

A portrait of Chief Wole Olanipekun, a middle-aged Black man with glasses, wearing a white suit jacket, a light blue striped shirt, and a red bow tie. He is smiling and has his hands clasped in front of him. A large white diamond shape is superimposed over the background behind him.

WOLE OLANIPEKUN & CO

**NIGERIA – YESTERDAY,
TODAY AND TOMORROW:
IMPERATIVE OF A SOBER
AND DEFINITIVE
RECALIBRATION**

**BEING THE TEXT OF THE
CONVOCATION LECTURE**

DELIVERED AT

**THE 13TH CONVOCATION
CEREMONY**

OF

**AFE BABALOLA UNIVERSITY,
ADO, EKITI (ABUAD).**

CHIEF WOLE OLANIPEKUN,
CFR, SAN, LL. D, D.LITT, FCI Arb., FNIALS

Principal Partner, Wole Olanipekun and Co.

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CHIEF WOLE OLANIPEKUN, CFR, OFR, SAN, LL.D, D.LITT., FCIArb., FNIALS^{*1}

AT

THE 13TH CONVOCATION CEREMONY

OF

AFE BABALOLA UNIVERSITY, ADO, EKITI (ABUAD)

HELD AT

ALFA BELGORE MULTI-PURPOSE HALL

ON

MONDAY, 20TH OCTOBER, 2025

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Wole Olanipekun Lecture Series

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1.0 PROTOCOLS

2.0 PROLOGUE

- 2.1 By a letter dated **July 21, 2025**, personally signed by no less a person than a distinguished patriarch and doyen of the Bar (whom I will say more about later in this presentation),– **Aare Afe Babalola, CON, OFR, SAN, LL.D (London), LL.D. (UNILAG), LL.D. (UI), D.Litt. (NDA), FNIALS, FNSE; Founder and Chancellor of Afe Babalola University, Ado-Ekiti, (ABUAD)**, I was invited to deliver the **13th Convocation Lecture** of this prestigious citadel of learning, which, by all standards and metrics, has been ranked among the leading Universities, both in Nigeria and globally.
- 2.2 A few disarming lines from the letter read thus: “...***With your antecedent and pedigree, you are certainly the right person to be invited to deliver the 13th Convocation Lecture... your acceptance of this offer will afford you the opportunity to see what we have done within 15 years to change the face of education in Nigeria by institutionalizing quality and functional education and how you can partner with us on this noble and selfless journey. It is needless to stress that your esteemed presence will add colour, candour and character to the programme...***” Receiving such compliments from someone I fondly refer to as my “**òga**”, was, to me, not just an **honour**, but an irresistible **summons** to a lofty **task**. Suffice it, therefore, to register my gratitude to the **Founder** and **Chancellor**, once again, as well as the **University Management** for considering me worthy for this high-profile intellectual engagement.
- 2.3 A **Convocation Lecture** stands as both an integral aspect and a critical pillar of a University’s **Convocation Ceremony**. It is widely regarded as a veritable platform for the cross-fertilization of ideas and the cross-pollination of policies; often setting the blueprint for the university and, by extension, the nation and the world at large. It is one of the several fora serving as a confluence between the “**Gown and Town**,” a symbolic transmission of academic insight into societal transformation. In their role as Ivory Towers, universities serve as incubators of some fundamental policies and ideas upon which nations thrive. **Universities** structure **Convocation Lectures** in ways that reflect their unique

academic cultures and ceremonial traditions. Succinctly surmised, **Convocation Lectures** are moments of reflection, inspiration, and institutional pride. They aim to provoke thought, ignite motivation, and offer insights into a university's role in shaping the future, both municipally and globally. Against this backdrop, I approach this task with full awareness of its magnitude and significance.

3.0 THE TOPIC CONSIDERED

- 3.1 Let me quickly disclose that I was not, at any time, conscripted or restrained to any particular topic for this **Lecture**. Rather, **Aare** was gracious to have apprised me, in his latter letter of **August 29, 2025**, in ennobling and soul-lifting words that: ***“...With your antecedent, pedigree, and particularly your love for a prosperous and crisis-free Nigeria, as well as quality and functional education, it will not be difficult for you to prepare a one-hour Convocation Lecture, the content of which will remain indelible in the psyche of your audience for a long time...”*** This latitude, notwithstanding, I must confess that it was not a walk in the park arriving at the topic of this lecture, particularly, when the author, a most respected elder statesman, who has seen it all, nudged me to give consideration ***“for a prosperous and crisis-free Nigeria”***. Bearing this in mind, and weighing other daunting considerations, I had to settle for the topic of this lecture, which is, ***“Nigeria — Yesterday, Today and Tomorrow: The Imperative of a Sober and Definitive Recalibration.”***
- 3.2 To my mind, this topic is not only relevant and engaging, but also germane, catalytic, and revelatory. It speaks with compelling urgency to the burdens and aspirations of our country, while aligning seamlessly with the lofty ideals and noble vision of **ABUAD**: ***“To lead education reform in Nigeria by providing a world-class educational centre of excellence in academics, character, sports, and vocational development.”***

4.0 HISTORICAL EVOLUTION OF NIGERIA

- 4.1 **Nigeria** has a landmass of **923,768 square kilometers**, with over **300 independent tribes, ethnic nationalities, diverse cultures and languages, all of which predated** the entity now known as **Nigeria**. Whether as a country that attained independence on **October 1, 1960**, or assumed a **republican status** on **October 1, 1963**, the circumstances that led to the emergence of Nigeria long preceded its formal emergence. In essence, what is today known, styled and labelled **Nigeria** hitherto was a unilateral creation of 'imperial moguls and barons'.² Some people believe, rightly or otherwise, that **"the entity presently known as Nigeria was a product of a system designed centuries ago for one primary purpose, extraction; an extraction that began with a single British Company, the United African Company then owned by George Dashwood Taubman Goldie. The primary goal of Goldie was to monopolize the booming trade in palm oil along the Niger River, a resource British factories desperately needed as an industrial lubricant. By 1886, Goldie's Company was granted a Royal Charter and rebranded as the Royal Niger Company; a Charter that conferred upon it quasi-governmental powers: the ability to administer territories, raise armed forces, and execute treaties. In pursuit of these powers, the Company deployed coercion, subjugated territories, and deposed traditional rulers who had the effrontery to challenge them, including King Koko of Nembe, who was crushed in 1895 when he led a resistance against the Company. He was declared an outlaw while his city of Brass was razed to the ground. Consequently, the 1914 amalgamation of the Northern and Southern Protectorates was not about national unity, but a calculated business decision. Political independence in 1960 turned off the tap of direct colonial rule, but it never dismantled the pipes".**³
- 4.2 Thus, British incursion into and conquest of Nigeria was motivated by commerce, which later metamorphosed into a more sinister enterprise; the **Trans-Atlantic Slave Trade** - a cataclysmic interchange that defined coastal Nigerian relations with Europeans, especially the British, for nearly three centuries. The prelude to this was the **Berlin Conference of**

² Max Siollun, What Britain Did to Nigeria: A Short History of Conquest and Rule (Hurst 2021) 45

³ PlusTV Africa, Royal Niger Company – The Company Which Became Nigeria And Refused To Die For A Long While (YouTube, 22 July 2020) <<https://www.youtube.com/watch?v=2yjprMsCQgl>> accessed 15 October 2025

1884–1885. The **Berlin Conference of 1884–1885**⁴ was not merely a diplomatic convocation, but a calculated convergence for the **dismemberment of Africa**. Convened by **German Chancellor Otto von Bismarck**, the conference assembled representatives from **Fourteen European nations** to formalize the **Scramble for Africa**. Not a single African voice was present at the table. Maps were unfurled, borders were drawn, and entire civilizations were carved up like spoils of war. **Walter Rodney**, in his seminal work ***How Europe Underdeveloped Africa***,⁵ described this moment as the institutionalization of exploitation — **a dagger thrust deep into Africa's breast, bleeding sovereignty, culture, and unity**. The conference did not initiate colonization but accelerated it with ruthless precision. By **1900**, nearly **90%** of Africa had fallen under **European** control. The arbitrary borders drawn in **Berlin** ignored ethnic, linguistic, and cultural realities, sowing seeds of conflict that persist to this day. Thus, European powers, in brazen arrogance, partitioned Africa like a Christmas hamper in the mold of the biblical ***lamb brought before the slaughter***⁶. By that infamous *fiat*, the territories of Nigeria fell within the British sphere of influence. Thereafter, colonial administrators, guided less by altruism and more by economic pragmatism, set about welding together disparate peoples into one geographical contraption.

5.0 THE GAMBIT OF 1906, ET AL

5.1 Nigeria's political unification was executed in multiple layers, among which are:

- i. **THE MERGER OF 1906:** The **Lagos Colony and Protectorate** was merged with the **Protectorate of Southern Nigeria** to form a new **administrative unit**. As observed by a renowned scholar, **Tamuno**⁷, the rationale was not national cohesion but economic expediency.

⁴ Pakenham, Thomas. *The Scramble for Africa: 1876–1912* (Avon Books, 1991); and Meredith, Martin. *The Fate of Africa: A History of Fifty Years of Independence* (PublicAffairs, 2005).

⁵ Walter Rodney, *How Europe Underdeveloped Africa* (Verso 2018) 205

⁶ See Isaiah 53:7 (KJV): "He was oppressed, and he was afflicted, yet he opened not his mouth: he is brought as a lamb to the slaughter, and as a sheep before her shearers is dumb, so he opened not his mouth."

⁷ Tamuno, T. N., *The Evolution of the Nigerian State: The Southern Phase, 1898–1914* (Longman 1980).

- ii. **THE AMALGAMATION OF 1914:** The most decisive moment came with the **amalgamation** of the **Northern** and **Southern Protectorates** under **Sir Frederick Lord Lugard**. The primary motivation was again fiscal; the **North** was less economically viable, depending on annual subsidies from the **South**, while infrastructural **projects** such as **railway expansion** and **river dredging** demanded pooled finances. The **amalgamation** was, however, effected without consultation with the indigenous peoples. It was, in essence, a union without consent, a marriage of inconvenience consecrated in Whitehall⁸, at the heart of Britain, far from the sights of the indigenous peoples.

5.2 **The amalgamation** raised profound questions that still reverberate in Nigeria's political discourse today. This could be seen in the questions posed by **Hatch** in his seminal treatise on this subject: **First, "How would the Fulani emirates, steeped in static traditionalism, co-exist with the South's dynamic, competitive, and mission-educated society?"**. **Second, could erstwhile rival and hostile states coalesce into a single nation under one administration?** **Third, was the British intention to nurture self-government, or merely to perpetuate an empire in perpetual subordination?**⁹ It cannot be gainsaid that the 'tragedy' of **1914** was not merely the diversity of the groups unequally yoked together, but the divisive colonial policies that followed the amalgamation. Rather than fostering integration, the **British** deliberately insulated the **North** from the **South**, restricting economic, educational, and religious interactions. Thus, between **1914** and **1939**, **Nigeria** resembled not a single **polity**, but a **federation of provinces** unhealthily held together by *colonial fiat*.¹⁰ Lord Lugard sought to extend his system of **Indirect Rule**, a mechanism that had proven effective in the emirates of the **North** into **Southern Nigeria** where in some parts, **republican** and **acephalous traditions** prevailed, the **system** was **alien, resisted**, and eventually **reformed**. What emerged was a hybrid arrangement that attempted to graft indigenous institutions onto colonial structures, producing more discontent than cohesion. Despite these fissures,

⁸ Ibid

⁹ Hatch, A., *Nigeria: A History* (Secker & Warburg 1970).

¹⁰ Lord Lugard sought to extend his system of **Indirect Rule**, a mechanism that had proven effective in the emirates of the **North** into **Southern Nigeria** where in some parts, **republican** and **acephalous traditions** prevailed, the **system** was **alien, resisted**, and eventually **reformed**.

Nigeria trudged on towards statehood. The tripartite division of **1939**, that is, the splitting of the **South** into **Eastern** and **Western Provinces** while leaving the **North** intact, further entrenched asymmetry. At **Independence** in **1960**, **Nigeria** had borne the scars of **forced amalgamation, divisive polity, and uneven development**. Beneath the turmoil, there was always evidence of pre-colonial inter-group relations, shared values, and evolving interactions that hinted at the possibility of nationhood¹¹. Thus, some icons, leaders, and deep thinkers have dismissed **Nigeria** as a mere **“artificial creation of the British.”** Notably, **Chief Obafemi Awolowo, SAN**, rightly asserted in his *magnum opus* titled **“Path to Nigerian Freedom”** that: **“Nigeria is not a nation. It is a mere geographical expression. There are no 'Nigerians' in the same sense as there are 'English', 'Welsh', or 'French'. The word 'Nigerian' is merely a distinctive appellation to distinguish those who live within the boundaries of Nigeria from those who do not....”**¹²

- 5.3 At the risk of sounding like a broken record, Nigeria's very creation was not induced by shared identity or national consensus; the ripple effects of these foundational fractures are the recurring tensions and dysfunctions, which are still evident in our polity today. Let us take a cue from the **United States of America**, one of the largest democracies in the world today. The **United States of America** emerged from the travail of **July 4, 1776**, when delegates assembled at the **Continental Congress** in **Philadelphia, Pennsylvania**, and appended their signatures to that immutable **Charter: “The Declaration of Independence of the United States of America”**¹³. That instrument was masterfully drafted by **Thomas Jefferson** and edited in solemn counsel with **John Adams, Benjamin Franklin, Roger Sherman, and Robert R. Livingston**, it bore the imprimatur of a constellation of the founding Patriots, that is, the representatives of the **thirteen States** namely: **New Hampshire, Massachusetts, Rhode Island, Connecticut, New York, New Jersey, Pennsylvania, Delaware,**

¹¹ Although **“Nigeria”** only emerged after the various empires and kingdoms were conquered and annexed, the people were no strangers to each other. Evidence abound that the Yorubas and the Benins were good neighbours to the extent that when the Benins had political problems, they resorted to Ile-Ife for solution. It is also incontrovertible that the knowledge of brass-casting for which the Benins were known all over the world, came from Ile-Ife. The Yoruba and the Hausa also shared a lot in common and related well with each other during that period. Thus, while the entity known as Nigeria have been variously described as an “artificial creation”, the people within are no artificial creation. The peoples have always known and related with each other for centuries. – See Ade Obayemi, “The Yoruba and Edo-Speaking Peoples and their Neighbours” in *History of West Africa* Vol. 1, U.K.: Longman, 1977.

