STILL BEING DRAFTED

FREEDOM CHARTER CAMPAIGN - The Manifesto of the Marxist Workers’ Tendency of the Labour Movement in Nigeria for System Change, Grassroots Democracy, Socialism and Reclamation of the Labour Party from Hijackers.

INTRODUCTION

According to Alhaji Balarabe Musa, the leftist former Governor of Kaduna State between 1979 and 1981 on the platform of the People’s Redemption Party, PRP, "We are living today in times of great changes. The old order is crumbling fast and new ways of life and activities are emerging. Our task is to understand these changes and utilize them for human progress" (University of Ibadan, 1981 before he was impeached by the reactionary forces of the NPN which dominated the State Legislature). More than one hundred years before him, Karl Marx said: "Philosophers have interpreted the world this way or that way, what matters is to change it"

On Sunday, July 28, 2013, one of the reactionary politicians and demagogues in NPN told Sunday Guardian that he wanted a “bloodless revolution”. No doubt social revolution is required to change the present capitalist social system to a new social order on the basis of grassroots democracy and socialism. But whether the social change is going to be peaceful or violent is a function of balance of forces, the balance of power equation as exemplified by the revolutionary situation in Egypt when the imperialist/Western backed Mohammed Morsi was removed and his far smaller supporters continue to protest.

The political situation in Nigeria is such that there are so many contemporary issues more than those listed by the Nigeria Labour Congress in a Communiqué referred to in this CHARTER. We hereby outline those issues around which the labour movement should seriously campaign, representing the forces of FUSION, THE ONLY UNITED FRONT of grassroots’ masses which has been cutting across the REACTIONARY forces of FISSION, the disintegrationist forces working to consummate the agenda of IMPERIALISM, FORMER COLONIAL MASTERS, TO BALKANIZE NIGERIA, which have been germinating on ETHNO RELIGIOUS CONFLICTS (see the expose in this CHARTER). The January 2012 Revolution, which was a rehearsal for Revolution-in - Permanence in Nigeria, led by the NLC, TUC and LASCO as a PAN NIGERIAN MASS MOVEMENT cutting across ethno religious lines: minimum wage and the exclusive list, food and food security, inflation, insecurity and instability, deep-rooted conflicts, individual terrorism, guerrilaim and war, crisis in the education sector and other sectors, cumbersome provisions of FOI Act and Press Freedom, justice, land reform, child rights, pension, justice versus disobedience to the rule of law and impunity, full democracy/federalism, the Niger Delta, and constitutional reform versus system change.

The Campaign for Minimum Living Wage

In view of the fact that the defective 1999 constitution says in chapter two that: “…reasonable national minimum wage, old age care and pensions and unemployment, sick benefits and welfare of the disabled are provided for all citizens” (section 16(2) (d));
Considering that (1) naira has been devalued by more than 28,000 per cent since the 1980s and responsible for inflation; (2) that N125 (Basic salary) in the minimum wage law passed in 1981 without leading to inflationary spiral, was about $250 (now worth N60,000) when the rates of inflation and foreign exchange are calculated in addition to cost of living, (3) that neo-liberal economic policies, deregulation and non-intervention by the government to tame the market forces of demand and supply, inflation rate will go up again, cost of living will increase, consumers will cut their consumption and industries will not be able to sell creating stagnation in growth and inflation – STAGFLATION (recession and inflation); (4) that capacity utilization may be stagnant or even decrease, and this may worsen if the prices of petroleum in the world market fluctuate again and FG and marketers increase fuel prices again; (5) that PDP-led central government has been saying that MARKET FORCES WILL DETERMINE EVERY ECONOMIC POLICY OF THEIRS; (6) that before long, the extent of the devaluation of the naira could be imagined per dollar;

Remembering that in the short-sighted or myopic vision 2010, N18,000 minimum wage was recommended, (2) noting that in the exclusive legislative list, part 1 of the second schedule, item 34 forbids disparity created between the salary levels of federal and state public servants during General Obasanjo’s regime (1999 – 2007), Labour refused to accept that the state and local government cannot afford the meagre salary package as there are indeed enough resources to pay more in this country if FISCAL FEDERALISM were not abandoned in revenue sharing formula;

Further considering all these, LASCO should maintain that a N52,200 minimum wage and teachers salary structure can be paid if the government embarks on a programme which must include the restructuring of public expenditure, greater efficiency in the use of resources and the elimination of CORRUPT enrichment by government officials, legislators, political appointees, their relatives, friends, associates and smuggling, bunkering by powerful people (including serving and retired military officers); but we hasten to point out that in the absence of any price control mechanism, the new minimum wage is bound to result in the final analysis in higher inflation. It is necessary therefore for the federal and state governments to show their sincerity in this matter by working out with workers and the grassroots masses an effective price control mechanism through which the LASCO should play a leadership role;

In further view of the fact that a non-inflationary approach to increasing real wages and improving the living standards of workers is to improve social services and reduce their costs. That way, the workers income spent on accommodation, transportation, education, food and other basic necessities of life will come down, allowing more financial room for self-development and truly human existence which can be guaranteed if there is a SYSTEM CHANGE which LASCO has been campaigning for since 2005.

NATIONAL QUESTION AND THE NIGER DELTA CRISIS: August 14, 2008 will be remembered as the saddest day for the poor Niger-Deltans and Nigerian grassroots masses. Yar 'Adua, the "rule-of-law-abiding" President of Nigeria, the so-called advocate of due process, unconstitutionally handed over Bakassi Peninsula. This act is an impeachable offence and flagrant disobedience of court order.

The Bakassi issue again brought the National question more to the fore and deepened the problems in the Niger-Delta. The Niger Delta is of tremendous significance to system change, a new social order and transition to full democracy. This is where the limits of full democracy is being set and defined ".........the bulk of the country's bio-diversity and some of its best human resources" ("DEMOCRACY IN NIGERIA: Continuing Dialogue(s) for Nation Building" by International Institute for Democracy and Electoral Assistance,(International IDEA, 2000)

The position of the Democratic Alternative is crystal clear on National Question. We (late Comrade Chima Ubani and this writer) presented the position paper by the Democratic Alternative (DA) to the Conference of Nationalities organised by the Campaign for Democracy (CD) held between December 17 and 19,1998 in Lagos entitled :"RESOLVING THE NATIONALITIES QUESTION IN NIGERIA" The (DA) concluded in the paper :"In summary, the democratic Nigeria within which frame work the Nationalities and other social questions in our society can be resolved cannot be the one presided over by the exploiters (bourgeois) class which thrives on ethnic politics as a means of confusing the people, diverting their attention from the real issues, dividing them in order to better secure their exploitation. The free Nigeria of our dream can only be realized in the context of the class power of the working people ;cannot come to power without having a political party of their own or without organising themselves across ethnic lines. We, in the DA are committed to building a mass party of the working people of Nigeria and waging a total struggle to wrest power from the current exploiter class of military dictators and civilian politicians and build a new Nigeria where the vast wealth of our society will truly belong to the people and will be used for their welfare. This is our commitment"

