017).

Truly, a critical look at the exclusive legislative list (Nigerian Constitution 1999) is much needed, beyond mere tinkering. In fact, using the word ‘tinker’ seems like trivializing the gravity of what is required in the course of the desired restructuring. More so, beyond the exclusive legislative list, other parts of the Nigerian Constitution also require critical evaluation, reworking, and/or outright change, to suit the desired restructuring. Furthermore, the entire statement attributed to the governor is non-committal, and does not reflect the urgency of the situation; which is typical of most of those in the political class (Onwuka 2017).

Another strategy adopted by the dominant perspective is the presentation of restructuring as being so difficult and virtually insurmountable, as once done by the Attorney General of the Federation, Abubakar Malami, SAN, by regarding it as “a tall order that cannot be achieved through advocacy, emotional outburst or provocative rhetoric and demonstration” (Soriwei et al 2017). As true as the statement may sound, if considered superficially, the fact remains that on a holistic basis, nothing serious is being done to practically address the call for restructuring by those holding the dominant perspective. Those in this category fail to realize that the promise to address this was a major ground upon which they won the election in 2015. Hence the misclassification of the demand for restructuring, however skewed or unreasonable as it may appear, as mere “emotional outburst or provocative rhetoric and demonstrations.” Furthermore, one may opine in view of the dominant perspective, that the government of the day is lackadaisical about the issue of restructuring, as is typical of Nigerian leaders when it comes to issues of concern to the populace. It was reported of Nigeria’s Vice President, Prof. Osinbajo, while commenting on restructuring as saying: “what we can do is what we are doing as we have gathered here today: writing books, debating and arguing among ourselves and in the process of debate, we would find solutions to our problems” (Adepegba 2017). A similar position was again canvassed by a former Head of State, Gen. Abdulsalami Abubakar, in a statement issued on behalf of a Committee he heads, at the instance of federal government, that: “Ongoing efforts to reach out to leaders from various parts of the country should be broadened into an honest dialogue with all segments of the Nigerian population to ensure that ordinary citizens get the opportunity to convey their views to government at the highest levels and get carried along in the formulation and implementation of government policies” (Odebode 2017). At this, one is left to wonder how many books have to be written, and how long we have to dialogue, debate and/or argue, before we come to a reasonable and meaningful resolution. One can only hope that by the time we are done with the endless process proffered by Prof. Osinbajo, Gen. Abubakar, and others, Nigeria would not have been totally consumed by the myriads of problems. For avoidance of doubt, Nigeria is not bereft of writings, dialogues,

debates and/or arguments. What is lacking is the political and national will to pursue the right path; which shall be elaborated on shortly.

Still on the dominant perspective, it appears that some who belong to this category, due to the overwhelming agitation in their Zones/States, have opted to passively chant-along what the majority of their people would prefer to hear. For instance, some Igbo leaders were reported to have met and agreed “on a restructured Nigeria, where peace, love, equity and opportunities are paramount, regardless of creed, ethnicity, gender and political affiliations.... That a sustained South-East and South-South cooperation would foster and accelerate competitive development. Through inter-regional cooperation, we will be able to speak with one voice and form a greater political capital that will influence the Federal Government” (Chiedozie 2017). The statement raises questions as well as insinuations. First, it is uncertain who the Igbo leaders were, whether they represented the interest of all stakeholders or not. Two, the statement seeks a restructured Nigeria where peace, love equity, etc. will prevail, without suggesting the framework by which these would be achieved. Three, the proposition is silent on the indispensability of justice, without which peace, love, equity, etc. will remain elusive. This simply leaves one to insinuate that the said governors were only interested in palliating the temper and emotions of their states’ citizens by merely giving the impression that they are interested in the call for restructuring, without commensurate commitment to its actualization. More so, forming “a greater political capital that will influence the Federal Government” is vague in its meaning. The influence may be in terms of gaining control of the centre, or possessing greater political strength to demand more from the sharing of the national (cake) resources. Head or tail, therefore, it is still in the interest of the political class controlling the dominant perspective. Another variant of this perspective was expressed by Mr. Rochas Okorochoa, governor of Imo State, at the opening ceremony of the 67th annual conference of the Broadcasting Organisation of Nigeria in Imo State, that:

Every geographical zone has its own interpretation of restructuring. To the South East, restructuring means creation of an additional state. For the South-South, restructuring means resource control. For the South West, it means devolution of power and the North may see it differently, but whatever is the case, we are better off as a united Nigeria.... Our nation requires repackaging. It is unfortunate that a great nation like ours has not been properly packaged for consumption by the international community. Yet, there are more evils in other nations than we have in Nigeria but the reports going out about our country is such that no one will want to come into Nigeria unless for those who want to take risks. No nation can grow with this arrangement. I want to charge you today, as you meet, think Nigeria and see how you can repackage it....(Okeoma 2017).