¹² Awolowo Obafemi, *Path to Nigerian Freedom* (Faber and Faber 1947), 47, 48.

¹³ *Journals of the Continental Congress, 1774-1789*, Vol. 5, (Library of Congress 1906) 510-514.

Maryland, Virginia, North Carolina, South Carolina, and Georgia.¹⁴ **John Hancock**, President of the Congress, affixed his bold signature, which became the metaphor for assent till date; so also did **Adams** of **Massachusetts**; likewise **Franklin** of **Pennsylvania**; and **Jefferson** of **Virginia**; and a retinue of other compatriots who, in bravery, risked not only their estates but also their very lives, staking their respective lives, fortunes and honour, to build a great Nation of the **United States of America**.¹⁵ Without being economical with the truth, while **twelve** of the founding **States** adopted the **Declaration** on that epochal day of **4th of July**, the delegates of New York, constrained by the instructions of their provincial assembly, withheld their vote. Yet, within days, on **July 9, 1776**, the **Convention of New York** ratified the momentous act, thereby completing the circle of unanimity, while **Rhode Island** came in later, specifically on **May 29, 1790**, a couple of years after the Constitution was adopted. Thus, the thirteen States, which were once disparate plantations of the British Crown, forged a formidable alliance that birthed the **United States of America**, inaugurating a federal experiment that has since grown from that sacred number to encompass **Fifty States**. Among the most notable expansions was the acquisition of **Alaska** in **1867**, purchased from **Russia** for **US\$7.2Million**; a transaction initially lampooned as “*Seward’s Folly*” but vindicated by history as a masterstroke of foresight, adding a vast and resource-rich frontier to the **Union**.¹⁶ Invariably, the consensual resolve that characterized the **Union** which has over the centuries survived as a model for **federalism**, is very glaring and boldly imprinted. This is in sharp contrast with our own reality in **Nigeria** as a group of **peoples** pigeonholed into one entity.

6.0 CONSTITUTION: SINE QUA NON TO THE SOUL, HEALTH AND STABILITY OF A NATION

- 6.1 A Constitution is generally known as an organic law, the foundation of all laws, the very basic of the corpus of any nation or society; the legal soul or heartbeat of its existence. No wonder, all nations of the world attach so much importance to their respective constitutions, including how they are framed and executed. We are here assembled at **Afe**

¹⁴ Carl Becker, *The Declaration of Independence: A Study in the History of Political Ideas* (2nd edition, Harcourt, Brace 1942) 142 160

¹⁵ Pauline Maier, *American Scripture: Making the Declaration of Independence* (Knopf 1997) 121-138

¹⁶ Walter Stahr, *Seward: Lincoln’s Indispensable Man* (Simon & Schuster 2012) 459-470.

Babalola University for this **Convocation Lecture**; but could not have been so assembled if **ABUAD** does not have a **Charter**. That **Charter** is the constitution of **ABUAD**. For every town or group of people, there is always a constitution which might not be written but ingrained in the hearts of the people, as they know what it is and what it represents. In such circumstances, the constitutions are referred to as unwritten. Britain, for example, operates an unwritten constitution, which is as old as her people. And this unwritten constitution has given birth to profound expositions and pronouncements in diverse areas of human endeavor forming the kernel of the **English Common Law** and the rules of equity, substantial parts of which have been adopted in Nigeria. At the convocation ceremony of **ABUAD** slated for **October 21, 2025**, the Registrar will take a bow before the Chancellor, praying him to constitute the Assembly to a Convocation for the purpose of award of degrees in various disciplines, and the Chancellor will so decree. That Convocation is in the similitude of a constitution for the purpose so constituted; translating to the fact that, without that constitution, the convocation ceremony cannot proceed.

- 6.2 I have given these basic but relatable examples to demonstrate the fundamentality of a constitution to a university, a group of people, association or society, et al, how much more of a nation, particularly, a **multi-ethnic, multi-tribal, multi-cultural, and multi-religious** country as Nigeria.
- 6.3 Flowing from the foregoing, let us take a peep into what some leading jurists and writers say about a constitution, the ideas and definitions.
- 6.4 The **Black's Law Dictionary**, defines a **Constitution**, thus: "**Constitution is the organic and fundamental law of a nation or State, which may be written or unwritten establishing the character and conception of its government, laying the basic principles to which its internal life is to be conformed, organizing the government and regulating, distributing and limiting the functions of its different departments, prescribing the extent and manner of the exercise of sovereign powers; a charter of government deriving its whole authority from the governed. The written instrument agreed upon by the people of the Union and officers of the**

government in respect to all the points covered by it, which must control until it shall be changed by the authority which established it, and in opposition to which any act or ordinance of such department or officer is null and void".¹⁷ (Emphasis supplied)

6.5 The **Kelsian school of thought** defines a **Constitution** as a legal compendium of the collective aspirations of a particular **State** or **Nation**; **it is the ultimate norm that breeds life to every civilized polity.** To **Vile M.J.C.**, a **Constitution** is **"a set of rules that seek to establish the duties, powers, and functions of the various institutions of government, regulate the relationships between them, and define the relationship between the state and the individual."**¹⁸ Australian philosopher, **K. C Wheare**, postulated that the **Constitution** of a country is **the whole system of government of a country, the collection of rules which establish and regulate or govern the government.**¹⁹ In the words of **A. V Dicey**, a **Constitution is all the rules which directly or indirectly affect the distribution or the exercise of the sovereign power in the State.**²⁰ For **J. W. Garner**, a **constitution is the body of fundamental laws, written or unwritten, legal or extra-legal, which determines the organisation of the government, the distribution of powers, and the general principles under which the State is governed.**²¹ The above definitions attest to the fact that a **constitution** is not a mere document; rather, it is an **organic and metaphysical essence that defines and delineates the structure, horizons, bounds, limits, and legitimacy of power and authority in a given State.**²²

6.6 Coming nearer home, **T. O. Elias** perceived **Constitution** as the **supreme law, expressing the political philosophy, the ideals, and the aspirations of a people, defining the structure, powers, and functions of the organs of government, and regulating the relationship between the rulers and the ruled.**²³ In similar vein, the erudite **Professor Ben Nwabueze**, defined a **Constitution** as a **body of fundamental principles according to which**

¹⁷ Garner, Bryan A., ed. Black's Law Dictionary. 11th ed. St. Paul, MN: Thomson Reuters, 2019, page

¹⁸ MJC Vile, Constitutionalism and the Separation of Powers (Oxford University Press 1967) 1

¹⁹ KC Wheare, Modern Constitutions (Oxford University Press 1951) 1.

²⁰ A V Dicey, Introduction to the Study of the Law of the Constitution (10th edn, Macmillan 1959) 3.

²¹ J W Garner, Political Science and Government (8th edn, World Book Company 1952) 128.

²² Osayi Ogedengbe Destiny, 'The Metaphysics of Constitutionalism: Beyond Text and Towards Essence' (2025) Nigerian Journal of Constitutional Thought.

²³ T O Elias, Nigeria: The Development of Its Laws and Constitution (Stevens & Sons 1967) 45.

*a State or body politic is organized, and the powers of the various organs of government defined and limited.*²⁴ Another leading scholar, Prof. Anthony Kila opined that “...a Constitution..., most importantly, functions as a constructive compromise. “Constructive”, as it is the foundation upon which the desire to dwell together of different people is built. A “Compromise”, as it is the new point reached after agreeing to trade off some items or principles for the benefit of the new construct. This... is akin to a masterful weaving together of diverse interests, core values, and visions into a unified and coherent framework designed to foster peaceful coexistence and advance collective progress”.²⁵

6.7 With the above definitions and postulations, may I crave the indulgence of the audience to beam a searchlight, however brief, on the Constitutions that we operated in the First Republic.

7.0 THE 1960 AND 1963 CONSTITUTION X-RAYED

7.1 At independence in **1960, Nigeria** started on a relatively promising note, practising true **Federalism** as known and defined, substantially in theory, and in reality. We must remind ourselves that there were **three Regions** that, in the true spirit of **Federalism**, exercised sovereignty within Nigeria and within their own spheres of influence. It may be recalled that each of the Regions negotiated its own independence from **Britain** without taking permission from the others or the Federal Government. For example, the then **Western Region**, now comprising the **seven States** of the **South-West** and **Mid-West** negotiated and obtained its independence in **1957**; the **Eastern Region**, now comprising the **nine States** of the **South-East** and **South-South** negotiated its independence and obtained it in **1957**; while the **Northern Region**, presently comprising the **nineteen States** in the **North-West, North-Central, North-East** and the present **Federal Capital Territory**, negotiated its own independence in **1959**. Left to the **Western and Eastern Regions, Nigeria** should have obtained independence from **Britain** in **1957**, but the **North** resisted it on the ground that it was not ready. In fact, on **1st April, 1953**, a major crisis erupted in the **House of Assembly**, as well as in **Kano**, following the

²⁴ B O Nwabueze, Constitutionalism in the Emergent States (C Hurst & Co 1973) 1.

²⁵ Anthony Kila, 'A Constitution is a Constructive Compromise' (CIAPS, 30 July 2025) <https://ciaps.org/a-constitution-is-a-constructive-compromise/> accessed 13 October 2025.

motion²⁶ for self-government²⁷ that was moved by **Chief Anthony Enahoro**²⁸, projecting independence for **1956**.²⁹

7.2 While the **Union Jack** was lowered on **1st October 1960**, each of the **three Regions** took off in grand styles and postures. The **Independence Constitution** allowed them to reach for the optimum; the **Concurrent** and **Exclusive Legislative Lists** in the **Constitution** were well balanced; the Federal Government did not dominate or dwarf the Regions; conversely, it can safely be argued that by constitutional arrangement, the **Regions** that were already in existence and which had already been declared as sovereign **Regions** by **Britain** formed a new country called **Nigeria**. It is noteworthy that each of the **Regions** was operating a Parliamentary system and had been so doing since **1954**. Ipso facto, it was that **Parliamentary System** that was in place at the federal level, with a **Prime Minister** as **Head of Government**, in the similitude of a **Premier** who was the **Head of Government** at the **Regional** level. The **1963 Constitution** would appear to have consolidated the concept of **Federalism** in an emerging nation like **Nigeria**. It should be recalled that it was that **Constitution** that first paved way for any **Region** that deserved a **Regional Court of Appeal**³⁰ to so do; the **Constitution** itself gave enablement to each of the **Regions** to have its own **Constitution**.³¹ The **Constitution** also made elaborate provisions for the creation of additional **Regions**, not by the might or *fiat* of the **Federal Government** but by means of a **Referendum** by the people concerned as set out in **Section 4 of the Constitution**. It was pursuant to the Constitutional provision that the **Mid-West Region** was created out of the **Western Region** on **August 9, 1963**. To date, that **Region** remains the only **Region**

²⁶ The motion was met with fierce opposition from the Northern People's Congress (NPC), who felt the timeline was too hasty and feared Southern domination in a post-colonial Nigeria

²⁷ The NPC proposed an amendment to the motion, replacing "1956" with "as soon as practicable," which further inflamed tensions

²⁸ Chief Anthony Enahoro's *Motion for Self-Government*, reads thus: "Mr. President, Sir, I rise to move the motion standing in my name, "that this House accepts as a primary political objective the attainment of self-government for Nigeria in 1956". 'Sir, this motion is an invitation to the Honourable Members of this House to associate the highest legislature of our land with the expressed desire of the peoples of this country, whose views we all represent, for political autonomy in 1956. It seeks to provide representatives from all parts of the country with an opportunity to exchange views on the most burning question of our time. It is an invitation to this House to make a declaration of objective with regard to Nigerian freedom" via <https://anthonyenahoro.org/motion-for-self-government/> accessed on 26th April, 2024.

²⁹ The success of the request for amendment of Enahoro's motion by the northern representatives, such as Dr. R.A.B Dikko, angered the people of Lagos and they reacted strongly against the northern political leaders, who favoured a deferment of independence.

³⁰ Lyttleton Constitution 1954, Nigeria (Constitution) Order in Council 1954, SI1954/1954; https://www.fctemis.org/notes/5131_Week5%20-Lyttleton%20Constitution%20OF%201954.pdf

³¹ Nigeria (Constitution) Order in Council 1954, SI 1954/1954.

that has been created through a **plebiscite**, with **Chief Dennis Osadebey** as its first elected **Premier**.

8.0 THINGS FALL APART

8.1 While it remains true that it was the imperialists that cobbled the over **300 ethnic nationalities** in Nigeria together without consent; while it can also be posited that, in so doing, they never wished the country well or expected it to succeed; while some people may argue that the country was engrossed in multi-dimensional crisis between **1962** and **1966**, leading to the **Military Coup of January 15, 1966**; the fact remains that the **Regions** were **thriving**, borrowing today's political parlance, by providing the dividends of democracy for their people in multi-dimensional ways: education, healthcare, commerce and industry, etc. In fact, during that period, the **Regional Governments; Western, Eastern, and Northern Regions**, became crucibles of developmental fervor, each wielding fiscal autonomy with a zeal that birthed monumental exploits. The **Western Region**, under the premiership of **Chief Obafemi Awolowo**, pioneered **free primary education**, often known as **Universal Primary Education (UPE)**; established the **University of Ife** (now **Obafemi Awolowo University**), with budgetary allocations exceeding **£5Million** annually for education alone.³² The **Eastern Region**, led by **Dr. Michael Okpara**, galvanized agricultural revolution through oil-palm revolution midwifed through the **Eastern Nigeria Development Corporation**, that channeled over **£3 million** into rural development schemes³³. Meanwhile, the **Northern Region**, under **Sir Ahmadu Bello**, invested heavily in the **Ahmadu Bello University** and infrastructural expansion, earmarking close to **£4 million** for educational and road projects.³⁴ These initiatives, though regionally distinct, collectively sculpted a federated Nigeria that pulsed with promise, until the coupists truncated the federalist dream, supplanting it with a unitary command structure that stifled regional ingenuity and fiscal decentralization.³⁵

³² Yemi, 'Obafemi Awolowo, Championing Education In The Western Region: The Beginnings Of How Awolowo Educated A Nation' (Risevest Blog, 17 March 2022) <https://www.risevest.com/blog/how-obafemi-awolowo-educated-the-western-region> accessed 16 October 2025.