Ethno – religious Conflicts

Observing the tinge of ethnicity in the military attack of January 15, 2004 on a community in Delta State, that religious bigotry, sectarianism, extremism or fundamentalism lead to armed conflicts, violence and individual terrorism, e.g the Taliban uprising and Boko Haram, all these deep-rooted conflicts have increased and evoked ethnic chauvinism and separatism; ceding the Bakassi Peninsula to Cameroun; other deep – rooted ethno-religious conflicts and the Niger – Delta crisis have brought the national question to the fore for resolution: The working masses of Nigeria are not ethnic chauvinists. It is the ruling class through selfish private accumulation of property or wealth created by labour, which has been setting the Nigerian poor masses against themselves by fanning the embers of ethnic and cultural chauvinism, separatist regional politics to disorientate the campaign for fiscal federalism. It is obvious that these rulers are not at all interested really in the unity of the grassroots masses, but in the division of
resources and post among themselves. The governing classes also intentionally fan the embers of ethnic and cultural differences in order to prevent the unity of the working people which threatens their ruling class interests as we witnessed in January.

According to Lenin, “In the question of the self-determination of nations, as in every other question, we are interested, first and foremost, in the self-determination of the proletariat within a given nation. What position did the Norwegian and Swedish proletariat take, and indeed had to take in the conflict over secession?

After Norway seceded, the class conscious workers of Norway would naturally have voted for a republic and some socialists voted otherwise, it only goes to show how much dense, philistine opportunism there sometimes is in European socialist movement (Emphases mine) (Asterisk in the original, pg 39).

Lenin explains the asterisk:* Since the majority of the Norwegians was in favour of a monarchy while the proletariat wanted a republic, the Norwegian proletariat was, generally speaking, confronted with the alternative either revolution, if conditions were ripe for it, or submission to the will of the majority and prolonged propaganda and agitation work” (Emphasis mine) (LENIN, “The Right of Nations to Self-Determination” PROGRESS Publishers – Moscow; Eight Printing, 1983 (pp 36-39)

Still on the Niger Delta which I see as the cauldron or point of conflagration, which has been providing the combustible materials to spark off the Nigerian revolution and/or counter revolution. It is in crisis that seriously threatens the march to full democracy. This region demonstrates one of the laws of dialectics in Marxist philosophy, the struggle and unity of opposites.

A short historical materialist perspective is apposite here.

HISTORICAL PERSPECTIVE

1886 and 1898 Witnessed gunboat diplomacy and exaction of treaties by coercion: Trading kingdoms which were flourishing in the first half of 19th century, but were later colonised: Aboh, Bonny, Brass and Opobo. Colonialism implies (1) unequal relationship between the Niger-Deltans and external forces with the Niger-Deltans being aware of (2) the loss of their fundamental human rights, (3) Master-servant relationship has existed between the dominant external force and the indigenes of the Niger Delta. The minority ethnic groups are interpreting neo-colonialism, since independence, as internal colonialism of the Niger-Delta by the majority ethnic groups.

Let us remind ourselves of the concessionaire era in the recent history of the region (1914-1969). Monopoly of oil concessions in Nigeria was granted to "British or British allied capital" through the 1914 Colonial Minerals Ordinance. Nigerians were excluded from any meaningful participation in the industry due to that 1914 legal framework. Shell Darcy and later shell-BP were granted licenses for most of the Niger Delta. Some of shell's petroleum acreage were surrendered to Mobil, Gulf (now Chevron), Agip, Safrap (E L F), Texaco, other oil multinational corporations and the state from 1957.

The 1959 Petroleum profit tax Ordinance gave 50% of oil revenue to the government and the other to the multinational Corporations (MNCS) ".......... under the
concessionaire era, the oil industry was dominated by the oil multinationals, (and) government’s role was limited to collecting rents and royalties from oil Companies and making laws to regulate the activities of the industry”(AMU, a former Director of NNPC, noted in 1982)


The Niger- Delta, a point of conflagration providing the combustible materials to spark off the Nigerian Revolution for approximately 20 (twenty) years now (specifically since the 1990s) witness the Ogoni Resistance movement against Shell. We have also seen deep-seated Conflicts (inter-ethnic) in the region: Ijaws/Yoruba, Ogoni/ Okrika, Itsekiri/ Urhobo,Ijaw/ Itsekiri, Ogoni/ Andoni and intra- ethnic conflicts between Nember/ Kalabari, Bassambri/Ogbolomabiri, and Okpoma/ Brass.

The central and State governments encourage violent conflicts leading to State repression and/or informal repression. Sequel to this, individual terrorism, guerrilaism (rural/urban), abduction or Kidnapping, and hostage taking (particularly workers in the oil industry) Started in 1998. After Kaima declaration of December 11, 1998, the central government reacted with military operations against the youths leading to Egbesu wars.

What are the issues thrown up?

Restructuring Nigeria and right to self-determination? Including right to resource control implying relative autonomy?

Ogoni Bill of Rights (October 1990) in which a reparation of $30 billion (1958 - 1990) was demanded In the document, it is stated that the Ogonis lack representation in the Central government, pipe borne water,electricity, job opportunities in Central, State, Public and Private sector companies, and benefit from no socio-economic projects of the Central government.

According to Ken Saro Wiwa,"Shell Petroleum Development Company of Nigeria Limited does not employ Ogoni people at a meaningful or any level at all, in defiance of the Federal Government's regulations. That the search for oil has caused severe land and food shortages in Ogoni, one of the most densely populated areas of Africa. That Ogoni people lack education, health and other social facilities. That it is intolerable that one of the richest areas of Nigeria should wallow in abject poverty"

=> Poverty and lack of infrastructure development.

=> Gender equality.

=> Environmental degradation.

=> Implications of the Niger-Delta Crisis and other deep-sealed conflicts on the transition to full democracy.

I would like to remind participants of the problems engendered by deep-seated and violent conflicts, not only in the Niger Delta (constantly bringing the National Question
more to the force), throughout Nigeria. But Nigeria's neo-colonial market economy, Capitalism alias "Neo-liberalism" is the causative factor of the crises as follows.

- Poverty, including unemployment.

- Marginalisation

- Oppression, exploitation and exclusion of women.

- Lack of infrastructure

- Irresponsibility of the oil companies (especially in dealing with the environment) and other MNCs operating in Nigeria.

- Deep-rooted conflicts which as Malcolm X said," You cannot have capitalism without racism". I add that "you cannot have capitalism without racism, deep-seated ethno-religious and violent conflicts, Xenophobia and other forms of discrimination ", the position of the International Marxist Tendency at the World Conference Against Racism (WCAR) in 2001 organised by the UNO to which I was invited by the world body, but ill-health prevented me from participating.