The statement raises a number of issues of concern still about the dominant perspective; primarily, that of denial of the reality of the current socio-political situation in Nigeria by the politicians holding the reins. In the first place, it is clear that what the South East Zone is demanding for is not just an additional state, but outright secession, which the governor has obviously refused to admit, by trivializing it to a mere additional state. In addition, it is not only the South West that is seeking devolution of power, as constrictively claimed by the governor; it is essentially what the South-South is also seeking. It would amount to a misrepresentation of the facts by claiming it is only one, out of six zones, that is seeking devolution of power. Furthermore, the context of the ‘repackaging’ advocated by the governor is nebulous, and perhaps only understood by him. In the face of retrograde social, political and economic realities, one wonders what Okorochoa expects the news media to report: truth or falsehood. As already noted, however, this is the posture held by the dominant perspective (Odogwu 2017). In fact, it became both amazing and amusing when the President of Nigeria, Gen. Muhammadu Burahi, attended and addressed the 70th summit of the United Nations General Assembly in New York, and was reported and criticized as having opined unequivocally (with respect to the Muslims in Israel and Morocco) that no nation, no matter how small, should be denied the right to self-determination; whereas the selfsame President is not guided by his own submission back home, with respect to the calls for self determination (Utebor & Okafor 2017). To cap it all, the Nigerian Legislature was unequivocal in rejecting the calls for devolution of power, but it earnestly sought immunity for some of its members (Ameh et al 2017).

3.2 The Suppressed Perspective

Suppressed, is past tense and an inflection of Suppress (Oxford Advanced Learner’s Dictionary 2001) which, in the context of this discourse, is descriptive of forcefully putting an end to an activity that is believed to threaten authority; and to prevent something from growing, developing or continuing. Thus, this section hereby qualifies the favourably disposed perspective of (arguably) majority of Nigerians to restructuring, but which has constantly been suppressed by the dominant perspective proponents, who ironically are in the minority, with custody of the reins of government power. However, the public domain is inundated with various shades of clamour for restructuring; which this study shall endeavour to harmonize and/or summarize as briefly as

possible, with content analysis. For ease of presentation and understanding, the suppressed perspective shall be considered under three headings: the suppressed (popular) perspective; the IPOB perspective; and resource control perspective.

3.2.1 Suppressed 'Popular' Perspective: In April 2017, a proposition was published by a supposed well-meaning Nigerian on how to restructure Nigeria for stronger unity (Salis 2017). An interesting portion of his proposition is the suggestion of ways of reducing tension and avoiding crisis in the 'Presidential or Governor-General election'; whereby he proposes that each of the thirty six states of the Federation be asked to present three individuals, out of which one could be a prospective President, among other propositions. Salis, however, did not (this being the starting point of his many propositions) suggest or highlight the basis, strategy, and/or procedure by which each state would come up with its three candidates, without generating more crises than sought to be resolved. On this score, the propositions of Salis appear greatly flawed and/or more confusing than resolving. Nevertheless, Salis made a fair effort in highlighting the numerous overt problems bedeviling Nigeria, and which, no doubt, requires very urgent attention.

In another bid, the issue of restructuring was taken from the Igbo perspective by Onwuka. From his standpoint, which reflects the perspective of most Igbo elites, "given the scenario, the Igbo want a true federal system that will make Nigeria look like what it was before 1966, with each state or region taking charge of most of its affairs and moving at its own pace. Sadly, anytime it mentions restructuring or true federalism, there are forces that resist it vehemently and insist that such will not be allowed" (Onwuka 2017). A similar view to this was expressed by Ohanaeze Ndigbo, whereby it disowned the leader (Nnamdi Kanu) of the Indigenous People of Biafra's (IPOB's) threat that there would be no election in Anambra State, and the call for secession (Okafor 2017). It however appears arguable that the contest between Chief John Nwodo (president general of Ohanaeze Ndigbo—the apex socio-cultural organisation of Igbo people) and Nnamdi Kanu, as implicit in the publication is for superiority, not so much about the statement issued by Kanu. Despite the superiority contest, one can still underscore the concerns of the Igbo, which borders on "marginalization and unfair treatment of Igbo which have given rise to self-determination movements in Igboland..." (Okafor 2017). Along this line and more expansive is the proposition of Prof. Ben Nwabueze, whose position is indeed instructive, that:

Restructuring, as it is presently being demanded, seeks to revert our federal system to the true federalism of the 1960/63 constitutions, to further reduce the powers of the Federal Government as may be thought necessary. The intention, furthermore, is to assuage, to an optimal extent, the demand for self-determination or self-government consistent with the territorial sovereignty of the country. Self-determination connotes essentially, not independent government, but the right of each group, within the territorial sovereignty of the country as one state, to govern itself in matters that concern it alone, without undue control by the Federal Government; the control is oppressive because it is being exercised without due regard to the requirements of justice, fairness and equity. Restructuring is being demanded as a means of release from the federal yoke.... The object of restructuring for which there is a widespread clamour among Nigerians is not to break up the country or to enable agitators to secede from its sovereignty and territorial integrity. Far from that, the object is, by reforming the governmental structures and attuning them to the needs and wishes of the people, to ensure that the immense diversity of ethnic nationalities comprised in the state will continue to co-exist together in peace, prosperity and progress as citizens of one country united by common interest, common aspirations and a common destiny. The clamour for restructuring must therefore be seen as a clamour for... development, good governance and national transformation. In short, the clamour... is a call for Nigeria to 'make a new beginning' under a new constitution approved and adopted by the people at a referendum, a new politico-legal order that will cleanse the country of the rottenness that pervades it and enable it to chart a road map for its destiny or what has been referred to as restructuring of the mind (Chiedozie 2017).

From Nwabueze's statement, it can be deduced that the clamour for restructuring has pitched because of the dissatisfaction of Nigerians on the manner of governance the nation has experienced hitherto, whereby leaving much more to be desired in terms of justice, fairness and equity, hence the call for 'new' experimentation. This goes to buttress what had earlier been said by Anthony Cardinal Okogie, that:

Some people do not want to hear of restructuring. However, for how long shall we fail to see the urgent need for far-reaching constitutional reforms in this country? The current arrangement is not serving Nigerians. The relationship between the government and the citizens places the citizen at gross disadvantage and the politicians at an undue advantage. Our young people are the worst hit. They are unemployed, hungry and angry. They are venting their anger on one another while we, their elders, are silent. Could it be that some of us, their elders, are stoking the embers of violent disintegration?... To

say that the quality of life of the average Nigerian is low is to state the obvious. Whether one talks of education, medical service delivery, security or the economy, every aspect of our life in this country is in downward motion. The extent of poverty experienced by our people is simply unacceptable (Baiyewu 2017).

Along this line also, is the proposition of Mr. Femi Falana (SAN) in an interview, where he stated thus:

The country has to return to the 1963 Constitution with necessary modifications. In the first place, that was the Constitution suspended by the military dictators in January 1966. Secondly, that remains the only Constitution that was ever written and enacted by the Nigerian people through their representatives in the parliament. All other Constitutions were enacted and imposed on Nigerians by either colonial rulers or military dictators. Restructuring [therefore] means the devolution of powers in line with the principles of federalism. In the Nigerian context, devolution of powers means that the Federal Government will be in charge of defence, foreign affairs, immigration, inter-state commerce, fiscal and monetary policies etc, while the states will manage their own affairs and develop at their own pace (Ramon 2017).

3.2.2 The Suppressed 'Controversial' Perspective of IPOB: The organisation known as the Indigenous People of Biafra (IPOB) is usually considered separatist in philosophy, with Nnamdi Kanu acclaimed as its leader. The perspective of this group is to have some states in south-east Nigeria, namely: Abia, Akwa Ibom, Anambra, Bayelsa, Cross River, Delta, Ebonyi, Enugu, Imo, and Rivers States, secede from Nigeria to form the Independent nation of Biafra. This perspective is as suppressed as it is controversial. Controversial in the sense that the Nigeria has always been divided on the idea of secession; which led to the Nigeria-Biafra civil war. However, this section is not meant to rehearse the regrettable Nigeria-Biafra war experience of 1967-1970, or for a comprehensive exploration of IPOB and/or the Biafra ideology; it is intended for a cursory evaluation, in order to underscore the salient issues that strongly connect and resonate with the agitation for restructuring, for helpful purposes. As a fact, Biafra is not new on Nigeria's political platform; it remains the sorest point of Nigeria's existence, from which it is yet to fully recover (Obumselu 1990, Achebe 2012, and Ezeani 2014). It will therefore suffice to say, the level of distrust, apprehension, hatred and all the abhorred negative feelings nursed by the various regions and groups, directly or indirectly involved, that culminated into the Nigeria-Biafra civil war, are still largely present; and they allegedly form the basis for the recent IPOB agitations. In the accounts of Ezeani, Obumselu, and which were corroborated by IPOB, the primary cause for seeking secession may be summarized in the following terms:

- i. Nigeria's refusal to accept that her configuration, further to the 1914 foisted amalgamation, comprises different ethnic nationalities with their attendant expectations of a multi-nation state—including the Igbo; rather than describing them merely as different tribal groups.
- ii. The "reluctant secessionist" declaration of the State of Biafra in 1967 was predicated on the alleged genocide and/or pogrom of the Igbo by Northern Nigeria, aided by the South West. In recent times, the genocide is said to have been continued in the guise of the Boko Haram insurgents/terrorists.
- iii. Poor Infrastructural development, and dashed hope in that regard, is another reason for seeking secession. Odumegwu-Ojukwu was quoted as having said "the war has come and gone but we remember with pride and hope the three heady years of freedom. These were the three years when we had the opportunity to demonstrate what Nigeria would have been even before 1970.... In three years, we became the most civilized, the most technologically advanced black people on earth."
- iv. Post-civil war claim of perceived and/or actual political marginalization, which has left the Igbo with a sense of being irrelevant in the Nigerian political circle.
- v. That the much touted "One Nigeria", which led to the resistance of Biafra by Nigeria, was not so much about the love of Biafra remaining part of Nigeria or even the love of Nigeria as a single, unbundled national entity; but for the maintenance of control over the oil resource domiciled in the 'Biafra jurisdiction', which Nigeria's economy mainly revolves around.

Out of its irritation for the IPOB, the Nigerian government, upon approaching the Court, was granted an interim injunction proscribing IPOB and its activities in September 2017. Granted that the position of the proponents of the Biafra movement has remained, arguably, controversial; it still leaves one wondering whether the only approach the Nigerian government knows to addressing calls for self-determination is clampdown-force!

Nonetheless, the secessionists' perspective in Nigeria remains vehemently resisted and suppressed. It must be said, however, that the concerns mentioned earlier, that have culminated in the call for secession, remain with us and true to this day; largely un-tackled by Nigeria. Although, it is not surprising that secession is harshly resisted! If the perceived 'simpler' restructuring is resisted, how much more secession!

Nevertheless, it is important to state unequivocally that secession, in itself, is not in any way evil or anathematized. Buchanan described secession as "an effort to remove oneself from the scope of the state's authority, not by moving beyond existing boundaries of that authority but by redrawing the boundaries so that one is not included within them. To claim the right to emigrate is only to challenge the state's authority to keep one within its boundaries. To claim the right to secede is to challenge the state's own conceptions of what its boundaries are. To emphasize: Secession necessarily involves a claim to territory" (Buchanan 1991). As the case is in Nigeria, it seems the main fear entertained by the Nigerian government is the loss of revenue accruing from the South-East/South-South zone, as well as the geographical/political jurisdiction, should secession occur. However, this consideration, however sensible, has been regarded as the moral dynamics of secession; which may hold compelling persuasion, but not at any rate legally convincing (Wellman 1995). As earlier observed of the dominant perspective, implicit thereof is the fact that restructuring is the lesser of 'two evils', which is for now not a prioritized consideration; whilst secession, the 'greater evil', is anathema; the reason why it was proscribed and labeled terrorist. Taking a converse position, this discourse considers Nigeria to be shying away from the reality of the moment, and postponing the dooms day by refusing to tolerate and consider both possibilities of either secession and/or restructuring, in the interest of all (Opadere 2016). It seems apparent that the government of Nigeria has adopted the intolerant approach, as discussed, contrary to its endorsement of the African Charter (African Charter on Human and Peoples' Rights, Cap A9 LFN, 2004). Of particular interest, in this regard, are the provisions of Articles 20 and 22, to the effect that "all peoples shall have the right to existence. They shall have the unquestionable and inalienable right to self-determination. They shall freely determine their political status and shall pursue their economic and social development according to the policy they have freely chosen." Furthermore, that "all peoples shall have the right to their economic, social and cultural development with due regard to their freedom and identity and in the equal enjoyment of the common heritage of mankind." If only against the backdrop of this statutory provisions, it is expedient, more so pertinent, that the Nigerian government reconsiders its posture to now accommodate a serious consideration of the issues of restructuring and/or secession, as the occasion may require.

It is obvious that many in the suppressed perspectives are substantially in alignment with one another and unanimous on the reasons why they consider restructuring inevitable, for the survival of Nigeria.