³³ How One Man Industrialised Old Eastern Nigeria In The 1960s' (Connect Nigeria, 22 October 2018) <https://articles.connectnigeria.com/how-one-man-industrialised-old-eastern-nigeria-in-the-1960s/> accessed 16 October 2025.

³⁴ Abubakar Musa Umar, 'Appreciating Ahmadu Bello's Contribution to Education' (Nigerian Tracker, 3 January 2021) <https://nigeriantracker.com/2021/01/03/appreciating-ahmadu-bellos-contribution-to-education/> accessed 16 October 2025

³⁵ Segun Toyin Dawodu, 'The Unification Decree: No. 34 of 1966' (Dawodu.com, 24 May 1966) <https://www.dawodu.com/decrees34.htm> accessed 16 October 2025.

- 8.2 It is common knowledge that the boys in khaki struck on **January 15, 1966**, marking Nigeria's first military coup. **Major-General Johnson Aguiyi-Ironsi** consequently assumed power as Head of the **Federal Military Government**. On **May 24, 1966**, he promulgated **Decree No. 34 of 1966**, titled: **The Constitution (Suspension and Modification) (No.5) Decree 1966**, Sections 1 and 2 of which read thus: "**Subject to the provisions of this Decree, Nigeria shall, on 24th May, 1966 (in this Decree referred to as 'the appointed day'), cease to be a Federation and shall accordingly, as from that day, be a Republic by the name of the Republic of Nigeria, consisting of the whole of the territory which immediately before that day was comprised in the Federation...**
- 2(1)(a) "**As from the appointed day... the Federal Military Government and the Federal Executive Council shall be known respectively as the National Military Government and the Executive Council.**",... (c): "**The provinces, including Kaduna Capital Territory, in Schedule 1 of this Decree, which immediately before the appointed day were respectively comprised in Northern Nigeria, Eastern Nigeria, Western Nigeria, and Mid-Western Nigeria, shall be known respectively as the Northern Group of Provinces, the Eastern Group of Provinces, the Western Group of Provinces, and the Mid-Western Group of Provinces.**"
- (d): "**For the purposes of administration, each group of provinces shall, subject to the authority of the Head of the National Military Government, be under the general direction and control of a Military Governor appointed by the Head of the National Military Government.**"
- 8.3 Although the subsequent military coupists that toppled **General Aguiyi-Ironsi** in **July 27, 1966** cited, as a major reason for his brutal assassination - alongside his host at the Government House, Ibadan, **Lt. Col. Adekunle Fajuyi** - the allegation that he was turning Nigeria into a unitary state rather than preserving its federal character, the fact remains that since then, our federalism has suffered mutiny. And borrowing the words of **William Butler Yeats** in **The Second Coming**, as re-echoed by **Chinua Achebe** in "**Things Fall Apart**":³⁶ "**Turning and turning in the widening**

³⁶ Chinua Achebe, *Things Fall Apart* (Heinemann 1958)

gyre; the falcon cannot hear the falconer; things fall apart; the centre cannot hold."³⁷

9.0 FROM 1979 – 1999: THE GHOST OF UNITARISM HAUNTS NIGERIA

- 9.1 Although the **1979 Constitution** can fairly be described as a product of the people's referendum, first, through the **Constitution Drafting Committee**, headed by **Chief FRA Williams, SAN**, which was later ratified by the **Constituent Assembly** headed by, **Sir Honourable Justice Udo Udoma**. It was the Military that eventually promulgated that **Constitution** into **Law** by **Decree No. 24, 1979**. It can also be safely submitted that in terms of content, intent and orientation, the **1979 Constitution** was reasonably **Federal**, its Archilles Heels remained and still remains that, in a manner akin to military adventurism, the Constitution, as debated and conscientiously agreed upon by the Constituent Assembly, was notoriously tampered with by the Military Government with the insertions that caught their dictatorial fancies, including the entrenchment of the overarching **Land Use Act, 1978**. For emphasis, particularly, against the backdrop of some people, disingenuously pontificating that the **1999 Constitution** was a mere replication or duplication of the **1979 Constitution**. While the **1979 Constitution** has **279 Sections and 6 Schedules**, the **1999 Constitution** has **320 Sections and 7 Schedules**. To supply further specifics; while the **1979 Constitution** has about **30,000** words, the **1999 edition** has **50,000**. Further, while members of the **Constituent Assembly** that approved the **1979 Constitution** were elected from various constituencies across Nigeria, the identities of the '**drafters**' and '**makers**' of the **1999 Constitution** remain contested and shrouded in controversy; that is, it remains subject to gainsaying.
- 9.2 Regarding the **Judiciary**, under **Section 236(1)** of the **1979 Constitution**, the **State High Court** had unlimited jurisdiction to hear and determine any civil proceedings in which the existence or extent of a legal right, power, duty, etc, is in issue, as well as criminal proceedings thereto. Under **section 230(1)** of the same **Constitution**, the jurisdiction of the **Federal High Court** was restricted and restrictive to "**the provisions of the Constitution and in addition to such other jurisdiction as may be**

³⁷ W B Yeats, 'The Second Coming' in The Norton Anthology of English Literature, vol 2 (9th edn, Norton 2012).

conferred upon it by an Act of Parliament". Specifically, the main jurisdiction conferred on the **Federal High Court** was in respect of "***in such matters connected with or pertaining to the revenue of the government of the federation...***" In the celebrated case of **Bronik Motors v. Wema Bank Ltd**³⁸, the **Supreme Court** made it clear that the **Federal High Court's** jurisdiction under the **1979 Constitution** was restricted to **revenue matters** pertaining to the **federal government**; that while the jurisdiction of the **State High Court** was unlimited, that of the **Federal High Court** was limited by constitutional imperative.

9.3 Conversely, under the **1999 Constitution, Section 272(1)**, now makes the jurisdiction of the **States High Court** subject to the elaborate, massive, general, generic and unlimited jurisdiction of the **Federal High Court** as specified in **section 251** of the Constitution. Whereas **section 251** has now conferred all manner of jurisdiction on the **Federal High Court**, the jurisdiction of the **State High Court** has been whittled down deliberately, and, to my mind, they are now vested with **agrarian jurisdiction**. The genesis of **section 251** of the **Constitution** is **Decree 107 of 1993**³⁹ promulgated by **General Abacha**, transferring all jurisdiction vested in the **State High Court** to the **Federal High Court**. The provisions of **Decree 107** have been transferred word for word (*ipsisima verba*) into **section 251** of the **1999 Constitution**. Added to the foregoing misery of the **State High Court** is the establishment of the **National Industrial Court** by **section 254C** of the **1999 Constitution**, vesting it with unusual jurisdiction relating to State's subjects like **labour, employment, trade unions, industrial relations, matters arising from workplace, conditions of service between employer and employee and matters incidental thereto or connected therewith**, among several other wide jurisdiction.

9.4 Still on the **Land Use Act**⁴⁰, its entrenchment into the **1979 Constitution** and subsequently, the **1999 Constitution** remains one of the most audacious constitutional maneuvers ever undertaken by the **Military**. The **Land Use Decree No. 6 of 1978**, promulgated by the then **Supreme Military Council** under **General Olusegun Obasanjo**, arrogated to the **State** the totality of ownership and control over land within its territorial

³⁸ (1983) 6 S.C 158

³⁹ Constitution (Suspension and Modification) Decree No. 107 of 1993 (Nigeria).

⁴⁰ Land Use Act No. 6 of 1978, Laws of the Federation of Nigeria (LFN) 2004, Cap L5

boundaries. By its *fiat*, every vestige of communal, family, and ancestral landholding was vested in the **Governor**, to be held in trust for the **people**. Albeit, what was presented as reform was, in reality, an act of proprietary dispossession. Communal, family, and ancestral ownership; rooted in centuries of customary law; was supplanted by administrative trusteeship. The sacred bond between man, his lineage, and his land was ruptured by a pen stroke of military convenience⁴¹. The egregious nature of this Act has been well dissected by **Jude Njoku**⁴², a leading Nigerian Professor, who took sufficient pains to highlight its deficiencies. In an instance of constitutional abracadabra when the military midwived the **1979 Constitution**, they did not repeal the **Decree**; rather, they ensconced it within **Section 274(5)** of that **Constitution** (later replicated in **Section 315(5)** of the **1999 Constitution**), declaring the **Land Use Act** an “**Existing Law**” having constitutional force and immune from ordinary legislative amendment. By that singular act of constitutional entrenchment, the military legal architects achieved a double coup: they sanctified an otherwise unilateral **decree** and simultaneously insulated it from **democratic interrogation**. It became, in jurisprudential terms, a constitutionalized illegality; a decree enthroned as sacred law. The ulterior motive was unambiguous: to perpetuate control of land; Nigeria's most vital economic and existential resource; within the stronghold of centralized authority⁴³.

9.5 The **Land Use Act** remains a coercive imposition of the military. It bears no democratic parentage, no civic consensus, no philosophical reflection beyond administrative expediency. Indeed, the jurisprudential absurdity of its continued entrenchment finds no parallel in any known constitutional democracy.⁴⁴ The concept of “**no man's land**” is alien to our socio-cultural and legal traditions. It is an aberration

⁴¹ Otty Emmanuel Uzoamaka, Nwosu Chiemezie Chisom, and Udobi Alexander Nnamdi, 'Critique of Nigerian Land Use Act of 1978' (2021) 11(6) International Journal of Engineering Science and Computing https://www.researchgate.net/publication/352327637_Critique_of_Nigerian_Land_Use_Act_of_1978 accessed 16 October 2025. See also Section 22 of the Land Use Act, 1978 which mandates that the Governor's Consent must be obtained for the alienation (transfer) of any statutory right of occupancy, including by assignment, mortgage, or sublease. Without this consent, any such alienation transaction is null and void. The section outlines that it is unlawful for a holder of a Statutory right of occupancy to alienate it without first securing the Governor's written permission.

⁴² Jude Njoku, titled, "Expunge Land Use Act from Constitution now, experts tell NASS", via <https://www.vanguardngr.com/2013/08/expunge-land-use-act-from-constitution-now-experts-tell-nass/>, published on August 6, 2013, accessed on September 16, 2025

⁴³ Lambert Edigin, 'The Land Use Act 1978 in the Context of the 1999 Constitution in Nigeria' (Ministry of Lands and Survey, Kebbi State) <https://mols.kt.gov.ng/wp-content/uploads/2022/11/Land-Act.pdf> accessed 16 October 2025.

⁴⁴ John Eriaye Thompson and Soibiteinyim George-Ibikiri, 'The Land Use Act, 1978 and Its Controversies in Nigeria' (2023) 18(2) Journal of Public Policy and Law <https://rsuppljournal.com.ng/the-land-use-act-1978-and-its-controversies-in-nigeria/> accessed 16 October 2025.

that strips and denudes the people of their heritage and converts or reduces citizens into tenants of the State in their own homeland. The fiction of a “**no man’s land**” is not only profane, but also alien to the Nigerian consciousness, and an affront to our customary jurisprudence.

- 9.6 I have contended elsewhere that *“Despite the fact that the crafting and insertion into the Constitution of section 315 (5) is constitutionally disingenuous, the warped matter that agitates the minds of lawyers and judges alike, but which, unfortunately, nobody appears to offer a genuine solution to it for now. The reality on ground calls for the ‘expulsion’ of this constitutional abnormality from our Constitution, as it appears that there is no precedent for, not just the entrenchment, but also, the superior status which the Land Use Acts assumes over the Constitution of the Federal Republic of Nigeria, 1999 as amended.”*⁴⁵
- 9.7 In **Nkwocha v. Governor of Anambra State**⁴⁶, the Supreme Court held that the **Land Use Act** was/is not an existing law under the Constitution because *“the Constitution which would have made it an existing law was the same one which on the same day incorporated its provisions as part of itself...”*
- 9.8 In **Aina & Company Limited v. Commissioner for Lands and Housing Oyo State**⁴⁷, **Fakayode, CJ**, held that the **Land Use Act** is not an existing law because *“the Land Use Decree is patently not meant to be administered by civilian governments who have been democratically elected into office”*. At page 649 of the Report, the law lord thundered thus: *“So I reemphasize again that the Land Use Decree has repealed itself by the means of its own terms and by being part of the 1979 Constitution instead of being an existing law.”* In **Lemboye v. Ogunsiji**,⁴⁸ the **Court of Appeal** held that *“the Land Use Act 1978 is not an integral part of the Constitution although it became an extraordinary statute by virtue of its entrenchment in the Constitution. It remains a federal enactment which the Constitution is not...Section 31 and 47 of the Land Use Act do not*

⁴⁵ Chief Wole Olanipekun, CFR, SAN “Constitutionality of an Unconstitutional Act: The Unconstitutional entrenchment of the Land Use Act in the Nigerian Constitution.

⁴⁶ (1981) 5 S.C 362 at 363

⁴⁷ (1983) 4 NSCLR 643

⁴⁸ (1990) 5 NWLR [Part 155] 210 at 224 to 225

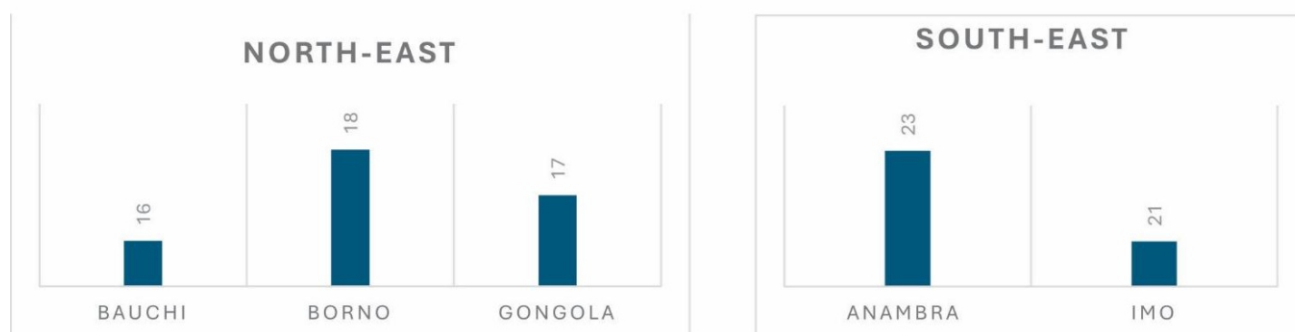
have the same legislative force as section 236 of the Constitution mainly because the Act is not an existing law.”