The present cauldron in Nigeria, the Niger - Delta is currently in a state of war. But the other points of conflagration occasioned by electoral fraud germinate Constitutional crisis.

DEEP –SEATED CONFLICTS IN NIGERIA AND THEIR IMPACTS ON DEMOCRACY AND GOOD GOVERNANCE - THE NEXUS BETWEEN POVERTY, CONFLICTS, REPRESSION AND ELECTORAL VIOLENCE

Frequent expression of youth grievances through violence reflects levels of alienation of the youth from the political decision-making processes. Entrenchment of violence by means of legitimate grievance expression is caused by the failure of the system to increase access to such peaceful awareness for inclusion. Needed is a systematic infusion of the knowledge, attitude base and skills to access the peaceful grievance expressions and resolution potentials afforded for the existence of a vibrant, people-focus legislature or National Assembly.

About 70% of Nigerians were reported by the "National Concord" of September 7, 1999 to be poor and that the number living below poverty line increased from 17.7 million to 67.1 million by 59.4 million between 1980 and 1996.

There are at least 10 million unemployed graduates in Nigeria, but the ILO figure is higher at 37.5 million for all the jobless while the Federal office of statistics gives a figure of 35 million.

The National Assembly has also quoted 50 million as the number of the unemployed. If the system does not concretely set into motion machinery for solving the problems of unemployment, the resultant macro-economic instability could derail the transition to full democracy as there is a nexus between poverty and conflicts-deep-seated or ethno-religious.
The present democratic experiment has the framework for information dissemination on development alternatives, awareness spreading on how the system could support reforms and enforce human rights especially the right to development, the right to self-determination, resource control etc. through legislative and judicial processes.

We have seen the role being played by the unemployed, the poor grassroots especially youth in the prosecution of past and present inter and intra ethno-religious conflicts in Jos (Plateau State), Idi-Araba, Surulere (Lagos State), Warri (Delta State), and since May 29, 1999, the beginning of this transitional democracy.

Levels of alienation of the youth from the political decision-making processes are underscored by the frequent expression of youth grievances through violence.

Failure to heighten access to such peaceful awareness for inclusion that currently exists in the system can only entrench violence by means of legitimate grievance expression.

Needed is a systematic infusion of the knowledge, attitude base and skills to access the peaceful grievance expressions and resolution potentials afforded for the existence of a vibrant, people-focus legislature.

According to Professor Ahmadu Sassay of Obafemi Awolowo University, Ile-Ife, conflicts can be categorised into two types: "interest related and value-related." He said that interest-related conflicts are more easily managed than the value-laden conflicts which are more difficult to resolve or manage (February 1999). (Train-the-Trainees Workshop.AFSTRAG / ACCORD/CASS, Ibadan, February, 1999 convoked by Major General Ishola Williams).

“Ethnicity .... Includes but is not limited to ethnocentrism. It is behavioural in form and CONFLICTUAL in content. First, ethnicity exists only within a political society consisting of diverse ethnic groups... Relations between ethnic groups within the same political system produce ethnicity"(Emphasis ours) (“ETHNICITY IN NIGERIA" Prof. Okwudiba Nnoli, Department of Political Science, University of Nigeria, Nsukka, 1987; pp 5 & 6).

In July 1999, several people died as a result of clashes between ethnic Hausas and sub-ethnic Remo speaking Yorubas in Shagamu and the retaliatory attacks on ethnic Yorubas and non-indigenes in Kano by Hausas. Meanwhile, the Niger-Delta crisis worsens, inter-ethnic conflicts deepen especially in Warri, Delta State; the clash between Ijaws and sub-ethnic Ilaje speaking Yorubas in Ondo State.

We witnessed the Ife/Modakeke crisis, TIV, Jukun war of attrition, the Ogoni crisis (1992 - 1995), Zango-Kataf crisis (1992), Bauchi civil disturbances, riots in Kano and other Northern states (1980) and other inter-religious holocausts of the 1980s and 1990s, the Nigerian civil war (1967 - 1970) which was sparked off by the pogrom of ethnic Ibos in the North as a result of the coup and counter coup of 1966, the bloody TIV riots of 1959, 1960 and 1964.

Speaking on "Unitary and Centripetal Developments:1966 - 1998" in his paper: "SETTING THE AGENDA FOR CONSTITUTIONAL DEVELOPMENT” at the Conference of Nationalities in December, 1998, Professor Itse Sagay said, "With the
military take-over in January, 1996 centralization of governmental powers, followed centralization of command. General Gowon who was the military head of state from August 1966 to July 1975 was mainly responsible for this development. It is indeed ironical, that Gowon as Head of State, after overthrowing the government of General Ironsí, his predecessor and killing him, was that by Decree 32 of 1966, Ironsí tried to establish a unitary government for Nigeria by abolishing the regions. Indeed, one of the first things Gowon did was to repeal decree 32 of 1966. And yet it was under Gowon’s government that the regions, later states, became systematically emasculated.

Apart from various individual Decrees, the very first decree issued by every successive military regime usually destroys the foundations of federalism”.

Prof. Sagay continued that the military governments "completely undermined the federal status of Nigeria by giving itself the power to make laws for the peace, order and good government for the whole of Nigeria with respect to any matter whatsoever. It is as if the regions or later states did not exist.” (Prof. Itse Sagay, Conference of Nationalities, December 1998).

Resurgence and persistence of ethnic and religious conflicts are borne out of divide and rule tactics of the colonial masters, 28 years military rule and unitary system which destroyed federalism, crisis in Nigerian economy, and the secularity of the state not being enforced.

To guarantee their privileges, selfish interests and the status quo of corruption, mismanagement and mis-leadership, the ruling elite manoeuvre to fan the embers of ethno-religious chauvinism and conflicts.

Informal repression and deep-seated conflicts have relevant features which are briefly outlined as follows:

a) Economic: distribution of resources, territory, economic power, employment prospects;

b) Identity: more complex, persistent and ingrained, uncompromisable, non-negotiable and cannot be traded-off;

c) Persistence: ethnic conflict as an example.

Conflict can be positive or negative. It is the interaction of antagonistic aspirations and goals in which disagreements are processed, but not finally resolved. But conflicts are manipulated in such a way that as part of the divide and rule policy of elite in power, state sponsored violence erupt. According to Article 19 (International Centre Against Censorship) in a report entitled "DEADLY MARIONETTES" (October 1997), "often this has entailed stimulating ethnic violence, either favouring one faction against another in long-standing and latent rivalries or inciting new ones between communities which had previously lived together in harmony.