3.2.3 Resource Control Perspective: One more perspective that we seek to address before concluding the discourse is the one tagged resource control, which is virtually peculiar to the resource-producing parts of Nigeria; particular the oil rich areas of the Niger-delta. Although, this study is not intended to dwell much on this, few points shall however be raised in this regard. Despite the fact that the term 'resource control' has not found a universally acceptable definition, it is not in contest that it addresses, among other things, the control and/or management of the human, natural and other resources by a state or local government within whose jurisdiction such resources are found and/or exploited (Okolo & Raymond 2014, Dickson & Asua 2016, and Ekuri & Etim 2017). Thus, it could be safely surmised that for similar reasons as those upon which the calls for restructuring and/or secession are predicated, call for resource control is also made. The circumstances of surrounding resource control agitation is even worse, based on ecological and environmental degradation extensively suffered by the Nigerians in that geographical location. Furthermore, the claim of the South-South zone, from where the oil resource (which is Nigeria's economic mainstay) is derived, that other parts of the country are developed at her expense, is to a great extent founded. These, therefore, give basis to their clamour for resource control. At least, these people who have suffered massive environmental degradation are, like other parts of the country, entitled to a general satisfactory environment favourable to their development (African Charter, Art.24). It is interesting, though, that unlike the harsh response to the calls for restructuring and/or secession, calls for resource control have been meted with rather temperate reactions. The clemency has resulted in increased allocation to the oil producing states, creation of the Niger Delta Development Commission, amnesty granted to 'repentant' militants and their reorientation, among other favourable concessions.

4. Salient Points in the Perspectives

For the purpose of clarity, the following are some of the salient issues embedded in the various perspectives discussed above.

- i. For the Dominant Perspective, the overt and/or perceived philosophy undergirding the perspective is the resolute lust for power at all cost; and the undeniable fact that holding an appointive office at the federal level in Nigeria is only beneficial to such holder, financially, materially, socio-politically, among others. Hence the ubiquitous ‘conspiracy’ amongst those privileged to be in this category to sustain the status quo for as long as possible, notwithstanding having paid lip service to the suppressed perspective at one time or another, in time past.
- ii. Those holding the dominant perspective appear to have deliberately numbed themselves to the reality of likely consequences of their actions, to wit: an eventual unpalatable outburst of those holding the suppressed perspective, in the search for expression by all means.
- iii. In respect of the Suppressed Perspective, the underlying expectations are straightforward, germane, and perhaps reflective of the expectations and aspirations of the average Nigerian. As such, they are not farfetched and are considered worth highlighting again, for emphasis and avoidance of doubt. The major emphasis could be gleaned from the write-ups of the various authors, cited above, in respect of the suppressed perspective, to include: “economic downturn [which] has pushed most citizens to the edge, leading to a serious reappraisal of their place and their future in a federation where power is concentrated in the centre, with a small fraction of the population sitting on the nation’s oil wealth and diverting most of it into their pockets, while the rest of the population, including those from oil producing states, wallow in poverty” (Akinaso 2017). Other emphases include ethnic and religious based crises and/or concerns; claims of marginalization and political domination; etc. It also includes a reversion of the federal structure to ‘true’ federalism, which will reduce the powers of the federal government, in favour of the federating units; thereby enabling the units to develop at their own pace, with fiscal autonomy and total redefinition of the Nigerian Constitution. Without doubt, sincerely addressing the restructuring and other attendant concerns, have the potential of extensively addressing the problem of stagnation in Nigeria in all her years of independence, and to chart a new course for her. It will also, by necessary implication, address the issue of security in the nation by a re-visitation of the subject of state policing structure, which is considered a pivotal incidence of devolution of power to the federating units. Connected to this also is the concern that each federating unit should be able to harness its resources to foster infrastructural development, with regards to education, health, commerce, etc, within its area, without reliance on the federal government. This goes further to underscore the recommendation that only areas such as defense, foreign affairs, immigration, inter-state commerce, fiscal and monetary policies, would be left to the federal government. This could be inferred, more so, to be against the background that in Nigeria the government is regarded as owing a fundamental objective and directive principles of state policy to the populace, which has not been, and may never be fulfilled; because governance in Nigeria is not designed to accomplish it in the first place (Nigerian Constitution 1999, s.6(6)(c)). On the whole, the foregoing could be regarded as the restructuring Nigerians are clamouring for, and which Nigeria needs; the want of which has prone Nigerians to becoming migrants to other less endowed nations, at great expenses, even of their lives.