10.0 THE LOCAL GOVERNMENT PARADOX IN THE 1999 CONSTITUTION

10.1 There is no gainsaying the fact that **Local Governments** form the bedrock of administration at the grassroots level, being the closest to the people. That has been the position even under the colonial administration. **Section 3(1) of the 1979 Constitution** created **19 States**, which are listed therein. Under the **1979 Constitution** and the democratic **Second Republic, Nigeria** had a total of **302 Local Governments**⁴⁹; **152** of them coming from the **Northern States**, while **150** were in the **Southern States**, translating to the fact that, as at then, the **Northern States** had just **two** more **Local Governments** than the **Southern States**. For emphasis, they were distributed as follows:

North-East 51: -Borno (18), Bauchi (16), Gongola (17); North-Central: 48: Benue (13), Kwara (12), Niger (9), Plateau 14; North-West 53: Kaduna (14), Kano (20), Sokoto (19).	} 152 LGAs in the North.
South-East 44: Anambra (23), Imo (21) South-South 47: Bendel (19), Cross River (17), Rivers (11) South-West 59: Lagos (8), Ogun (10), Ondo (17), Oyo (24).	} 150 LGAs in the South

**Graphically represented below:



⁴⁹ See the First Schedule, Part 1 of the 1979 Constitution and the Dasuki Report of 1976, as well as Decree No. 104 of 1978.



10.2 Under the **1999 Constitution**, the distribution of **Local Governments** as between the **North** and **South** has changed dramatically, exponentially tilting the bulk in favour of the **North** in the following graphic manner; whereas **774 Local Governments Areas (LGAs)** are supposedly created by the Constitution, **413** of them are in the North, while **355** are in the South, translating to a marked differential of **61** as between the **North** and the **South**; and as against the **two** differentials in the **1979 Constitution**.

10.3 For emphasis, and in order to demonstrate that, till now, the basis of the **distribution** or **allocation** of the **Local Governments** is not known or has not been revealed, even though they have been made integral part of the **Constitution**.

10.4 Permit me to do a further breakdown to situate them against the present **six geo-political zones/Regions** we have, in addition to the **Federal Capital Territory, Abuja**:

Present North-East Geo-Political Zone	No of LGAs (112)
Adamawa	21
Bauchi	20
Borno	27
Gombe	11
Taraba	16
Yobe	17
Present North-Central Geo-Political Zone	No of LGAs (114)
Benue	23
Kogi	21
Kwara	16
Nasarawa	13
Niger	25
Plateau	17
Present North-West Geo-Political Zone	No of LGAs (187)
Jigawa	27
Kaduna	23
Kano	44
Katsina	34
Kebbi	21
Sokoto	23
Zamfara	14
Present South-East Geo-Political Zone	No of LGAs (95)
Abia	17
Anambra	21
Ebonyi	13
Enugu	17
Imo	27
Present South-South Geo-Political Zone	No of LGAs (123)
Akwa Ibom	31

Bayelsa	8
Cross-River	18
Delta	25
Edo	18
Rivers	23
Present South-West Geo-Political Zone	No of LGAs (137)
Ekiti	16
Lagos	20
Ogun	20
Ondo	18
Osun	30
Oyo	33
Present Federal Capital Territory	No of Areas
FCT	6

10.5 Arising from the above distribution are more revelations:

- i. The former **Imo State** (now **Imo** and **Abia**) had **21 LGAs** under the **1979 Constitution**, while **Kano** (now **Kano** and **Jigawa** had **20 LGAs**); whereas under the **1999 Constitution**, the same old **Imo**, comprising **Imo** and **Abia** has **44 LGAs** (**Imo 27, Abia 17**, respectively). In contrast, the old **Kano**, which had less **Local Government Areas** than the old **Imo** under the **1979 Constitution**, and which is now broken into **Kano** and **Jigawa States**, now has **71 LGAs** under the **1999 Constitution**, translating to the fact that, within the framework of the **1999 Constitution**, it has gained advantage of **27 LGAs** than the old **Imo State**. Further, the old **Kano** presently has only **24 LGAs** less than the **95 LGAs** awarded to the entire **South-East States** under the present **Constitution**.
- ii. Both **Lagos** and **Kano** States were paired as having about the same population figures of over **five million** people by the **1991 census**; each of the **States** has **40 members** in their respective

Houses of Assembly, and each of them has **20 members** in the **House of Representatives**. Under the **1999 Constitution**, **Kano State** is allocated **44 LGAs**, while **Lagos State** has **20 LGAs**. Translating not just to a marked differential of **24 LGAs** between **Kano** and **Lagos**, but also to the stark reality that **Lagos State** has just **45.5%** of the **LGAs** credited to **Kano State** under the **1999 Constitution**, while **Kano** has a windfall of **220%** of **Lagos's LGAs**, despite both states being paired in population and legislative representation.

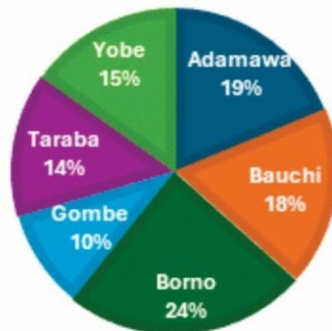
- iii. Within the **South West zone**, and between **Ogun and Osun States**, whereas **Ogun State** was created in **1976**, it is allocated only **20 LGAs** as against **Osun State** which has been awarded **30 LGAs**, with comparatively lower population and territorial landscape. Be it noted that **Osun State** was carved out of **Oyo State**, now having **34 LGAs** as against the old **Ondo State** (now **Ondo and Ekiti States**), which under the **1999 Constitution** are jointly awarded **34 LGAs** (**Ondo: 18 Ekiti:16**). Both **Ondo** and **Ekiti** States are more in population than the present **Osun State**. The **Nigerian Bureau of Statistics** put the population of the **two States** at **3,460,877** with a landmass of **15,500sqkm** as at **2006**; against the present **Osun** with a population of **3,416,959** with a landmass of **14,875sqms**.
- iv. In the present **South-South geo-political zone**, **Akwa-Ibom**, with a population of **3,902,051** and landmass of **7,081sqkm** has **23 LGAs**, while **Rivers State**, with a population of **5,198,716** and **11,077sqkm** has been awarded the same **23 LGAs**. The position of **Bayelsa State** is appalling, as for no reason at all, its been given a pittance of **8 LGAs**.
- v. **Kaduna and Katsina States** in the present **North-West Zone** present a different scenario altogether. Be it noted that both were in the **Kaduna State** until **1991**. While **Katsina State**, with a population of **5,801,854** and territorial size of **24,192sqkm**, has **34 LGAs**, **Kaduna**, the mother State, with a population of **6,113,503** and landmass of **46,053sqkm** has been awarded **23 LGAs** by the same **Constitution**.

*The following graphically illustrates the points being made above:

PRESENT DISTRIBUTION OF LOCAL GOVERNMENT AREAS (LGAs) ACROSS THE GEO-POLITICAL ZONES UNDER THE 1999 CONSTITUTION

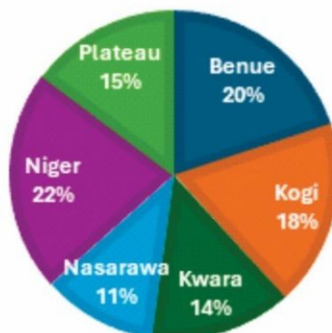
PRESENT NORTH-EAST GEO-POLITICAL ZONE (112 LGAs)

■ Adamawa ■ Bauchi ■ Borno ■ Gombe ■ Taraba ■ Yobe ■



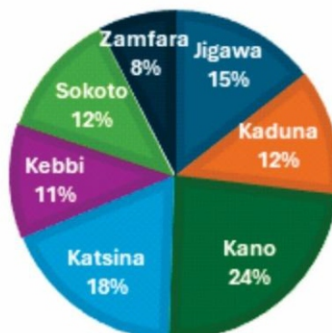
PRESENT NORTH-CENTRAL GEO-POLITICAL ZONE (114 LGAs)

■ Benue ■ Kogi ■ Kwara ■ Nasarawa ■ Niger ■ Plateau ■



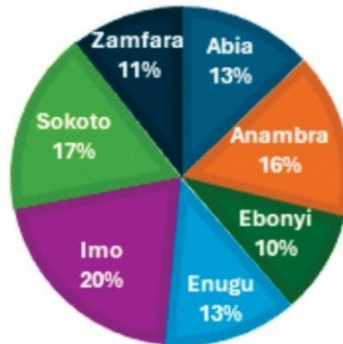
PRESENT NORTH-WEST GEO-POLITICAL ZONE (187 LGAs)

■ Jigawa ■ Kaduna ■ Kano ■ Katsina ■ Kebbi ■ Sokoto ■ Zamfara ■



PRESENT SOUTH-EAST GEO-POLITICAL ZONE (95 LGAs)

■ Abia ■ Anambra ■ Ebonyi ■ Enugu ■ Imo ■ Sokoto ■ Zamfara



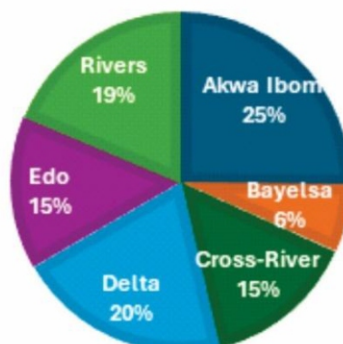
PRESENT SOUTH-WEST GEO-POLITICAL ZONE (137 LGAs)

■ Ekiti ■ Lagos ■ Ogun ■ Ondo ■ Osun ■ Oyo ■



PRESENT SOUTH-SOUTH GEO-POLITICAL ZONE (123 LGAs)

■ Akwa Ibom ■ Bayelsa ■ Cross-River ■ Delta ■ Edo ■ Rivers ■



11.0 CRITICAL EXPOSITIONS ON THE 1999 CONSTITUTION

11.1 In a most revealing and telling exposé on the **1999 Constitution**, seasoned journalist and veteran columnist, **Eric Teniola**⁵⁰, recently, in a syndicated publication under a captivating title, **“Constitution made in hurry, made in error”**⁵¹, wrote thus: **“One thing is however clear, by the time we held the gubernatorial elections in the country on 20 February, 1999 and the Presidential election on February 29, 1999, the new Constitution was not ready. By 1999, the 1979 Constitution suspended by Brigadier General Sani Abacha’s announcement on December 31, 1983, was still suspended. Likewise, the 1988 Constitution prepared by the Constituent Assembly headed by Justice Anthony Aniagolu (1922-2011) was not available. Also, the 1995 Constitution prepared by the Constituent Assembly headed by Justice Adolphus Karibi-Whyte (1932-2020) was also not ready. At the time the elections were held in February 1999, the 1999 Constitution being prepared by Justice Niki Tobi (July 14, 1940 – June 19, 2016) was also not ready. In his wisdom, General Abdusalam Abubakar did not constitute a Constituent Assembly to give the country a new Constitution; he only relied on the Constitutional Debate Co-ordinating Committee headed by Justice Niki Tobi.Justice Tobi made attempts before and after the elections to have an audience with General Abubakar through the then Secretary to the Government of the Federation, Alhaji Gidado Idris, GCON. He succeeded in seeing him twice.**

Only General Abdusalam Abubakar GCFR (82) can explain better why he jettisoned the idea of a Constituent Assembly to give the country a new constitution. My understanding is that General Abubakar wanted to leave power at a short notice. He must have been jolted by the death of Chief Moshood Kashimawo Olawale Abiola, GCFR, (24 August 1937 – 7 July 1998), acclaimed winner of the 1993 Presidential Election and the sudden death of the man he succeeded, General Sani Abacha, GCFR (20 September 1943- 8 June 1998) on 8 June, 1998. In short, he wanted to retire to Minna in good health. Were he to be alive today, Justice Niki

⁵⁰ Eric Teniola is a historic journalist. As a former Director of Press in the Office of the Secretary to the Government of the Federation, he served under the auspices of Alhaji Gidado Idris during the military regimes of General Sani Abacha and General Abdulsalami Abubakar, and later under Chief Ufot Ekaette, who was appointed Secretary to the Government of the Federation by President Olusegun Obasanjo at the dawn of the Fourth Republic.

⁵¹ Eric Teniola, 'Constitution Made in Hurry, Made in Error' ThisDay, 29th May, 2021; <https://www.thisdaylive.com/index.php/2021/05/29/constitution-made-in-hurry-made-in-error/> accessed 16 October 2025.

Tobi will be surprised that the 1999 constitution which his team prepared as draft is still in existence today although with some amendments. In my discussion with him at the International Conference Centre, Abuja, where I was posted from the office of the Secretary to the Government of the Federation as a member of the adhoc staff of the Constitutional Debate Co-ordinating Committee, he said several times that the draft will be subjected to many amendments by the Provisional Ruling Council... We cannot deceive ourselves. This 1999 Constitution will lead us nowhere. Something must be done urgently. No matter how long we are implementing the provisions of the Constitution. It was made in a hurry and it was made in error."

- 11.2 Having regard to the vintage and vantage position that **Eric Teniola** occupied within the periods that he referenced in his publication, one can rightly state that the Latin maxim ***res ipsa loquitur*** applies to his treatise, that is "***the fact speaks for itself***", more particularly, against the backdrop of today's realities and as expounded in this lecture.