Typically this phenomenon of state sponsored communal conflict ... appears to be a self-fulfilling prophecy, justifying the government's claim that democracy would be accompanied by ethnic strife".
The state resorts to a different means of repression so as to avoid public opposition since siding specific factions in persistent or potential disputes or inciting fresh conflicts affords the elite in power to shift the blame for human rights violations on ethno-religious clashes.

From the problems of informal repression associated with conflicts, informal repression can be simply defined as a surrogate repression lying outside the direct controls of formal security legislation and which are exercised by state security agents at one end and by unknown persons at the other end. Ogoni versus Andoni war is a fresh example.

Exclusive electoral process: Electoral and post-electoral conflicts.

"Electoral and post-electoral conflicts are the result of incompatible interests that come to the fore both before and after elections, between political parties on the one hand, and between political parties and the state/government/or its agencies, on the other.

Issues which ... can and do frequently lead to electoral conflicts in developing countries: for instance, the division of constituencies. Are the constituencies equal as far as possible? Is there an incident of gerrymandering?" (Prof. Ahmadu Sassay, February 1999).

Problems involved in monitoring, Resolution and management of conflicts. Monitors or observers will encounter the following problems:

(1) Lack of free access;
(2) Reluctance of a witness to provide information;
(3) Badly conducted interview and alienation of victims and witness;
(4) Psychological involvement in conflict or subjective disposition;

ASSESSMENT OF THE NIGER-DELTA REGIONAL DEVELOPMENT MASTER PLAN:

The laws that are relevant to the issues raised here are as follows:

Fiscal responsibility Act 2007
Procurement Act 2007

Fundamental Human Rights Enforcement Procedure Rules, December 1, 2009

Fiscal Responsibility Act which have their roots in the 1999 constitution in Chapter 2 of that Constitution, "Fundamental Objectives and Directive Principles of State Policies some of which CAP 10 laws of Nigeria (African Charter on Human and Peoples Rights,
1990) have been made enforceable despite the fact that section 6 (6) (c) has been misinterpreted as having an ouster clause which it does not have.

6 (6) (C) "the judicial powers vested in accordance with foregoing provisions in this section (c) shall not, EXCEPT AS OTHERWISE PROVIDED IN THIS CONSTITUTION, extend to any issue or question as to whether any act or omission by any authority or person or as to whether any law or any judicial decision is in conformity with the fundamental objectives or directive principles of state policy set out in Chapter II of this constitution.

But the constitution "otherwise provided" in item 60 of the Exclusive list, second schedule, part 1 "The establishment and regulation of authorities for the federation or any part therefore-

To promote and enforce the observance of the fundamental objectives and directive principles contained in this constitution which gave birth to the Fiscal Responsibility Commission, due process office and anti-corruption agencies and authorities.

The constitution furthermore makes it mandatory for political parties to be registered under section 224 to have their manifesto conform to the fundamental objectives and directive principles of state policy (224) "the programme as well as the aims and objectives of a political party shall conform with the provision of chapter ii of this constitution"

It is otherwise further provided in the seventh schedule regarding oaths taken when an elected/appointed officer is been sworn in at local government or state government or federal government level as follows "That I will strive to preserve the fundamental objectives and directive principles of state policy contained in the constitution".

The poser is: have they been enforcing chapter 2 or any law to develop the Niger-Delta since 1999? The failure of the NDRDMP for the first four years is the correct answer to this. Right to participate in government, right to free education at all levels, right to free medical care, right to shelter, decent work and a reasonable minimum wage, right to safe environment, resource control, fiscal federalism, self-determination and development are all guaranteed in our laws in addition to other rights.

CSO’s should educate grassroots stakeholders in the Niger-Delta region on their rights by organizing stakeholders democratic conferences and invoking recall provisions in the 1999 Constitution to sanction representatives who divert funds meant for the development of communities or constituencies. Public interest litigations could also be intensified by CSO's.

Campaigns and serious mobilizations shall be organized on the link between, unemployment, poverty, conflicts, repression and electoral violence: unlocking the synergies of peace, participation and sustainable human development. These shall apply the scientific, development focused processes of eliciting, collating and disseminating of practical information on youth needs and/or concerns in their areas of activity. The information generated by the practical application of these research methodologies will be packaged and presented through a participatory, FCC, NULL, WPYA, NLC, TUC
and LASCO facilitated, sensitisation meeting between the grassroots’ masses and the legislature.

In view of the fact that ECOSOC rights, as contained in Chapter II of the 1999 constitution ("Fundamental Objectives and Directive Principles of State Policy") which were thought to be unenforceable by virtue of section 6(6)(c). But this section of the same constitution has no ouster clause, and have been made more actionable or justifiable by the African Charter on Human and Peoples’ Rights (Ratification and Enforcement Acts Cap 10 Laws of Nigeria 1990) and there was a bill on the problems of unemployment in the National Assembly in which social security benefits were not approved.

Considering further that more than $250 billion ($0.25 trillion) was spent by the government within the past 30 years without any appreciable development in the economy, more than $12 billion, the windfall occasioned by the gulf War, was not accounted for during General Babangida's regime, about $10 billion was stashed in private foreign accounts during General Abacha's regime, the provisions of Chapter II are now more than practicable.

On May 29, 1999, the whistle was blown for starting anew the march towards full democracy signalling the usefulness of democratic space and structures as civilian government was inaugurated. The breathing space for the business of negotiation and dialogue (process) has thus been created. With the National Assembly and the Presidency inaugurated, channels of communication have been opened.

Unlike the period between 1979 and 1983 when the pro-democracy movement was not strong, the present and coming periods witness pro-democracy coalitions like the United Action for democracy (UAD), Alliance for Credible Elections, ACE, and Transition Monitoring Group (TMG) which would dialogue with marginalized groups and other stakeholders with a view to convincing them to live with peaceful settlements of ethnic conflicts by their being flexible on tactics and application of constitutional or democratic lever.

Pressures from pro-democracy groups, labour, NLC, TUC and the international workers movement would be brought to bear on the present civilian government to "Level the playing field" and adopt an all-inclusive approach. But mass education of stakeholders and parties involved in deep-rooted conflicts would be intensified.

1999 constitution is even being seen by the Presidency as a "Transitional pact" between the civilian and military elite without masses' involvement. There is a consensus for the need for amendments or a new one and adoption via a referendum (section 10, article 20 of the African charter on Human and Peoples Rights (ACHPR) states inter-alia: "All peoples shall have right to existence. They shall have the unquestionable and inalienable right to self-determination. They shall freely determine their political status and shall pursue their economic and social development according to the policy they have freely chosen".

This right to self-determination has been made actionable or enforceable by the African Charter on Human and Peoples' Rights (Ratification and enforcement) Acts CAP 10 Laws of Nigeria, 1990. Therefore, to start with, the InterCEGRADI will embark on
litigation as part of the campaign for full federalism in collaboration with some human rights groups.