5. Envisaged Legal & Socio-Political Consequences of Restructuring

At this juncture, a caveat must be sounded to whoever assumes that restructuring would be a magic wand to cause the numerous problems confronting Nigeria to vanish automatically and immediately. In fact, this author envisages that should the desired restructuring succeed, it will come with fresh challenges, while some of the existing problems may give way almost immediately. However, restructuring, in whatever form it is adopted, as long as it takes cognisance of the major concerns and propositions already highlighted above, will be the beginning of a conscious and consensual effort at putting Nigeria in good stead, and rescuing it from the

precipice. It is therefore envisaged that following the desired restructuring, the following will likely precede and/or unfold, as the case may be:

- i. Foremost is the need for a radical overhaul of the 1999 Constitution to the extent that affects the configuration of the Nigerian federation, materially and fiscally. In this regard, the number of federating units that will make up the new Nigeria has to be urgently agreed upon. In other words, the geographical existent of Nigeria has to be reconstituted and/or reconfigured in its entirety.
- ii. It is also legal and expedient for each federating unit to have its own Constitution, to enable it properly determine its peculiar configuration vis-à-vis the interests, rights and equities of the various sub-federating unit comprised thereof.
- iii. Furthermore, the 2nd Schedule of the Constitution (Parts I & II), among many other provisions, will have to be extensively unbundled in order to devolve more legislative powers to the States and Local Governments, to the end that it will confer more fiscal powers, autonomy, and benefits to them.
- iv. By extension also, there will be widespread rejoicing and a sense of fulfillment, in some parts; simultaneously with an outcry of ‘marginalization’ in some others.
- v. Assuming the existing geo-political zones form the baseline of the clamoured restructuring, as variously suggested (Adeoye 2018) then new minority group will emerge, as a direct consequence; particularly in regions of the Middle-Belt and Niger Delta.
- vi. Restructuring will most certainly give rise to fresh or aggravated scampering for space and recognition/relevance by politicians, all for their self-centered benefit, as usual. This may in turn enhance the existing ‘god-fatherism’ concept, and may even birth fresh ones, as the case may be. It has been suspected (based on cogent reasons) that some Nigerians are actually calling for restructuring to enhance their chance of relevance at the zonal/state level, considering that they have lost hold of the centre.
- vii. As desirable and inevitable as state policing is to devolution and particularly in the face of rising insecurity and terrorism, there is likely to be an initial abuse of the policing apparatus, widespread or otherwise. However, it is envisaged that the handling of state policing will stabilize with time, and would be considered worth the effort.
- viii. With the proper approach to and handling of restructuring, the work ethic of Nigerians will inevitably improve. This is because the era of sharing the national cake would have lapsed, and citizens would have to learn the dignity of labour in order to earn their pay. As a result, politicians would no longer need to parade the Federal Capital Territory for the usual periodic allocations before they can function; in fact, political offices at some levels may no longer be as lucrative and jostled-for as they are now. Importantly too, states and/or the zones will have to dawn their thinking and innovation garbs in order to be productive, viable, and sustainable. Government employees, particularly, will also have to justify their remunerations; redundancy at work and needless employments will also be reduced to the bare minimum. As a fact, there may also be rationalization of government employees where necessary, based on productivity and/or necessity. Consequently, while some will consider restructuring desirable, some may consider it the worst thing that ever happened to them.

- ix. Corruption in the face of restructuring, following whatever approach, remains a major challenge. This is against the background that restructuring will not amount to automatic mortification of corruption, which has become endemic in Nigeria and, in fact, considered a crime against humanity (Oyebode 2015). The envisaged impact of restructuring on corruption may therefore take one or more of several ways:
1. Abate involuntarily at the centre (which would have become less lucrative and attractive) as a result of devolution;
 2. Incidence of corruption is likely to ‘relocate’ its base to the Zones/States as the case may be, since the prospect of ‘relevance’ and having more to ‘share’ would be more feasible at that level;
 3. Considering the scandalous height corruption has attained in Nigeria and the complicity of the politicians at virtually all levels, it will require the stern resolve of all Nigerians to substantially stamp it out. This may be easier to do with devolution of power and reduction of attention on the center.
 4. If, however, Nigerians decide to allow corruption thrive as usual, then restructuring at its best will make no meaningful impact on the status quo.
- x. It is further envisaged that, as a primary effect, restructuring will douse the tension and agitation in the polity, because it will automatically confer a sense of belonging and participation upon many, who up till that moment could not pin-point their stake, gain or loss, in the Nigerian entity.

6. Conclusion

There is no end to the discussion on restructuring, devolution and allied subjects, until Nigeria is safely delivered from the frightening precipice of violent disintegration, or an involuntary unbundling. As highlighted above, again, the words of Emeka Anyaoku succinctly captures the pervading concerns of the moment, that: “[the] present state of affairs in our country represents not only a clear case of national dysfunction, but also a bleak future with no assurance of the country’s continued existence as one political entity” (Adeoye 2018). It is even more scary to consider that about 60% of Nigeria’s population is classified as youth; an incidence of which is the submission that a dysfunctional nation will naturally produce dysfunctional population, beginning with the youth. Consequently, Nigeria could be termed a country lying preposterously on tons explosives, merely waiting for the slightest impact to trigger it off. Little wonder why the rate of drug abuse among the youth population is alarming (BBC Africa Eye 2018, and Akinkuotu & Baiyewu 2018). There is no better reflection of a bleak future than this, when a large youth population decides to numb itself out to the painful realities of the moment, and the likely prospects of the future. Upon deep reflection, it becomes clear that the foregoing is indicative of the fact that the nation is distraught, while resilience is paling. It is anticipated that the consciousness and sensibility of the nation would strive to avert predictions that opined inability of Nigeria to peacefully accomplish restructuring and/or devolution; not to mention secession. Nevertheless, should Nigeria linger too long in the valley of decision, in respect of charting a new and promising cause for its national existence, such that would restore faith, peace and unity; then the ‘clouds’ have gathered and are ‘dark’ enough to portend that it will surely ‘rain’, except divinely averted.