12.0 A RECAP OF THE LECTURE SO FAR

- 12.1 Thus far, we have traversed the intricate labyrinth of Nigeria's historical emergence; before, during, and post colonial intrusion, her diverse journeys and adventures in the arduous quest for nationhood, particularly at making an enabling and enduring Constitution for itself, whether the **Clifford Constitution of 1922**, the **Richards Constitution of 1946**, the **Macpherson Constitution of 1951**, **Lyttleton Constitution of 1954**, **Independence Constitution of 1960**, **Republican Constitution of 1963**, **Second Republican Constitution of 1979**, the **General Babangida-midwifed Constitution of 1989**, the aborted **General Sani Abacha Constitution of 1995** or the **Constitution of the Federal Republic of Nigeria, 1999**.
- 12.2 As for the present Constitution, it has been subjected to serial amendments and, as we speak, the **National Assembly** has again

collated numerous Bills⁵² proposing further alterations to the same document.⁵³

13.0 TO BE OR NOT TO BE

- 13.1 This subtitle is borrowed from **William Shakespeare's** timeless Tragedy titled, **Hamlet. Hamlet**, the **Prince of Denmark**, was renowned for his procrastination, indecision, not sure-footed, and often paralyzed by contemplation. For us, as a country, the time has come to cast off, unlike **Hamlet**, our saucy fears, doubts, trepidation, indecision, ambivalence and vacillation. We must stop blaming our stars for our problems, rather than ourselves⁵⁴. Whether developed or developing, most nations of the world have confronted their problems headlong by coming together to appreciate their fault lines and fractures, thus, charting new courses for the future.
- 13.2 **France**, for example, which is now a world power and one of the most developed and advanced nations in the world today, was, before **1789**, governed under the **Ancien Régime**, an absolute monarchy where the King appropriated total power. **King Louis XIV**, known as the **Sun King**, epitomized this absolute authority, which he wielded in Versailles without meaningful checks and balances. However, **1789** marked a seismic shift following the overthrow of the monarchy and the **First Republic** was pronounced in **1792** bringing forth radical reforms, including the **Declaration of the Rights of Man and of the Citizen**. **Napoleon Bonaparte** was a key figure within that regime as he established the **First Empire** in **1804**, introducing the **Napoleonic Code**.⁵⁵ The **19th century** witnessed series of governmental transformation, from the restoration of the monarchy through to the **Second Republic** and the **Second Empire** under **Napoleon III**. France again transitioned to the **Third Republic**, which endured until the end of the **World War II**. Upon

⁵² Deputy Speaker of the House of Representatives, Benjamin Kalu, in a report published by The Guardian Nigeria on March 28, 2024, stated thus: *We received over 240 bills seeking to amend various provisions of the 1999 Constitution. This reflects the depth of interest and concern Nigerians have about the structure and future of our country.*" See The Guardian Nigeria, 'National Assembly receives over 240 constitutional amendment bills' (28 March 2024) <https://guardian.ng/news/national-assembly-receives-over-240-constitutional-amendment-bills/> accessed 15 October 2025.

⁵³ Daily Post Nigeria, 'Reps pass 39 constitutional amendment bills for second reading' (25 March 2025) <https://dailypost.ng/2025/03/25/reps-pass-39-constitutional-amendment-bills-for-second-reading/> accessed 15 October 2025.

⁵⁴ William Shakespeare, Julius Caesar, Act I, Scene II, "The fault, dear Brutus, is not in our stars, but in ourselves, that we are underlings".

⁵⁵ The Napoleonic Code, officially known as the Code civil des Français (Civil Code of the French), is a foundational legal document enacted in 1804 under Napoleon Bonaparte. It remains one of the most influential civil law codes in history; See also Encyclopaedia Britannica, 'Napoleonic Code' (Britannica, 2025) <https://www.britannica.com/topic/Napoleonic-Code> accessed 16 October 2025.

the liberation of France in **1944**, the **Fourth Republic** was birthed in **1946**. **General Charles de Gaulle** ushered in the **Fifth Republic** in **1958** by introducing a new Constitution that brought greater political stability. France's system uniquely balances power between the **President(Head of State)** and the **Prime Minister (Head of Government)**, who is accountable to the **National Assembly**. Though **France** is largely a homogenous State, only made up of the French, yet, power is shared among the **Executive, Legislative** and **Judicial** branches. Her Constitution has been specially tailored to appreciate her peculiarities as well as fault lines, over the years; it is a Constitution that blends the elements of both Presidential and Parliamentary systems of governance. Hitherto, the President could serve for a **Seven-Year Term**, but a change was made in **2000** to reduce the **Seven-Year Term** to **Five Years**.

- 13.3 **Switzerland**, with a population of about **8,904,810**⁵⁶, offers another example of how a relatively small heterogenous country fashioned its constitutional structure to bring about *cohesion, amity, understanding, cooperation, and national consensus* among her four ethnic nationalities: **Italian, German, French** and **Romansh**. Though not a federalism in the classic sense, **Switzerland** operates a liberalized confederation, distinct from, and not akin to unitarianism. It is divided into **Cantons**, each with significant autonomy. **Article 47** of its **Constitution** emphatically states that, ***“the federation shall respect the autonomy of the Cantons”*** while **Article 51** permits each **Canton** to adopt its own democratic constitution, provided the constitution is not contrary to the federal law. **Article 60 (2)** provides that, ***“Within the limits of federal laws, the Cantons have the power to form Cantonal troops, to appoint and to promote officers of such troops, and to furnish a part of their clothing and equipment; subject to subsection 3 which allows the federation to take over military installation of the Cantons against fair compensation”***. By **Article 70(1)** of the **Constitution**, the official languages of the federation are: **German, French, Italian and Romansch**, while **subsection 3** provides that the Federation and the Cantons encourage understanding and exchange between the

⁵⁶ Worldometer, 'Switzerland Population (2025)' <https://www.worldometers.info/world-population/switzerland-population/> accessed 16 October 2025.

linguistic communities. **Article 44** outlines a framework of collaboration and mutual support between the Federation and the Cantons; including administrative and judicial assistance. **Subsection 3** states that *“disputes between Cantons or between Cantons and the Federation, shall, to the extent possible, be resolved through negotiation or mediation.”* For emphasis, the **Preamble** to the **Constitution of Switzerland** states thus: *“In the name of God Almighty! We, the Swiss People and the Cantons, being mindful of our responsibility towards creation, in renewing our alliance to strengthen liberty and democracy, independence and peace in solidarity and openness towards the world, determined, with mutual respect and recognition, to live our diversity in unity, conscious of our common achievements and our responsibility towards future generations, certain that free is only who uses his freedom, and that the strength of a people is measured by the welfare of the weak, hereby adopt the following Constitution.”*

13.4 **Canada**, another successful federation and one of the leading nations in the world, comprises **10 Provinces** and **3 Territories**. **Quebec** is predominantly French speaking, while the other **9 Provinces** of **Ontario, British Colombia, Alberta, Manitoba, Saskatchewan, Nova Scotia, New Brunswick, Prince Edward Island, Newfoundland and Labrador** are primarily English speaking. The **Preamble** to the **Canadian Constitution** is very instructive as it reads thus: *“Whereas Canada is founded upon the principles that recognize the supremacy of God and the rule of law.”* Despite **Quebec’s** linguistic distinction, **English** and **French** are the two official languages in **Canada**, and at all points in time, the interests of all the Provinces and Territories are taken into consideration in the formulation of national agenda. Perhaps, what we know of Canada today might have been threatened by the secession of Quebec but for the assumption to the position of **Prime Minister** by **Justin Pierre James Trudeau** from **Quebec** Province from **2015 to 2025**, during which time **Trudeau** did not only provide good leadership for **Canada**, but also united the country the more. In a manner of speaking, his accension to that position was a political concession by the majority.

13.5 Earlier in this lecture, we referred to the **United States of America** as a model federalism that has endured for **249** years. Lest we forget,

America has always been and remains a multi-racial nation; yet, it has a Constitution that ignites and inspires hope to all the citizens, across lines of race, colour, creed, or language. Today, the world still celebrates and lauds the presidency of **Barack Obama**, an American of Kenyan descent.

14.0 PROGNOSIS ON THE WAY FORWARD

- 14.1 It is written, “**And ye shall know the truth and the truth shall make you free.**”⁵⁷
- 14.2 Needless restating the obvious that Nigeria, as it is today, needs to be rebranded, re-orientated, restructured, reevaluated, revamped, renegotiated, reorganized, reawakened, re-engineered, resuscitated and, by extension, recalibrated. **One cannot make omelets without breaking eggs; one cannot play Hamlet without the Prince of Denmark; and one cannot stage an orchestra without fixing the crescendo.** What is the relevance of the foregoing? Right from the get-go, particularly, since this present Constitution was said to be in the ‘bakery’ or ‘oven’ during the **General Abdusalam Abubakar** regime, I had joined the vanguard of those clamoring for a people’s constitution; **a constitution peculiar to the antecedents and nuances of Nigeria; a constitution that will emerge through consensus or near consensus; a constitution that will be negotiated upon during cross-fertilization of ideas; a constitution of mutual understanding and collaboration; a constitution that will be subjected to a referendum, after which most Nigerians will be able to assert that this is our Constitution.** I must not be mistaken to be suggesting that every Nigerian must participate in the making of the Constitution, but any Nigerian who wants to must be able to so do, either through his elected representative or by airing his views.
- 14.3 It has been demonstrated earlier in this presentation that the origin of our present Constitution is cast in doubt. Not only that, some of the provisions earlier highlighted, including the entrenchment of the **Land Use Act**, arbitrary award or allocation of Local Governments is unfair, unjust, oppressive and inequitable manner; the unitarization of the

⁵⁷ John 8:32 King James Version

Judiciary and near emasculation of the States' Judiciary in contravention of **section 6(6)** of the same Constitution and several other vices have polluted the Constitution. The Preamble of any Constitution soberly introduces the spirit, intent, and philosophy. While it can be argued that the Preamble to the **1999 Constitution** is the same with that of **1979**, the fact remains that the **1979 Constitution** was a product of the people through their representatives; first at the **Constitution Drafting Committee**, and later at the **Constituent Assembly**. On the contrary, the Preamble to **1999 Constitution** starts with a 'bang' and ends with a 'whimper', apologies to **T.S Elliot**.⁵⁸ It runs thus: "**We the people of the Federal Republic of Nigeria...do hereby make and give to ourselves the following Constitution.**"

- 14.4 Coincidentally, but not unexpectedly, it was the late legal Titan, **Chief FRA Williams, CFR, SAN**, who first mounted the rostrum to describe the Constitution as telling lies against itself, right from the Preamble; querying where "**we the people of Nigeria met**"⁵⁹, amongst others. Let us recall that Chief Williams was the Chairman of the Drafting Committee and the Vice-Chairman of the Constituent Assembly that produced the **1979 Constitution**. He was also one of the leading Nigerians who took part in the Constitutional Conferences under the colonial masters, apart from being the first indigenous Attorney-General of the old Western Region. Hence, no one would doubt his pedigree, knowledge of law and sincerity of purpose.
- 14.5 In my address to **President Olusegun Obasanjo** as the **President of the Nigerian Bar Association (NBA)** on **Monday, November 11, 2002**, I stated, amongst others, "**The Constitution which we operate is far from being an ideal one. It is a Constitution that should be overhauled completely, for it does not truly reflect a Federal Constitution. Frankly speaking, most Nigerians had no input into the Constitution before it was promulgated...**" As the sitting President then, **Chief Olusegun Obasanjo** frowned at my suggestion. Permit me not to unfurl the drama that took place afterwards. However, the interesting thing is that the same **Chief**

⁵⁸ T. S. Eliot, *The Hollow Men* (Faber & Faber 1925) part V:

⁵⁹ *Afr.j.polit.sci.*(2000) Vol. 5 (No 2)5-29

Olusegun Obasanjo, in his latest publication,⁶⁰ would appear to have shifted ground, aligning with the proponents of a new Constitution or social order. At **page 25** of his publication, he submitted as follows:

“The colonial power left for us Western Liberal Democracy as a form and system of government and governance. ... Democracy a la Western Liberal developed and emanated from European history and background of monarchy, while capitalism is a metamorphosis of the feudal system in Europe. Both in context and content were alien to us in Africa. The dress that was not made to measure for us was what we were given to wear in political and economic terms and system at independence. Immediately after independence, our leaders did not interrogate nor question what we have inherited. Today, the Western Liberal Democracy has not delivered. It has failed us, we have misused it, we have bastardised it and it has created more problems by its nature, content, complexity and gross abuse and misuse in practice. It is now being interrogated in the West where it came from. If the people who designed what they had given to us and which they continue to use find it faulty, inadequate, and failing in delivery and are seeking ways of renewal, reform and amendment, why should we not admit and accept it as not serving our purpose...”

14.6 In the words of the Founder of **ABUAD**, **“Restructuring Nigeria’s socio-political foundations, now and with utmost priority, is a time sensitive step that is required to save the nation from looming perdition. Based on current realities, it is hard to see how Nigeria will survive as one nation without restructuring. It is now a clear case of either we restructure now, or we may face unplanned reconfiguration in the not too distant future”**.⁶¹

14.7 It will be remiss of me not to reiterate the fact or the imperative that our country, more than ever before, **needs a homegrown Constitution, a new arrangement or, if one desires it another way, a rearrangement or repackaging, intrinsically, extrinsically, vertically and horizontally**. In so

⁶⁰ Chief Olusegun Obasanjo, ‘Nigeria - Past and Future: Contemplations on Nigeria’s History and Vision for Tomorrow’, Olusegun Obasanjo Presidential Library Publications, 2025.

⁶¹ Aare Afe Babalola, ‘Nigeria: Restructure or Reconfigure (2)’, accessed via <https://oldweb.abuad.edu.ng/nigeria-restructure-or-reconfigure-2/#:~:text=The%20expectation%20that%20the%20structural,economic%20problems%20facing%20a%20country> on October 15, 2025.

doing, we have to, as of necessity, if not for the sake of self-preservation and interest, take the bull by the horn and apply the illuminating wordings of **Stanza 3** of our **National Anthem** to call on the **God of all creation to grant our one request, to help us build a nation where no man is oppressed, so that with peace and plenty, Nigeria may be blessed.** Incidentally, this last stanza of the **National Anthem** is now regarded as a national prayer and, if so taken or admitted, let us live by the words, more particularly so, that we have evoked the name of the **God of all creation.** The only way that we can do it is **to repair our present, heal and not nurse our wounds, replenish and not deplete, increase and not decrease, progress and not regress, advance and not stagnate, move forward and not be static, be profound with ourselves and not be deceitful, confront and not spare our problems, be firm with ourselves rather than being pretentious, and render our hearts rather than our garments.**

15.0 PROPOSITIONS

- 15.1 Premised on the foregoing, and using the auspices of this lecture, I hereby propose as follows:
- 15.2 That the **National Assembly** should, for the time being, stay action on the ongoing amendment or any further amendment to the 1999 Constitution, as already stated earlier and elsewhere, the Constitution needs a new rebranding, a complete overhaul, a substitution altogether. Call it **autochthonous Constitution** or any other name, it has to be a negotiated document that will pave way for a new social order. We cannot continue to live by the 1999 Constitution which haunts us as a military albatross. Let us borrow a golden leaf from other countries of the world and determine to live together on acceptable terms and conditions. At this stage, the golden words of **Sir Ahmadu Bello**, during a discussion between him and **Dr. Nnamdi Azikiwe** become very apt. He quipped: **"No, let us understand our differences. I am a Muslim and a Northerner. You are a Christian, and Easterner. By understanding our differences, we can build unity in our country"**. **Sir Ahmadu Bello** was brutally frank and honestly irresistible. Let us stop playing the ostrich, the differences which **Sir Ahmadu Bello** referred to about six decades ago

are not just still here with us, but also living with us in new and more threatening dimensions, across the divide – **Noth-South; South-West; South-East; North-West**, dovetailing into Christian versus Muslims, Yoruba versus Igbos, Hausa Fulanis versus the Yorubas; Fulanis against Tivs, etc.