Since stabilizing forums and institutions for consensus building are being established, reconstruction and development of communities involved in deep-rooted conflicts (especially in the Niger Delta and the North) could begin; there are levers of constitutionality or legality for the resolution and management of conflicts, notably, asymmetrical federalism (to enforce minority rights and the right to self-determination), the legal basis for autonomy and solutions which would make the following advantages viable:

* Minorities would have fiscal powers in addition to power sharing in decision making;
* Demands for secession could be compromised or dropped;
* Ethnic groups would be more integrated;
* Emphasis on the rule of law, devolution of powers (decentralization) and independent institutions would contribute to constitutionalism;
* Organising autonomous regions as geographic entities would solve the problems of ethnicity;
* Breathing space would be provided by an end to deep-seated conflicts.

A parallel government or dual power, on the basis of this “free” market system, is impossible or not feasible in the scenario considered as practicable for the resolution and management of deep-seated conflicts in Nigeria. "Sovereign" National conference, being pushed by some pro-democracy groups as the only option, is a parallel government, which will create a dual power situation thereby precipitating a constitutional crisis. It is a disintegrationist approach. It is not viable.

Communities/groups in conflicts, political parties and the civil society are the stakeholders in consolidating this transition to democracy. Hence, democratically elected constituted Assembly or constitutional conference/National conference (which will fashion out a workable federalist constitution with autonomy and asymmetrical federalism entrenched to be adopted in a referendum) is possible.

InterCEGRADI has been collaborating with the Civil Liberties Organisation (CLO), the Democratic Alternative (DA), Kolagbodi Memorial Foundation (KMF), Campaign for Left and Progressive Students (CLAPS), Youth and Trade Union Rights Campaign (YTURC) and some trade unions to defend human rights and campaign for democracy.

Through the Campaign for Workers and Farmers ‘Democracy (CWFD), National Unemployed Labourers’ League (NULL), its affiliates and active participants in the United Action for Democracy, the InterCEGRADI has always supported the key resolutions of the UAD on the right to self-determination and minority rights.

Despite the fact that we have many constraints including the identified obstacles to the human rights and realisation of full democracy in the 1999 constitution by the
Transition Monitoring Group in the "Democracy Watch", we will continue to use the platform of the UAD to dialogue with the communities/groups in conflicts and minority groups like the MOSOP, Chikoko Movement etc and the Community Action for Popular Participation (CAPP) and to initiate mass signature campaign for full federalism (petition) against the present constitution and for its pro-grassroots review.

“CRITICAL SUPPORT FOR THE CONSTITUTIONAL CONFERENCE-Avoiding Constitutional Illusions"

The military - police dictatorship decided to hold a constitutional conference. NADECO, CD and other human rights sects boycotted the election to the confab. The senior staff consultative Association of Nigeria (SESCAN)(now TUC) called a political general strike which flopped. The central slogans of the unsuccessful strike were: End to military rule now, validate June 12 mandate to install Abiola and a Sovereign National conference.

The NLC did not call for the actualization of Abiola's mandate in its communiqué, but wanted an end to military rule now and the confab to -be made a sovereign National Conference, that is, a tactical support for the constitutional conference. The supporters (for example in the Militant Tendency now called DSM) of the June 12 abandoned the June 12 Mandate Movement and gave critical support to the confab and contested the election of delegates to it. Their ambivalence and antecedents were revealed as they back - slid to the June 12 slogan.

No doubt, the confab will be a “Frankfurt Talk shop” held between May 1848 and June 1849 in Germany or be like the Dumas in Russia. It is possible that the confab opts for confederation. Then it is not likely that Nigeria will disintegrate in the short run. But on what basis will such a confederate union be? If it is on the basis of capitalism, bourgeois democracy, the economic crisis, the resultant political crisis, issues in the National Question will never be resolved. Hence, the country is likely to disintegrate on the long run -that is a perspective for civil war. Recall: the class struggle determines everything in public life."

Let us examine the Marxist 'position on boycott, "to agree, for instance, to participate in the third” and fourth Dumas was a compromise, a temporary renunciation of revolutionary demands. But this was a compromise absolutely forced upon us, for the balance of forces made it impossible for us for the time being to conduct a mass revolutionary struggle and in order to prepare this struggle over a long period, we had to be able to work even from inside such a PIGSTY: (Lenin, collected Works, ' Vol. 25, PP. 305.-10, "ON COMPROMISES") (Emphasis supplied).

17. The Duma was a representative body convened by the Tsarist government (monarchy) as a result of revolutionary events of 1905 in Russia. Though formally the legislative assembly, it had no effective power and the elections to it were neither direct, nor equal, nor universal. The electoral rights of the working classes and non-Russian nationalities (or minorities) were greatly curtailed. The vast section of workers and peasants were denied the right to vote.
18. The Bulygin Duma was a consultative "representative body" which the Tsarist government promised to convene in 1905. The draft law on the institution of a consultative Duma and the election law were worked out by a commission headed by the Interior Minister, Bulygin, and published in August 19, 1905. The Bolshevik faction of the Russian Social Democratic Labour party, RSDLP (B), organised an active boycott of the Bulygin Duma. The government failed to convene the Duma because it was swept away by the general political strike in October 1905.

19. The first Duma (February to July 1906) and the second Duma (February to June 1907) were dissolved by the Russian monarchy. On June 3, 1907 the tsarist government made a coup d'etat and enacted a new electoral law which restricted the rights of the workers and peasants still more and ensured complete domination of the reactionary bloc of the land owners and big bourgeoisie in the Third (1907 to 12) and Fourth (1912-17) Dumas.

20. Lenin said that Marxists must not abandon the ground of careful analysis of class relations or balance of power. Lenin explained. "The objective relations of the classes, their role (economic and political) outside and inside representative institutions of the given type; the rise or decline of the revolution; the relation of extra-parliamentary .to parliamentary means of struggle-these are the chief, basic objective facts which must be considered if the tactics of boycott or participation are to be deduced in a Marxist way and not arbitrarily, according to our' "sympathies",

21. Lenin went on; "The experience of our revolution clearly demonstrates, how to approach the boycott question in a Marxist way. Why did the boycott of the Bulygin Duma prove correct tactics?...... it was in accordance with the objective alignment of social forces in their development. ' It provided the maturing revolution (in 1905-emphasis ours) with a slogan for the overthrow of an old order which to distract the people from the revolution, was convoking a clumsily fabricated compromise institution, ( the Bulygin Duma) which did not show promise of any earnest "anchoring" in parliamentarism. The extra-parliamentary means of struggle of the proletariat and the peasantry were stronger. These are the elements that went into shaping the correct tactics of boycotting the Bulygin Duma, tactics which took account of the objective situation".