References

- Achebe, Chinua, *There was a Country: A Personal History of Biafra* (Allen Lane, Penguin Books Ltd, 2012)
- Adepegba, Adelani, “FG Planning Policies to Address Restructuring Agitations—Osinbajo”, *The PUNCH*, Friday, July 7, 2017, Vol.41, No.21,475
- African Charter on Human and Peoples’ Rights (Ratification and Enforcement) Act, Cap A9, Laws of the Federation of Nigeria 2004
- Ajayi, Olaniwun, *Nigeria: Africa’s Failed Asset?* (Printserve Ltd., Nigeria, 2009)

- Akinyele, R.T., "State Creation in Nigeria: The Willink Report in Retrospect" in *African Studies Review*, Vol.39, No.2, September 1996.
- Awa, Eme O. *Federal Government of Nigeria* (University of California Press, Berkeley and Los Angeles, 1964)
- Buchanan, Allen, *Secession: The Morality of Political Divorce from Fort Sumter to Lithuanian and Quebec* (Boulder, Col.: Westview Press, 1991)
- Chiedozie, Ihuoma, "S'East, S'South Govs Meet Over Biafra Agitation, Restructuring", *The PUNCH*, Monday, July 10, 2017, Vol.41, No.21,476
- Constitution of the Federal Republic of Nigeria (CFRN), 1999
- Dickson, Monday & Samuel A. Asua, "The Politics of Resource Control in Nigeria: Agitation and Innovation", *International Journal of Politics and Good Governance*, Vol.VII, No.7.2, Quarter II, 2016, p.5.
- Ekeh, Peter P., "The Structure and Meaning of Federal Character in the Nigerian Political System" in Peter P. Ekeh and Eghosa E. Osaghae (eds.), *Federal Character and Federalism in Nigeria* (Heinemann Educational Books Nig. Ltd., 1989)
- Ekuri, K.A. & Etim, E.E., "Resource Control: A Necessary Element for True Federalism in Nigeria", *International Journal of Advanced Studies in Economics and Public Sector Management*, Vol.5, No.1, Jan.2017, p.217;
- Ekwuruke, Henry, "State Creation and Resource Control Politics in Nigeria", *African News*. Available at: http://www.africafront.com/news/136/state_creation_and_resource_control_politics_in_nigeria.html accessed 12/05/2008
- Ezeani, Emefiena, *In Biafra Africa Died: The Diplomatic Plot 3rd Ed.* (Veritas Lumen Publishers, London, 2014)
- Fafowora, Oladapo, "Historical Background to the Nigerian Federal System", *The Nation* Newspaper on Sunday, January 27, 2008
- Federal Character Commission Act, Subsidiary Legislation: Guiding Principles and Formulae for the Distribution of all Cadres of Posts [S.I. 23 of 1997] of 2nd October 1997, Paragraph 8
- Garner, Bryan A. (ed.), *Black's Law Dictionary 9th Edition* (WEST® A Thomson Reuters Business, 2004)
- "Indigenous People of Biafra". Available at: https://en.wikipedia.org/wiki/Indegenous_People_of_Biafra accessed 26/4/2018.
- Lasisi, Akeem, "Voluntary Negotiations may Never Achieve Restructuring—Ogunsola", *The PUNCH*, Friday, May 19, 2017, Vol.41, No.21,440
- National Population Commission [Nigeria], *Nigeria Demographic and Health Survey 1999* (Calverton, Maryland: National Population Commission and ORC/Marco, 2000)
- Obumselu, Ben, *Massacre of Ndiigbo in 1966* (Tollbrook Ltd. Ikeja, Lagos, 1990)
- Odebode, Niyi et.al., "Restructuring: El-Rufai Under Attack for Criticizing Agitators", *The PUNCH*, Friday, June 30, 2017, Vol.41, No.21,470
- Odebode, Niyi, "Agitation: It's Time for Honest Dialogue, Abdulsalami's Committee Tells FG" *The PUNCH*, Wednesday, July 12, 2017, Vol.41, No.21,477
- Odogwu, Ted, "Restructuring: Kano, Katsina, Jigawa Opt for United Nigeria", *The PUNCH*, Friday, September 29, 2017, Vol.41, No.21,534
- Odumosu, O.I. *Nigerian Constitutional History* (London Sweet & Maxwell, 1962)
- Ogunsola, Ajibola O., "Lessons from the 2014 National Conference: Being Text of the Second Edition of Chief (Dr.) Chris Ogunbanjo" (Lecture Series), *The PUNCH*, Tuesday, May 23, 2017, Vol.41, No.21,442; Wednesday, May 24, 2017, Vol.41, No.21,443; and Thursday, May 25, 2017, Vol.41, No.21,444
- Okeoma, Chidiebube, "Nigeria Needs Repackaging not Restructuring, says Okorocho" *The PUNCH*, Tuesday, July 18, 2017, Vol.41, No.21,481
- Okolo, Philips O. & Raymond, Akpokighe O., "Federalism and Resource Control: The Nigerian Experience", *Public Policy and Administration Research*, Vol.4, No.2, 2014