- 15.3 Before independence, the **Willinks Commission** was set up to look into the fears of the minority; now, the majority threads in trepidation. At a point in time, God exclaimed: **“Come let us reason together”**.⁶² If God, who created man could beckon to him so that they could reason together, how much less we mortals. With much respect to those who argue to the contrary, I dare say, they appear not to show keen interest in both the future of Nigeria as well as the tomorrow of our children. We have to interpret and interchange our diversity for unity, translating to **unity in diversity; rather than strife, discord and disharmony in diversity**.
- 15.4 By suggesting to the National Assembly to stay action on any constitutional amendment for now, one is not advocating **a state of anomie or normlessness**; rather, I am proposing a **transition period as between now and 2031**, a phase that will give us sufficient time, not only to reflect on the ills plaguing or that have plagued our previous Constitutions to date, but also afford us ample opportunity and time to, amongst other things, **assemble all previous efforts made and geared towards constitutional enactment by our representatives, including but not limited to Reports of committees or assemblies set up or constituted to achieve such purpose**. I am also not unaware that the **All Progressive Congress (APC)** set up the **El-Rufai Committee** to look into ways and means by which Nigeria should be restructured, and the Committee came up with a very profound submission touching on, among other things, **merger of states, derivation principle, devolution of power, fiscal federalism, judiciary, local government autonomy, revenue allocation, citizenship, state police, referendum**.
- 15.5 During the transitional period, the forthcoming elections will still take place and the winners will spend their four years certain, as the case may be; but with an understanding that, come **May 29, 2031**, Nigeria

⁶² Isaiah 1:18, KJV

will operate under a fresh atmosphere; a new Constitution, a new structure, a fresh dawn, an era of renaissance.

16.0 A CASE FOR REFERENDUM

16.1 In the circumstances of the above, I wish to submit that a **Referendum** has become overdue. A **referendum** is the solemn act by which a people collectively speak in unison to decide matters of grave national importance⁶³. Over the centuries, it has been deployed to determine issues as fundamental as independence, territorial belonging, constitutional reordering, and the recalibration of political unions. It represents the voice of the *demos*, unfiltered and undiluted, speaking louder than the rhetoric of politicians or the manoeuvres of elites. From the historic **Italian Referendum**⁶⁴ in **1946**, which ended the monarchy and birthed the Republic, redefining the political trajectory of that ancient land.

16.2 The **Brexit Referendum**⁶⁵ in the **United Kingdom** on **23rd June, 2016**, where the people voted to withdraw from the **European Union**, a referendum ratified its determination to stand as an independent entity. Recently, **Italy** set another record of a two-day **Referendum** held to reform its **citizenship laws**,⁶⁶ while on **21st September, 2025**, **Equitorial Guinea** held a **Constitutional Referendum** aimed at approving its new Constitution. The referendum recorded a **91.4%** voter turnout, and the proposed **Constitution** was approved by **90.6%** of voters, according to provisional results from **80%** of polling stations. Key reforms included **restructuring executive powers, enhancing institutional efficiency, and reaffirming national unity**⁶⁷. These instances demonstrate that when the people

⁶³ Richard Rose, *Understanding the United Kingdom: The Referendum Experience* (Macmillan 2000) 12; see also UK Electoral Commission, *Referendum Guidelines* (2016) https://www.electoralcommission.org.uk/sites/default/files/pdf_file/Referendum-Guidelines.pdf accessed 3 October 2025.

⁶⁴ Italian Ministry of Interior, *Referendum Istituzionale 1946* (2 June 1946)

<https://elezionistorico.interno.gov.it/index.php?tpel=R&dtel=02/06/1946> accessed 3 October 2025

⁶⁵ UK Electoral Commission, *EU Referendum Results* (2016) <https://www.electoralcommission.org.uk/who-we-are-and-what-we-do/elections-and-referendums/past-elections-and-referendums/eu-referendum> accessed 3 October 2025; The Brexit referendum, held on 23 June 2016, was a nationwide vote in which 51.9% of UK voters chose to leave the European Union. It marked a turning point in British politics, triggering years of negotiation and constitutional debate over sovereignty and trade.

⁶⁶ Italian Ministry of Interior, *Referendum sulla Cittadinanza e Lavoro* (June 2025) <https://interno.gov.it/referendum/cittadinanza-2025> accessed 3 October 2025;

⁶⁷ Ecofin Agency, 'Guinea: New Constitution Wins Over 90% in Provisional Results' (23 September 2025) <https://www.ecofinagency.com/news/2309-48940-guinea-new-constitution-wins-over-90-in-provisional-results> accessed 3 October 2025

speaking through a referendum, history bends to their voice, and legitimacy bows to their will.

16.3 Coming nearer home, **Referendum** is not alien to our polity. Indeed, it is woven into the tapestry of our constitutional and political evolution. Let us recall that in **1961**, before the departure of **Southern Cameroun** from **Nigeria**, the territory was administered as part of our federation under **British** trusteeship, until **1961** when the **United Nations** supervised a **Referendum** wherein the people of **Southern Cameroun** were given the choice: to either integrate with **Nigeria** or to merge with the **Republic of Cameroun**. Their choice to join Cameroun altered the map of **West Africa**, underscoring the potency of **Referendum** as the decisive voice of a people's sovereignty.⁶⁸ Earlier in this paper, reference has been made to the 1963 referendum/plebiscite which led to the creation of the then **Mid-Western Region**.

16.4 To my mind, the intent and spirit of **section 14(2)(a)** of the 1999 Constitution tallies with the foregoing, as it vests sovereignty in the people. Thus, it is the inalienable right of any group of people to determine how to live together and be governed. Even the Israelites of old had a referendum before they approached **Samuel and God** with a singular request: **"Give us a king to judge us like other nations"**.⁶⁹ Now, if the **Constitution** states that sovereignty belongs to the people, it stands to reason that they have the right, latitude and jurisdiction to claim and assert that sovereignty at any time or in any given situation. This submission finds support in **Hans Kelsen's Pure Theory of Law**⁷⁰, where he espoused the concept of '**Grundnorm**'—the basic norm upon which the validity of all other **legal norms** depend. This **norm**, though abstract, is anchored in the presupposition that **the people are the ultimate sovereigns**, and that all laws, decrees, and constitutions derive their legitimacy from their consent.

⁶⁸ United Nations General Assembly, Resolution 1608 (XV): The Future of the Trust Territory of the Cameroons under United Kingdom Administration (21 April 1961) UN Doc A/RES/1608(XV); see also Victor T. Le Vine, *The Cameroons: From Mandate to Independence* (University of California Press 1964) 267–270.

⁶⁹ 1 Samuel 8:5

⁷⁰ Hans Kelsen, *Pure Theory of Law* (University of California Press 1967) 193.

17.0 SECURITY: CASE FOR DECENTRALIZED POLICE

- 17.1 Few issues have dominated our national discourse today more than the subject of security *vis a vis* state policing. In the wave of rising insecurity from the East to West, and the North to the South, concerns around state policing remain in the front burner. The central question has been: how do we police ourselves better? Unlike other federal states, our Constitution creates a Central Police Force that polices the entire country from the Federal Capital Territory, Abuja, and in the process, creating a paradox of Chief Security Officers (Governors) who cannot commandeer the Police Chiefs in their respective states. In most advanced democracies such as **United States of America, Switzerland, Canada, Germany**, etc., the architecture of law enforcement varies with constitutional temperament as well as the historical evolution of the individual state. These countries in line with the principle of Federalism have bequeathed unto their sub-national units, the power to establish and control autonomous police formations. In **Switzerland** for example, its **26 Cantons**, the equivalent of states, maintain independent police units while the **Federal Government** only intervenes in matters of national security or inter-cantonal coordination. In **Canada**, whilst the **Royal Canadian Mounted Police (RCMP)** serves as the **Federal Police**, Provinces such as **Ontario and Quebec** operate their own **Provincial Police Units** i.e the **Ontario Provincial Police** and the **Surete du Quebec**, respectively. In **Germany**, the **Lander (state)** each maintains its own police formation whilst the federal government oversees only specialized formations like the **Bundeskriminalamt (BKA)**. In each of the **United States** and the **United Kingdom**, the policing layout is very much decentralized down to the small unit of the society. With over **18,000** distinct law enforcement agencies, the American system is a mosaic of overlapping policing jurisdictions and autonomous operations. Each of the **50 states** has diverse layers of police formations, independent of federal control, save in matters of overriding national interest. Even established universities have their own specialized police formations, a good example of which is the **Harvard University Police Department**.
- 17.2 The idea of police is basically local or communal and cannot be central or regimented from outside the immediate community as such. The

point being made is that, it is equally the inalienable right of every community to have its own rural or community police. In **Ekiti State**, for example, each of the major towns like **Ado, Ikere, Ijero, and Ikole, etc.** should have its own police formation, while each of the four Senatorial Districts should have a **Senatorial Police Formation**, to be followed by the **Ekiti State Police Formation**; then the **South West Police Formation** before the central police. It cannot be a favor done to either the States or zones or the major cities within Nigeria that the **Federal Government** is the one opting to give them police formations. Without prejudice to the earlier submission that the **National Assembly** should stay action on the amendment of the Constitution, state, community, provincial and zonal police formations should be established now, without further ado.

18.0 POLITICAL PARTIES: HARBINGERS OF DEMOCRATIC NORMS AND STABILITY

18.1 Again, permit me to invoke the maxim that *one cannot make omelet without breaking eggs*. It is practically impossible to usher in enduring democratic stability without rugged, well-structured and meticulously planned political parties; parties with **defined manifestoes, coherent vision, articulated mission, ideological orientation, strategic goals and a clear destination**. While I do not align with the constitutional provision that only political parties registered by the **Independent National Electoral Commission (INEC)** can canvass for votes,⁷¹ it nevertheless underscores the *sine qua non* of political parties to Nigeria's democratic architecture. Whatever one may argue, the three leading political parties in the **First Republic**, namely, the **Action Group (AG)**, the **Northern People's Congress (NPC)**, and the **National Council of Nigerian Citizens (NCNC)**, were well-grounded in terms of **focus, ideology and representation**. One can say this much or fairly well of the **Unity Party of Nigeria (UPN)**, **National Party of Nigeria (NPN)**, **Nigerian People's Party (NPP)**, the **Great Nigerian People's Party (GNPP)** and the **Peoples Redemption Party (PRP)** of the **Second Republic**.

18.2 In the **United States**, the **Democratic Party** was founded in the early **1790s** by the likes of **Thomas Jefferson**; it championed **Agrarianism, States' Rights**, and **Limited Federal Government**. The **Party** evolved

⁷¹ Section 221 of the Constitution of the Federal Republic of Nigeria, 1999 (as amended)

under the leadership of **Andrew Jackson** in the **1820s**, who gave it a populist tone and cemented its modern name by **1844**. Over time, particularly through the **New Deal Reforms** of **Franklin D. Roosevelt** and the **Civil Rights legislation** under **Lyndon B. Johnson**, the Party transformed into a broad coalition advocating for **social welfare, labor rights, civil liberties, and progressive governance**. It operates within a robust **Federal** structure, maintaining decentralized party machinery across **fifty States** while projecting unified national platforms.

18.3 The **Republican Party** emerged in **1854** in opposition to the expansion of slavery into new territories. Formed by **anti-slavery activists**, former **Whigs**, and **Free Soilers**, it quickly gained prominence, electing **Abraham Lincoln** as its first **President** in **1860**. Initially grounded in **abolitionism** and **post Civil War reconstruction**, the **Party** evolved through the **Gilded Age** and the **20th Century** into a **Platform/Centre for Civil Rights**, championing **free-market capitalism, individual liberty**, and **limited Federal Government**. Today, the **Party** remains a dominant force in **American** politics, ensuring a sane equilibrium in the exercise of **Federal authority** without compromising **State Sovereignty**. Recently, the world's richest man, **Elon Musk**, announced the formation of a new **Party** called the **American Party**, which is being projected to challenge the duopoly of the **Democratic and Republican** parties⁷².

18.4 In the **United Kingdom**, the **Conservative Party** evolved from the historic **Tory Party**, which dates back to the late **17th Century**. It adopted the name "**Conservative**" under the influence of **Sir Robert Peel**, in **1830s**, emphasizing **tradition, social hierarchy**, and **cautious reform**. Over time, especially under leaders like **Benjamin Disraeli** and later **Margaret Thatcher**, the **Party** championed **economic liberalism, privatization**, and **national sovereignty**, with a deep-rooted commitment to preserving the **British Constitutional Monarchy** and **Parliamentary System**.

18.5 In contrast, the **Labour Party** was formed in **1900** as the political arm of the **Trade Union Movement** and **Socialist Societies**. It emerged as a **voice for the working class, advocating for collective bargaining**,

nationalization of key industries, and **social justice**. **British** politics has largely been dominated by the **Conservative and Labour Parties**, reflecting a left-right dichotomy in policy, class representation, and ideology. Elsewhere, the **Liberal Democrats**, formed from a **1988** merger between the declining **Liberal Party** and the breakaway **Social Democratic Party (SDP)**, represent a centrist and pro-reform alternative but have struggled to achieve the same dominance, till date. Thus, the history of **Political Parties** in the UK reflects a gradual democratization of power, a shift from aristocratic privilege to mass representation, and a dynamic interplay between tradition, reform, and regional identity.