22. "Why did the tactics of boy-cotting the Third Duma prove incorrect? Because they were based only on the "catchiness" of .the boycott slogan and on the revulsion felt towards the brutal reaction of June Third "pigsty" (that is the Third Duma — meaning supplied). The objective situation, however, was such that on the one hand the revolution was in a state of collapse and declining fast. For the upsurge of the revolution a parliamentary base (even inside a "pigsty") was of tremendous political importance, since extra-parliamentary means of propaganda, agitation and organization, were almost non -existent or extremely weak. On the other hand, the most openly reactionary nature of the Third Duma did not prevent it from being, an organ reflecting real class relations, namely, the Stolypin combination of .the monarchy and the bourgeoisie".

23. When the .supporters of NCP, 'and some petty-bourgeois democrats in CD and bourgeois liberals in' NADECO started the boycott campaign against the local council election and the entire transition programme, with pro-June 12 slogans, we stoutly opposed their sectarian tactic on the basis of the following premises: . .
(a) 'Pro-democracy mass action ebbed since the beginning of 1995

(b) Balance of forces was overwhelmingly on the side of the military police autocracy.

The electoral plane offers us, genuine revolutionary activists and socialists the opportunity to start dialogue with the working masses-sell our ideas-to intensify our "propaganda, agitation and organisation (infact this was confirmed as a Marxist paper, "Workers Democrat" (underground organ of MLWI then) sold 100 copies at a voting centre where a socialist contested as a delegate in the camp of a comrade member of ASSBIFI who won the councillorship election).

POWER AND PHRASE MONGERS’ ILLUSION: Sovereign National Conference (SNC) Versus Supreme Grassroots Assembly (SGA).

Why should Marxists oppose the slogan of “Sovereign National Conference”? A “Sovereign National Conference is a “people’s front government”, “popular democracy”.

It is a parallel government which smacks of Popular Frontism (or “Two – stage theory”). According to Lenin, “If we are not to mock at common sense and history, it is obvious we cannot speak of “pure democracy” (or “popular democracy” or “people’s government” or popular frontism) as long as different classes exist; we can only speak of class democracy, (Let us say in parenthesis that “pure democracy” is not only an ignorant phrase, revealing a lack of understanding both of the class struggle and of the nature of the state, but also a thrice – empty phrase, since in communist society democracy will wither away in the process of changing and becoming a habit, but will never be “pure” democracy)

“Pure democracy” is the mendacious phrase of a liberal who wants to fool the workers. History knows of bourgeois democracy which takes the place of feudalism, and of proletarian democracy (or workers democracy) (Emphasis added) which takes the place of bourgeois democracy” (Emphases and additions mine) (LENIN, Collected works, P.242, Vol. 28).

Lenin added that “the fundamental issue of revolution is the issue of power. We want to add that it is revolutions that show us at every step how the question of where actual power lies is obscured, and reveal the divergence between formal and real power.

Now, however, it is particularly important for class – conscious workers to soberly face the fundamental issue of revolution, namely, who holds state power at the moment? Consider its material manifestations, do not mistake words for deeds, and you will have no difficulty in finding the answer” (Lenin, “Collected Works, Vol. 25, pp. 185 – 90) (Emphases & additions mine)

The advocates of “Sovereign National Conference” need an insurrection to create a dual power situation to install a ‘Sovereign National Conference parallel government of national unity”. But the protagonists of an “SNC” cannot form a parallel government.
The MLWI believes that our agitation, propaganda and slogans must have “tremendous educational value and significance” (Trotsky, TRANSITIONAL PROGRAMME, 1938) for the grassroots unlike that of an “SNC” which starts as a parallel government since the de facto government will be dissolved, a civilian coup that will usher in a government that will appear to reconcile the grassroots’ masses with their oppressors (a ‘people’s front’ government) which smacks of popular frontism that the Democratic Socialist Movement (DSM) claims to oppose. DSM and other advocates of an “SNC” are thus confusing the labouring masses in whom dangerous illusion is being created and whose attention is being diverted from their tasks in the approaching anti-imperialist colonial revolution.

The MLWI agrees that the immediate task is not the conquest of power but the conquest of the masses which is linked to a grand alliance in action like LASCO. The MLWI understands that different layers of the grassroots of society will draw conclusions and learn lessons at different rhythms; therefore, there is no question of posing the taking of power as an immediate slogan. The time is not ripe to pose the question of power – transitional slogans are necessary to convince the mass of workers that in order to solve their most pressing needs, it is necessary to take power into their hands with transitional demands.

The “SNC”, when convoked by its advocates will only be a “workshop”, a TALKSHOP if state security agents do not disperse the participants. I will add what Lenin said on the Democratic Conference or Pre – parliament in September, 1917: “…for even if it were to proclaim itself a permanent and Sovereign parliament of the revolution, it would nevertheless decide nothing” (Emphases added) Lenin, ‘Collected Works” Vol. 26, pp.22-27).

SNC is akin to the All Russia Democratic Conference called in September 1917 by the Central Executive Committee of the soviet of workers’, peasants and soldier’ representatives (the dual power or parallel government then) in Petrograd “to decide on the question of state power….the Menshevik and Socialist – Revolutionary leaders did their utmost to reduce the number of workers’ and peasants’ delegates and increase that of the delegates of various petty-bourgeois and bourgeois organizations, thereby securing the majority. The Bolsheviks attended the conference in order to expose the Mensheviks and Socialist Revolutionaries (Emphasis added).

The Democratic Conference adopted a resolution on the establishment of a Pre-parliament (Provisional Council of the Republic). According to the Provisional Government’s ordinance, the Pre-parliament was to be a consultative body under the government.

Lenin criticized the Bolshevik tactics with regard to the Democratic Conference: he categorically demanded that the Bolsheviks should withdraw from the Pre-parliament and concentrate on preparing for the insurrection. The central committee discussed Lenin’s proposal and despite the resistance of Kamenev, Rykov and other capitulants adopted a resolution that the Bolsheviks should withdraw from the Pre-parliament.

On October 7 (20), the opening day of the pre-parliament, the Bolsheviks read out a declaration and walked out”
Popular Frontism is the strategy which was designed and perfected by Stalinism to scuttle the revolutions in Europe (in the 1930s and beyond) and other parts of the world. It is the application of Stalin’s “Two stage theory” which was used to postpone the socialist or permanent revolution to a distant future. Popular frontism has been manifesting in different guises: The Tripartite Alliance of the COSATU, ANC and South African Communist Party (SACP) in power, since 1994; Cohabitation in France (during President Mitterrand’s regime), various coalitions between the Labour Party and Likud in Israel, in Italy, in Peru (APRA), the SNCs in Francophone Africa (e.g. Benin Republic). In the past, “People’s Front” was applied to scuttle revolutions in China from 1927, in Europe (Britain, Belgium, France, and particularly Spain – the Spanish Revolution, 1931 – 1939)

“2015: North prepares for war •Beware of another civil war, US report warns Nigeria

Posted to the Internet by:, Steve Ogbonmwan <Steveogbonmwan@aol.com>  On Jul 21, 2013, at 3:19 PM

Written by Olawale Rasheed - Abuja  Sunday, 21 July 2013 00:15

A new report entitled `Nigerian Unity in the Balance” authored for the United States Army War College has, again, warned Nigerian leaders to beware of another civil war or an outright break-up following what it called on-going divisive trends in the country.