- Olaniyan, Richard A. and Alao, Akin, “The Amalgamation, Colonial Politics and Nationalism, 1914-1960” in Richard A. Olaniyan (ed.), *The Amalgamation and Its Enemies* (Obafemi Awolowo University Press, Ltd., 2003)
- Olugbade, Kola, “The Nigerian State and the Quest for a Stable Polity” in *Comparative Politics* Vol.24, No.3 (April) 1992
- Onabanjo, Odurombi, “The Cry for Restructuring”, *The PUNCH*, Friday, July 7, 2017, Vol.41, No.21,475
- Onwuka, Azuka, “When Education is not a Priority”, *The PUNCH*, Tuesday, January 24, 2017, Vol.41, No.21,358
- Onyekpere, Eze “How APC Conned Nigerian on Restructuring”, *The PUNCH* Monday, July 31, 2017, Vol.41, No.21, 490
- Opadere, Olaolu S., “The Resurgence of Secessionists’ Agitation in Nigeria: An Appraisal” in *ABUAD Journal of Public and International Law (AJPIIL)* Vol. II, No.1, August 2016
- Oyebode, Akin, “Foreword” in M.A. Ayoade & S.A. Igbinedion eds., *Legal Perspectives to Corruption, Money Laundering and Assets Recovery in Nigeria*, (Department of Jurisprudence & International Law, Faculty of Law, University of Lagos, 2015)
- Rufai, Saheed Ahmad, “The Presidency and Niger Delta Question (1)” in *The PUNCH*, Tuesday, January 24, 2017, Vol.41, No.21,358
- Soriwei, Fidelis, et.el, “Demand for Restructuring, a Tall Order, Says AGF”, *The PUNCH*, Wednesday, May 31, 2017, Vol.41, No.21,448
- Taylor, Cole “Emergent Federalism in Nigeria” in Lionel Brett (ed.), *Constitutional Problems of Federalism in Nigeria* (record of proceedings of a seminar held at King’s College, Lagos, 8-15 August 1960, under the auspices of the Ford Foundation of America)
- Tekena, N. Tamuno, “Nigerian Federalism in Historical Perspective” in Kunle Amuwo et.al, (eds.) *Federalism and Political Restructuring in Nigeria* (Spectrum Books Ltd., Ibadan, 1998)
- “The Promise that was and Still is Biafra”. Available at: http://www.kwenu.com/igbowebpages/Igbo.dir/Biafra/biafra_promise.htm accessed 02/04/2009.
- “United States of Biafra (USB)”. Available at: www.africafederation.net/Biafra_Independence.htm accessed 26/04/2018
- Wehmeier, Sally (ed.), *Oxford Advanced Learner’s Dictionary 6th Edition* (Oxford University Press, 2001)
- Wellman, Christopher H., “A Defense of Secession and Political Self-Determination”, *Philosophy and Public Affairs*, Vol. 24, No.2, (Spring 1995)
- Willink Commission Report: *Report of The Commission Appointed to Enquire into the Fears of Minorities and the Means of Allaying Them* (Presented to Parliament by the Secretary of State for the Colonies by Command of Her Majesty, July 1958). Available at: <http://www.adakaboro.org> accessed 14/01/2017.
- Yaqub, Nuhu O., “State Creation and the Federal Principle” in Friedrich Ebert Foundation, Lagos, *Constitution and Federalism* (Proceedings of the Conference on Constitutions and Federalism, held at the University of Lagos, Nigeria, 23-25 April 1996—FOP Press, Ibadan).