- 18.6 The **African National Congress (ANC)**, which is the ruling party in **South Africa** was formed in **1912** and has remained rugged till date. It fought the apartheid regime in South Africa to a standstill, despite the fact that its leaders were harassed, jailed, murdered, intimidated and imprisoned serially, including the indomitable **Nelson Mandela**.
- 18.7 Back to the present political parties and structure in Nigeria; we started with the **Alliance for Democracy (AD)**, **Peoples Democratic Party (PDP)**, **All Nigerian Peoples Party (ANPP)**, **All Progressives Grand Alliance (APGA)**, in **1999** and, thereafter, **Action Congress of Nigeria (ACN)**, **Labour Party (LP)**, **Congress for Progressive Change (CPC)**, etc. joined the fray. The last general elections witnessed the participation of **All Progressive Congress (APC)**, **Peoples Democratic Party (PDP)**, and **Labour Party (LP)** in the presidential election, while others joined in the Governorship, National and States' Assembly elections. Without sounding patronizing, but in order to underscore the deficiencies of party politics in Nigeria relating to the role of opposition parties, permit me to say a word or two about **President Bola Ahmed Tinubu** as an opposition figure *qua* leader between **1999 to 2015**, a period of sixteen years. Aside him and a very tiny minority, most politicians in Nigeria have, since **1999**, been migrating and shifting grounds along political parties and divides with ease and convenience, to be very liberal with them. Even as a sole opposition Governor, He [**Bola Ahmed Tinubu**] challenged and withstood the onslaught of the then party in power at the center, the **PDP**, and has since remained within the phylum of what

is styled “**the progressives**” in Nigeria. Several others have done otherwise.

18.8 It is often said that birds of the same feather flock together, translating to the fact that birds of different feathers cannot flock together but, at the very best, manage to perch on a thin thread. In that instance, there will be an unease between the birds and the thread. What do I mean? People who come together to form the same political party are presumed to have or share a **common ideology**, an accepted manifesto, a uniformed program, and the same charter or blueprint for governance. If this is the position, it might be very difficult or not so easy for people from one party to migrate to the other so often with remarkable ease as we witness nowadays.

18.9 While **section 40** of the **Constitution** guarantees freedom of association of individuals, I have my serious doubts, if the intendment of that section is to invariably unleash a one-party state on Nigeria at any level, or if the spirit of the Constitution will favour a situation whereby people move *en masse* from one colony to the other without appreciating what the host colonies have endured or suffered, *inter alia*. Had **Nelson Mandela** and others jumped ship from **African National Congress (ANC)** to join their traducers in the apartheid regime, echoing that they wanted to join the ruling party, the **Nationalist Party (NP)**, **South Africa** would have still remained under apartheid till today, and **Africa** would have lost the opportunity of producing a global citizen of the stature of **Mandela**. Had **President Bola Ahmed Tinubu**, whether as **Governor Tinubu** or thereafter as ‘**Citizen Tinubu**’ succumbed to the harassment and intimidation of the then **PDP** ruling party, **Nigeria** would have become a one-party state as far back as **2023** or immediately thereafter. Even when he was arraigned before the **Code of Conduct Tribunal** on some criminal charges, he did not blink or panic, rather, he instructed his Legal Team, led by my humble self to apply for service of the Charge on his behalf, before he was formally served, since the news had already filtered to the press and public.⁷³ Until he was discharged and acquitted, he was physically present at all the proceedings of the Tribunal. **Tinubu** not only withstood and survived the **PDP Tsunami**, he

⁷³ FRN v. Bola Ahmed Tinubu, Code of Conduct Tribunal, Charge No: CCT/ABJ/01/11, 30th Day of November, 2011

also encouraged opposition figures to come together, ultimately birthing the **APC** in **2013**.

18.10 Unknown to the public and initially unbeknownst to the late **President Muhammadu Buhari**, but for his intervention in briefing counsel to go and contest the suit⁷⁴ sponsored by the **PDP** challenging the eligibility of **Buhari** to participate in the **2015 Presidential** election, **President Muhammadu Buhari** might have been disqualified. It is also common knowledge that, as an opposition figure and leader, he supported, empathized and sympathized with members of the ruling party who were facing 'persecution' under the big Umbrella. But for him, some of the present opposition leaders would have been emasculated or annihilated by their own political parties. A case in point was the impeachment of **Governor Rasheed Ladoja** which was orchestrated by his own political party and leadership; where he (Tinubu) quickly rose to his rescue, gave him the necessary encouragement, support and morale including assemblage of a formidable Legal Team, which eventually led to the setting aside of the impeachment by the Supreme Court; a decision⁷⁵ that has over the years served as reprieve for Governors who were/are ordinarily susceptible to legislative and political harassment.

18.11 To recalibrate our democratic system, a note of caution should be sounded against the wave of cross-carpeting from one political party to the other, with the hope that those who move so regularly and easily would not, sooner or later, inflict implosion and explosion on their host-political parties. Membership of a political party should not be a **tea party** or picnic, but a serious business. There should be fidelity to **policies, ideas, programs, manifesto, philosophy, principles and ideology**. That is what operates in stabilized democracies of the world. Today, the **Labour Party** is in power in the **United Kingdom** under the leadership of **Sir Keir Rodney Starmer**, who assumed office on **July 5, 2024**, succeeding, within the **Labour Party** hierarchy, **Sir James Gordon Brown**, who was voted out of office on **May 11, 2010**. This translates to the fact that, between **May 2010 and July 2024**, a period of **fourteen years**, the

⁷⁴ Suit No: FHC/ABJ/CS/47/2015- Nnamdi Nwokocha Ahiwe v. INEC, unreported decision of the Federal High Court delivered on 28th March, 2015

⁷⁵ Inakoju v Adeleke (2007) 4 NWLR (Pt. 1025) 423

Labour Party was in opposition and did not flock **en masse** to join the ruling party, but stayed within their party to recalibrate it, through diverse ways before assuming the reins of power. May we not readily forget that the great **Abraham Lincoln** contested the **US Presidency seven times** before he finally succeeded and became one of the greatest global statesmen. All through, he did not defect from his political party.

19.0 RENEGOTIATING OUR FEDERALISM THROUGH GEOPOLITICAL ZONES

- 19.1 We have demonstrated in this presentation that, basically, it is the federating states or unions, entities or groups, that come together to form a union, be it the central or federal authority; and in so doing, they surrender or yield part of their powers to the center, but ultimately residual powers are retained by the federating units. In most federations or states of the world, portfolios such as **defense, external affairs, currency, immigration, citizenship**, etc. are retained exclusively by the federal or central governments, while other responsibilities or portfolios are shared by both the federating units and the central government. Thus, the distribution of these portfolios is usually contained in the Exclusive and Concurrent Legislative Lists.
- 19.2 We have also emphasized that, at no point in time did the **Federal Government** create any of the three Regions that negotiated independence for Nigeria, and that the Regions developed on their own without much assistance, if any, from the **Federal Government**. It might interest this audience to note that, in the **First Republic**, there was no known or familiar Minister of Agriculture at the federal level, yet, each of the Regions reached the astronomical heights they attained through rugged and aggressive pursuit of agricultural programs. Today, it is rather sobering that states look up to the **Federal Government** for mere fertilizer supplies. In terms of education, each of the **Regions** developed exemplary programs, leading to mass literacy of its people, with little or no interference from the **Federal Government**. Today, while education appears to be on the **Concurrent Legislative List**, the Federal Government still calls the shot; a typical example was the recent re-introduction of **History** as a subject into the curriculum of our schools by

the **Federal Government**. One wonders why the **Federal Government** should dictate to any state to abolish the study of **History** in the curriculum of its schools. It was an overkill, a fall out of the unitarism foisted on Nigeria by **Decree No.34 of 1966**.

19.3 Creation of states by the **Federal Government** started with **General Yakubu Gowon** in **1967** with the creation of **12 States**⁷⁶; followed by **General Murtala Muhammed**, who increased the number of States to **19** in **1976**⁷⁷; then followed by **General Ibrahim Babangida** in **1987**, who increased the number to **21**⁷⁸; again followed by the same **General Ibrahim Babangida** in **1991**, with the creation of **9** additional States⁷⁹; and, finally, **General Sani Abacha**, who created additional **6** States in **1996**⁸⁰ to bring the total number of States to **36**.

19.4 From the foregoing, it appears to me that the abnormal is being taken as the normal; that there has been an unusual paradigm shift in State creation and self-determination, vis-a-viz the Federal Government; a usurpation of the natural order of man to the effect that it is the parents who bring forth a child to the world and not the other way round. How do I mean? It is the states or federating units that bring about the central government in a federation, and not the opposite. Things fell apart right from that fateful day of **May 24, 1966**, when **General Ironsi** abolished the Regions, declared them as **Provinces**, and made **Nigeria** a unitary state. One intriguing question arises at this point, that is, can anyone compare any of the **36 States** with the **potency, dominance, visibility, aura, acceptability, achievement, and independence or sovereignty** of any of the three **Regions** in the **First Republic**? The answer is emphatically in the negative!

19.5 The fact remains, and this fact stares us in the face, that the States appear to have lost their **grip and gravitas** on their traditional and constitutional jurisdictions and areas of influence within a federal system. Surprisingly, although not unexpectedly, people are still clamoring for the creation of more states! It is submitted that it is not the

⁷⁶ Decree No.14 of 1967, States (creation and Transitional Provisions) Decree.

⁷⁷ Decree No.12 of 1976, States (Creation and Transitional Provisions) Decree.

⁷⁸ By Decree No. 24 of 1987, States (Creation and Transitional Provisions) Decree.

⁷⁹ Decree No.36 of 1991, States (Creation and Transitional Provisions) Decree.

⁸⁰ Decree No.36 of 1996, States (Creation and Transition Provisions) Decree.

more the merrier, but that the more States are created, the more weakened the so-called federating units become and the more imperious the centre.

- 19.6 What then is the way out? Some within this audience might have been stunned by my earlier suggestion for a transitional period between now and **May 29, 2031**; a suggestion or recommendation that is not only made in good faith but out of the realities of the conundrum we have found ourselves. It is now time for the federating units to take charge of the **reconfiguration, redefinition, repair, restructuring, remodeling and reengineering** of Nigeria for stability in all forms, including but not limited to **security, constitutional architecture, form or type of government (whether presidential or parliamentary), etc.** It is the Referendum, rather than the **National Assembly** that will decide whether or not, Nigeria needs a National Assembly, and if yes, whether full or part-time membership; their **tenure**, remunerations, et al. In other words, this **National Assembly** cannot act as that Referendum since one cannot be a judge in his own cause. It is the federating units that will make arrangements for the Referendum being suggested; how it will hold, through which means it will hold, what will be the parameters or undertakings, etc.
- 19.7 Within the federating units too, a mini referendum can hold for people to decide as to which of the components will want to opt for a federating unit, where it should belong or where it naturally belongs.
- 19.8 An instructive legacy of the administration of **General Sani Abacha** was and still remains the concept of the **six Geopolitical Zones** in Nigeria, that is, **North-West, North-East, North Central, South-West, South-East and South-South**; a concept that was formally articulated and institutionalized, deriving from the **National Constitutional Conference Decree No.3 of 1994**. Whether we like it or not, **President Bola Ahmed Tinubu** is revolutionizing that concept through the establishment of **Development Commissions** for each of the zones, that is, **North-West Development Commission, North Central Development Commission, North-East Development Commission, South-West Development Commission, South-East Development Commission and South-South**

Development Commission. Management Boards have been inaugurated for each of the Commissions. My submission is that the Boards have been established in relative conformity with the zonal configurations in Nigeria. Thus, let us call a spade a spade; let the geopolitical zones take charge of recalibrating Nigeria in the ways and manners suggested in this lecture, among others. Only then can Nigeria survive as hoped. It is only then that the **Giant of Africa** can manifest itself as a true giant; it is only then that the **potentials of Nigeria and Nigerians** can be substantially explored and harnessed; it is only then that we can stretch the anticipated handshake across the zones. Truth be told, Nigeria needs healing, reconciliation and rebirth. To my mind, it is through the engagement of the zones that the renaissance of Nigeria can birth.

20.0 RECALIBRATING LEADERSHIP THROUGH GENDER BALANCE

20.1 In the beginning, **God created man and woman**⁸¹ and placed them in the Garden of Eden. While the Bible affirms that the woman was to be a **helpmate** to the man, the **Holy Writ** does not state that God forbade the woman from **elevating, enhancing, improving or aspiring** to leadership. Right from the **Old Testament**, we encounter an indomitable woman, in the person of **Deborah**, a Prophetess and Judge in Israel, who led with distinction, her performance surpassing that of many male counterparts. She did not betray God or disappoint her people.⁸² In modern democracies, examples of **Indira Gandhi**, India's first female Prime Minister, **Margaret Thatcher**, United Kingdom's first female Prime Minister; **Angela Merkel**, Germany's first female **Chancellor**, abound, and the fact remains that they led and performed fairly well.

20.2 **Current Prime Minister of Italy, Giorgia Meloni**⁸³, immediate **past Prime Minister of New Zealand, Jacinda Ardern**⁸⁴ and **Dame Sarah Mullally**⁸⁵, recently consecrated as the **first female Archbishop of Canterbury (Bishop of London)** in the **Church of England**, after fifteen centuries of

⁸¹ Genesis 1: 27, KJV

⁸² Judges 4: 4-9, KJV

⁸³ The current Prime Minister of Italy, having assumed office in 2022 — making her the first woman in Italian history to hold this position.

⁸⁴ The 40th Prime Minister of New Zealand from October 2017 to January 2023. She was the youngest female head of government in the world when she took office at age 37.

⁸⁵ Archbishop-designate of Canterbury (announced October 2025): She will become the 106th Archbishop of Canterbury in January 2026 — the first woman to hold this office in over 1,400 years

patriarchal exclusivity (**the first woman to hold this office in over 1,400 years**), are leading examples of distinguished and quintessential women leaders. If the **Conservative Party** wins the next general election in the **United Kingdom** and **Kemi Badenoch**⁸⁶ remains the leader of the Party, she will automatically become the first female prime minister of the **United Kingdom** of African descent. All these signify a global reawakening as the world is beginning to appreciate that the female mind, when harnessed, is not a substitute for leadership but epitomizes and exemplifies it.