The report released by the Strategic Studies Institute of War College was written by two former American servicemen, Gerald McLaughlin and Clarence J. Bouchat. McLaughlin is a graduate of the U.S. Army War College while Bouchat is also an adjunct professor at the U.S. Army War College (USAWC)

The report, whose foreword was written by the Director, Strategic Studies, Institute and U.S. Army War College Press, Professor Douglas Lovelace, observed that divisive forces were becoming more stronger than uniting forces in Nigeria, warning that unless this was reversed, Nigeria’s existence could be jeopardised.

According to the report, “Parochial interests created by religious, cultural, ethnic, economic, regional, and political secessionist tendencies are endemic in Nigeria. Under such stresses, Nigerian unity may fail.

“Should Nigeria’s leaders mismanage the political economy and reinforce centrifugal forces in Nigeria, the breaks to create autonomous regions or independent countries would likely occur along its previously identified fault lines,” the report warned.

“Having already experienced one brutal civil war, Nigeria is at risk for a recurrence of conflict or dissolution, especially since some of the underpinning motivations of the war remain unresolved,”’ the report observed, detailing many fault lines speeding up disintegrative tendencies in the country.

“Indeed, East Timor, Eritrea, Croatia, and Somaliland indicate that the weakest point of failing states is along colonial borders. Of more interest for Nigerian unity is that this may also occur between regions separately administered by a common colonial power, as occurred between Malaysia and Singapore, and North and South Sudan, where
differences proved irreconcilable after the departure of British administration. At least, some of the resulting regions and states of a possible Nigerian devolution may divide along such internal lines”, the report projected.

While conceding that Nigeria’s fate is primarily in the hands of Nigerians, the report noted that such could be positively affected by actions of the US, adding that “Nigeria’s future is in balance and the United States should help tip the scales.”

The report particularly warned that religious differences were taking the centre-stage in the emerging conflict situation in the country, disputing repeated reports that economic reasons were to blame for the insurgency and other conflicts in the country.

The Strategic Studies Institute (SSI) is part of the U.S. Army War College and is the strategic-level study agent for issues related to national security and military strategy with emphasis on geostrategic analysis”.

“Aarms stockpile: North prepares for war over 2015?

Written by Tayo Babarinde

Sunday, 21 July 2013 00:00

RECENT discoveries and interception of arms and ammunition in some parts of northern Nigeria has raised fears and alarm in security and southern political circles as to the goals of the forces behind the smuggling of arms. While similar arm discoveries had happened in some southern states in recent past, the frequency of such discoveries in the North in recent days has reportedly increased the level of intelligence shadowing and surveillance in the area.

As insurgency remains a major headache in the Northeastern part of the country, the growing cases of arm stockpile in the North-West states are said to be giving security analysts sleepless nights, especially as clues as to the motives of the masterminds are yet unclear. As of the time of filing this report, security agencies are said to be focusing on both local and external sources in their bid to unravel the sudden surge in the trafficking menace.

Sunday Tribune was told that the initial suspicion was that the importation of arms was due to transnational Islamist terrorists arming local jihadists, as well as using Nigeria as a transit route in the Sahel arms and related smuggling trade. This line of thought was reported to be the main preoccupation of the security agencies for sometime until in the last one month when political motivation reportedly entered the review process.

While analysts are yet to find direct linkage between political actors and the arm storage and smuggling, there are fears that threats from key leaders suggest a zone preparing for war depending on the outcome of the 2015 race. An insider told Sunday Tribune that the intensity of arm stockpiles correlates with the heightening of tension and mounting attacks on the presidency by political opposition and political dissenters within the ruling party.
It will be recalled that the arm cache found in Kano is still a mystery despite the ongoing prosecution of the Lebanese involved in the entire saga. The security agencies are also said to be at a loss over what alleged Hezbollah Shiite agents will be doing with the Sunni-led Boko Haramists on the arms stockpile. Boko Haram is said to belong to the Sunni school of Islam, attributing a link between them and the Lebanese under trial over the arms cache is said to be proving very difficult among intelligence analysts in the country. Though it is being suggested that the Shiite group could have its own separate mission in the country.

The Kano arms discovery, therefore, is reported to have given rise to many theories, one of such is the possibility of a non-religious involvement, with political undertone being the chief reason. This theory was said to have gained ground after the Zamfara State government got embroiled in an arm importation controversy, claiming it wanted to arm vigilance groups in the state. The way and manner the state government imported the arms allegedly without police approval had since become a subject of investigation which is said to be attracting attention of many within the security circles.

A security official confessed under the condition of anonymity that importation of arm without prior approval is a violation of the law. Said he: “for a state government to have done that, it is a matter to be taken seriously”.

Though the Zamfara State government had since justified its action on the need to combat criminal gangs operating freely in the state, keen watchers of the 2015 drama, however, pointed out that arming vigilantes in the countdown to 2015 sent mixed signals. Many people believed that once Zamafara succeeded on this matter, other state governments would follow suit, leading to proliferation of arms in the country and a potentially explosive electoral year in 2015.

While the controversy over Zamfara arm importation is still boiling, a tanker filled with assorted arms and ammunition was impounded between Kebbi-Zamafara axis with the source of the importation still unknown.

With hundreds of such tankers in remote parts of northwestern Nigeria, fears are spreading that there may be a deliberate programme to acquire arms by some unknown elements in the northern parts of the country ahead of 2015 elections.

Four days after the tanker was impounded, another arm cache was discovered in the sleepy state of Jigawa with exchange of fire between security agencies and those described as Boko Haram operatives. Security analysts, however, faulted the reference to Boko Haram, as Jigawa has never witnessed any Boko Haram attack since the insurgency started. Others claimed the exchange of fire did not explain the owner of the arms or who masterminded their stockpile in the state.

Another source told Sunday Tribune of the fear being nursed in that sector, saying “the situation is scary. We cannot say for sure that all these arms are imported by islamists. We cannot prove that. We can also not prove that politicians are behind the caches of arms for electoral purposes. All what we know for sure is that there is an arms build-up in the core North”, the security, a security official, said.
While the real motive behind the huge arms stockpile is still under investigation by security agencies, the statement credited to the Chief of Staff to the President, Chief Mike Oghiadohme, warning against civil war is cited by other analysts to argue that the presidency already has more facts over security situation in the country and, particularly, about arms build-up in northern part of the country than it is letting out. Oghiadohme had called attention to the tragedy of the last civil war, warning that leaders and elders should beware of actions and utterances capable of plunging the nation into another conflict.