20.3 Within our own borders, heroines are not in short supply. In fact, in the Nigerian academia, women are not merely participating, they have been piloting. Jocularly, because exemplary women have taken over the academic positions in the **University of Lagos** where I am presently the **Pro-Chancellor** and **Chairman of the Governing Council**, I refer to that community as *ilúbirin*, a Yoruba term denoting a conglomerate of feminine dominance. Our Vice-Chancellor, **Professor Folasade Ogunsola, OON, FAS**, is a high-flying lady scholar. The **Vice-Chancellor** of **Afe Babalola University, Ado-Ekiti (ABUAD)**, **Professor Elizabeth Smaranda Olarinde, FCARB, FCAI**, is a woman of high distinction, who continues to position this University as a global model of excellence. And, very recently, **Professor Ebunoluwa Oduwole**, another great lady-scholar, emerged as the **Vice-Chancellor** of **Ajayi Crowther University, Oyo**. These feats achieved by these high-flying women and several other scholars are not accidental but by dint of **hardwork, diligence and proven excellence**. They are not exceptions to the rule; they are the new rule in formation. We also remember the late **Prof. Dora Akunyili**, whose crusade against counterfeit drugs restored trust and faith in our public institutions; **Dr. Stella Adadevoh**, who laid down her life to halt the spread of the deadly **Ebola** virus, a modern-day **Deborah** who stood between plague and people; and **Dr. Ngozi Okonjo-Iweala**, who now bestrides the global economy as **Director-General** of the **WTO**. Still within the Biblical realm, **Queen Esther**, through divine diplomacy, delivered her people from annihilation; **Rahab**, the outcast, became an instrument of divine strategy, **Mary Magdalene**, the first herald of the

⁸⁶ First Black Leader of the Conservative Party and Opposition (2024): Her historic rise marked a major milestone in British politics.

resurrection, bore the first gospel of victory over death⁸⁷, **Lydia**, a merchant of purple, financed the early Church's mission in Europe⁸⁸. These women were not footnotes in world history, they were chapters in the manuscript of redemption across the world.

20.4 With these very **brilliant and riveting** examples from the womenfolk, it is my submission that, we must be **conscious and courteous, deliberate and persuasive, encouraging and thoughtful** in promoting our women to positions of leadership. With their **kind and tender touch, sensitive motherly mien, empathetic and sympathetic disposition and natural capacity to nurture**, they will bring about a better Nigeria, whether in the academia, private sector, administration, politics or governance. To this end, we look forward to a day, in the very near future, where and when we will have the first Nigerian elected female **Governor** and, ultimately the first elected female **President**. I am however not unaware that for a brief period, through the exigencies of political circumstance, **Dame Virgi Ngozi Etiaba**⁸⁹, temporarily served as the **Governor** of **Anambra State** in **2006**. Whether the menfolk accept it or not, our womenfolk have become irresistible forces in academia, whether as students or teachers, as well as in the professions, as exemplified in the legal and medical professions, where the women now appear to be taking charge. Nevertheless, my admonition to the women is that they should stop thinking that the highest aspiration is to be **First Ladies**, they should aspire and strive to be **First Citizens**, and let the men, their husbands, find titles for themselves, when the time comes, maybe **First Gentleman**.

21.0 A WORD OR TWO ON AARE AFE BABALOLA

21.1 I knew **Aare Afe Babalola** long before I met him, starting from **1966** when I was in **Form 2** at **Amoye Grammar School, Ikere**, through to **1971** when I was doing my **Higher School Certificate (HSC)**, at **Ilesa Grammar School, Ilesa**. While I lay claim to have known him in my second year in the Secondary School in **1966**, I actually met him in my second year at

⁸⁷ John 20:1–18; Mark 16:9)

⁸⁸ Acts 16:14–15, KJV

⁸⁹ Etiaba had previously served as Deputy Governor and assumed the governorship in accordance with constitutional provisions on November 3, 2006. Her tenure lasted until February 9, 2007, when Peter Obi was reinstated after a court ruling overturned his impeachment. See <https://businessday.ng/politics/article/meet-virginia-etiaba-nigerias-first-and-only-female-governor/>, accessed on October 15, 2025

the **Bar** in **1978**. Though **Aare** was relatively not a senior member of the Bar then, we started reading about his exploits in the courtrooms, again, starting from his gallant and robust defence of the late **Chief J.O Osuntokun**, a former Minister in the **Western Region** who was subjected to judicial inquisition, before **Afe Babalola** got him set free. The defunct **Daily Sketch Newspaper** was reporting the proceedings daily and, right in our school then (I do not know about now), it was mandatory for every student to go to the library and read the Dailies.

- 21.2 When I was called to the Bar in **1976**, I was posted to **Ilorin, Kwara State**, for **National Service** and, after the completion of my service, I chose to remain there in private practice. As a young lawyer, I heard from the grapevine that the great **Afe** was coming to an **Ilorin High Court** to represent the *Erin-ile* people in a contentious land dispute between *Erin-ile* and *Offa*, and I decided to keep 'vigil' in the court to catch a glimpse of one of the leading lawyers in Nigeria, far back then in **1978**. After the court session, I walked up to him, introduced myself, simply as **Wole Olanipekun**; but unbeknown to me, he had heard much about me as a **Student Union leader** in the **University of Lagos**, and the spontaneous question he put to me was: "**Are you that troublesome Student Union leader of the University of Lagos?**", to which I replied that although I was a **Student Union leader** in the **University of Lagos**, I was not troublesome. As a young lawyer, I was much tickled and almost blushing that the popular lawyer took note of my activities as a Student Union leader at **UNILAG**. Despite the fact that he was meeting me for the first time, he dropped the entire bulky file of his clients for me, with a charge that I should study it and write an opinion for him; an opinion that I should bring to Ibadan with the file within a week. As a **young lawyer**, I saw this gesture as a great privilege and opportunity which I grabbed, and I drove to Ibadan the following week to submit my written opinion to him and surrender his file. Since then, our relationship has grown in leaps and bounds and, I must confess openly, that this enigma has been of tremendous assistance to me in my career, although we oftentimes disagree when we cross swords in court representing our different clients.

21.3 Let me make an open confession : that on my call to the Bar, and while starting off as a practicing lawyer as well as along the line, it was always my ambition to be like, and attain the feats of the great potentates before me, amongst who are **Chief FRA Williams, SAN; Chief Richard Akinjide, SAN; Chief GOK Ajayi, SAN; Kehinde Sofola, SAN; Chief Afe Babalola, SAN; Chief Olisa Chukwura, SAN; Chief JB Majiyagbe, SAN Chief Gani Fawehinmi, SAN** *et al.* This accounted for the reason that in any given situation when I appeared with or against any of them in court, as well as when I met any of them out of court, I gave them due **deference, reverence and courtesy**; and no matter the situation or high volatile the proceedings in court might be, I never talked back at any of them. **Aare** might readily recall what transpired between us in a couple of proceedings at the **Supreme Court** such as **Attorney-General of the Federation & Ors. v. Abubakar**,⁹⁰ **Abubakar v. Attorney-General of the Federation**⁹¹, **Abubakar v. Attorney-General of the Federation**⁹² and **Attorney-General of the Federation v. Abubakar**⁹³, **AGF vs ANPP**⁹⁴ and **FGN v. Oshiomhole**⁹⁵. This narration is to pass a message to both the graduands and the younger generation about the need to respect our elders.

21.4 Although this is a convocation lecture, I do not think it is out of place to laud and applaud this **prolific writer and author, towering intellect, visionary architect, philosopher king, patriarch of purpose, renaissance sage, literary giant, civic sentinel, frontline humanist, legal luminary, potentate extraordinaire, national treasure and living legend**. Sir, I am familiar with the fact that you were not born with the proverbial silver spoon, but through dint of hard work, raw determination to conquer the world, you have not only acquired that silver spoon and turned it to a golden one, but you have also, through the benevolence God has bestowed on you, bequeathed or handed over golden spoons to several others. Your generosity is legendary, while your **industry, hard work, discipline, and commitment** are exemplary. Sir, watching you in the courtroom is **exciting, stimulating, scintillating, and inspiring**. I must

⁹⁰ (2007) 8 NWLR (Pt.1035) 117 CA

⁹¹ (2007) 6 NWLR (Pt.1031) 626 SC

⁹² (2007) 3 NWLR (Pt.1022) 601 CA

⁹³ (2007) 10 NWLR (Pt.1041) 1 SC

⁹⁴ (2003) 18 NWLR (Pt.851) 182

⁹⁵ (2004) 3 NWLR (860) 305

confess that I have not always found it that easy being on the opposite side of your crossfire, but I appreciate you, Sir, that you have always tolerated my peculiarities. I have also been privileged to appear on the same side with you in various courts. I recall vividly our appearance in **Degi-Eremienyo v. PDP**,⁹⁶ after which the leader decided not to go to court again!

21.5 I stood taller than my height, and also thoroughly humbled when, at a public lecture organized by the **Nigerian Bar Association (NBA), Ijebu-Ode Branch** in **2004**, in honor of **Justice George Oguntade, JSC (retired)** and my humble self as the President of the **NBA**, you stated concerning me that, **“You have not seen a young man so gifted”**, although with a rider: **“you always bend to the left”**.

21.6 **‘Oga’** (as we fondly call you), you deserve your laurels and flowers. Your life is a sermon that commands a lot of **converts, disciples, mentees, admirers and followers**; while your deeds constitute a doctrine. May your ovation continue to echo, not from sycophancy, but from earned reverence. I am always astounded at how a single person could make a success out of many endeavors -- **law, farming, investment, business and, late in life, education**. You are not just a leader but a legacy. As you continue to age gracefully, my prayer for you is reminiscent of the unique prayers of **Prophet Nehemiah**: **“Think upon me, my God, for good, according to all that I have done for this people”**⁹⁷; and **“Remember me, Oh my God, concerning this, and wipe out not my good deeds that I have done for the house of my God and for the offices thereof”**.⁹⁸ I pray, Sir, that the heavens will remember you for all the good deeds you have done for humanity at large, including bequeathing to our world and generation this magnificent institution, which has been gifted in perpetuity for the human race.

22.0 TO ABUAD AND THE GRADUATING STUDENTS

22.1 **ABUAD** has come to stay; **ABUAD** has come to occupy a space; **ABUAD** has, within a span of **thirteen years**, taken our educational world on a

⁹⁶ (2021) 16 NWLR (Pt. 1800) 387

⁹⁷ Nehemiah 5:19

⁹⁸ Nehemiah 13:14

revolutionary journey hitherto unwitnessed in Nigeria; **ABUAD** is not a tale but a 'vision in motion'; **ABUAD** is a tapestry of resplendent ideals; and a picturesque of **academic excellence**. Ladies and gentlemen, at this stage, permit me to repeat for **ABUAD**, my usual prayer to two private universities where I had been called upon to deliver **Convocation Lectures**⁹⁹ as I consider the prayer apt and apposite: "**My prayer is that, ABUAD shall never be a paraphrase, but a full story, relayed to the present and future generations., not in the semblance of moonlight tales, but through actual and living testimonies by its products, with impeccable and irresistible testimonies as well as the world at large. ABUAD shall become a mission accomplished and not a journey abandoned. Never will it be a happenstance, a paradox or a parable**".

22.2 **To the Graduating Class**, today is your day. You sit here adorned in resplendent gowns and caps as proud bearers of years of discipline, sacrifice, and perseverance. Your families beam with joy, your lecturers with satisfaction, and your nation with hope. You are not just receiving degrees; you are receiving a call to duty. I see the promise in your eyes, and they remind me of my young self, several decades ago.

22.3 Your graduation is not only a personal achievement, but also a privilege. You must know, however, that with privilege comes responsibility. Education is more than the acquisition of certificates; it is the awakening of the mind and the refining of character. Your degree is not just proof of what you have learned --it is a mandate to use that knowledge for the good of society. In other words, you must bring the proverbial **gown to town**. You have heard in the course of this Lecture how your enigmatic Founder and Chancellor started from a humble beginning and through hard work, determination and perseverance, attained the pinnacle where he is today, giving you a world class university in the similitude of **Harvard University**. Among your peers, you have been so lucky to have attended **ABUAD** and got inspiration from a **Gamaliel**¹⁰⁰ like **Aare Afe Babalola**. Pick your role models, and If I were

⁹⁹ Chief Wole Olanipekun, 'Ethics, Law and Medicine As Foundation For National Development' (Founder's Day Lecture, University of Medical Sciences, Ondo State, 6 December 2018) 85; Chief Wole Olanipekun, 'Forging a Synergy between Public and Private Universities for the Attainment of National Development' (Debut Distinguished Lecture, Elizade University, Ilara-Mokin, Ondo State, 20 March 2013); Chief Wole Olanipekun, 'Go and Replenish the Earth: Man's Misconception of God's Mandate' (Convocation Commencement Speech, Babcock University, Ilishan Remo, Ogun State, 28 July 2024), pages 38,39.

¹⁰⁰ Act 22:3, Holy Bible, KJV

you, I will start from your **Founder** and **Chancellor**, then identify the best in the society as your torchbearers.

23.0 EPILOGUE

- 23.1 Ladies and Gentlemen, in the last couple of years, I have mounted several rostrums to deliver papers and lectures about Nigeria, and in doing so, I have constantly admonished, or do I say suggested, that we all owe a duty to revamp this country in diverse ways, some of which have been highlighted in this lecture.
- 23.2 Our country must stop parading peoples but strive to produce citizens, as to my mind, there is a world of difference between peoples and citizens. Again, in the first stanza of our **National Anthem**, we acknowledge the fact that our tribe and tongue differ, which is good and fair enough. Thanks to **President Bola Ahmed Tinubu** for reintroducing the old national anthem. To reconcile the differential in the tribe and tongue, we have to be **deliberate, sober and reflective**, and take steps that will lead to a **recalibration** of our country. This is the surest way that we can hand over to our children, a **banner without stain**.
- 23.3 In parenthesis, may I further admonish that, we should stop giving **excuses, prevaricating, shifting, procrastinating or postponing** what we should do today, tomorrow. And that reminds me of the response of **Shallow to Falstaf** in another **William Shakespeare's** Play¹⁰¹ thus: "**I will not excuse you; you shall not be excused; excuses shall not be admitted; there is no excuse shall serve; you shall not be excused**".
- 23.4 For us as peoples of common patrimony, **no excuse shall be admitted, no excuse shall be tolerated, and no excuse shall serve in our shared quest to recalibrate our Nation**.

I thank you all for the audience.

Chief Wole Olanipekun, CFR, OFR, SAN, LL.D, D.LITT, FCIArb., FNIALS
Afe Babalola University (ABUAD), Ado, Ekiti State
October 20, 2025

¹⁰¹ William Shakespeare, Henry IV, Act v Scene I



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