The arms build-up situation has become an open issue within the Nigerian military, which is battling insurgency in the North-East. Though the military is not ruling out political opportunism, it however suspects the Islamists to be behind the arms build-up, while the wider intelligence community are fingerling political forces as being neck-deep in the menace.

Sagir Musa, spokesman of the Joint Task Force in Borno, while confirming the arms proliferation gave greater insight into the problem facing the North and the country as a whole in a recent statement on the issue.

Said he: “Nigeria’s borders are massive with hundreds of footpaths crisscrossing to neighbouring countries of Cameroon, Chad and Niger with links to Mali, Libya and Sudan. From conservative estimate by locals, there are well over 250 footpaths from Damaturu/Maiduguri axis that link or lead direct to Cameroon, Chad or Niger. These paths, which are mostly unknown to security agencies, are unmanned, unprotected and have continued to serve as conveyor belts for arms and ammunition trafficking into Nigeria.

“It is disheartening and unfortunate that the “merchants of death” have since devised methods to beat security agencies at the borders, chief among them, through the footpaths. These methods include the use of camels, donkeys and cows to traffic arms, ammunition and drugs such as cocaine into Nigeria. The fact that the weapons are small, light and collapsible makes it easy to be concealed and moved on camels and donkeys’ backs in a specially crafted skin or thatched bags mainly meant for the illegal “expedition” undetected. Similarly, some cows and grains merchants in the North-East sub – region of the country device means of hiding cache of arms and ammunition in empty fuel tankers, vehicle engines and bags of grains.

“The “grains” are transported in large number via trucks, trailers, lorries and old model pickup vans and Jeeps with little attention given to them by security agents. The use of Jega-type of tricycles (KEKE-NAPEP) as well as camels, donkeys, and cows (moving in flocks) to deceive, hide and conveniently traffic arms in some parts of the North are ways hitherto unknown, not well known”, Musa noted.

He explained further that “the Libyan and Malian rebels are desperate to exchange arms for money to Boko Haram terrorists, their financiers and collaborators as the sect has since been affiliated to Al-Qaida in the Maghreb. This has added to the overwhelming challenge of the influx of illegal aliens, arms, ammunition and sophisticated IED materials into the country and an efficient and effective fight against terrorism”, Musa had stated.
Sunday Tribune was, however, told that the political angle is already taking the center stage of discreet investigation into the discoveries. Already, it was gathered that investigation into the Kano arm caches has been extended to foreign soil, while the security agencies are said to be mounting pressure to ensure that Zamafara vigilantes are not armed with weapons.

As the arms influx expands, the questions on the lips of keen security analysts are many. Who is preparing for war? Is the North becoming a Somalia? And is the South too secretly building up its own arms, and /or has not been undetected? Could the flexing of muscles by politicians a subtle declaration of war over 2015?

Only a thorough investigation by the security agencies can provide the necessary answers “

What is the position of Lenin on this war and Revolution?

War and Revolution

According to Lenin, “It seems to me that the most important thing that is usually over looked in the question of the war, a key issue to which insufficient attention is paid and over which there is so much dispute – useless, hopeless, idle dispute, I should say – is the question of the class character of the war, what caused that war, what classes are waging it, what historical and historico –economic conditions gave rise to it, and what is the war being waged for.

From the point of view of Marxism, that is, of modern scientific socialism, the main issue in any discussion by socialists on how to assess the war and what attitude to adopt towards it is this: We Marxists do not belong to that category of people who are unqualified opponents of all wars.

We say our aim is to achieve a socialist system of society, which, by eliminating the division of mankind into classes, by eliminating all exploitation of man-by-man and nation by nation, will inevitably eliminate the very possibility of war.

But in the war to win that socialist system of society we are bound to encounter conditions under which the class struggle within each given nation may come up against a war between the different nations, a war conditioned by this very class struggle. Therefore, we cannot rule out the possibility of revolutionary wars, i.e. wars arising from the class struggle, wars waged by revolutionary classes, wars, which are of direct and immediate revolutionary significance…”Lenin saw in class struggle and war a dialectical relationship. He also knew that a strike movement as a method and weapon of class struggle is a war between the working class, the proletariat, and the capitalist ruling class, the class of the oppressors and exploiters, the dominant class in a “free” market economy which worships neo- liberalism or neo – classical synthesis.
He quoted “the dictum of Clausewitz, one of the most famous writers on the philosophy and history of war, which says. War is a continuation of policy by other means”

He, therefore, recommended “class struggle and war to win peace and end all wars”


DEEP –SEATED CONFLICTS IN NIGERIA AND THEIR IMPACTS ON DEMOCRACY AND GOOD GOVERNANCE  - THE NEXUS BETWEEN POVERTY, CONFLICTS, REPRESSION AND ELECTORAL VIOLENCE: THE NEED FOR A NATIONAL UNEMPLOYED WORKERS’ MOVEMENT.

Frequent expression of youth grievances through violence reflects levels of alienation of the youth from the political decision-making processes. Entrenchment of violence by means of legitimate grievance expression is caused by the failure of the system to increase access to such peaceful awareness for inclusion. Needed is a systematic infusion of the knowledge, attitude base and skills to access the peaceful grievance expressions and resolution potentials afforded for the existence of a vibrant, people- focus legislature or National Assembly.

About 70% of Nigerians were reported by the "National Concord" of September 7, 1999 to be poor and that the number living below poverty line increased from 17.7 million to 67.1 million by 59.4 million between 1980 and 1996.

There are at least 10 million unemployed graduates in Nigeria, but the ILO figure is higher at 37.5 million for all the jobless while the Federal office of statistics gives a figure of 35 million.

The National Assembly has also quoted 50 million as the number of the unemployed. If the system does not concretely set into motion machinery for solving the problems of unemployment, the resultant macro-economic instability could derail the transition to full democracy as there is a nexus between poverty and conflicts-deep-seated or ethno-religious.

The present democratic experiment has the framework for information dissemination on development alternatives, awareness spreading on how the system could support reforms and enforce human rights especially the right to development, the right to self-determination, resource control etc. through legislative and judicial processes.

We have seen the role being played by the unemployed, the poor grassroots especially youth in the prosecution of past and present inter and intra ethno-religious conflicts in Jos (Plateau State),Idi-Araba, Surulere (Lagos State), Warri (Delta State), and since May 29, 1999, the beginning of this transitional democracy.

Levels of alienation of the youth from the political decision-making processes are underscored by the frequent expression of youth grievances through violence.

Failure to heighten access to such peaceful awareness for inclusion that currently exists in the system can only entrench violence by means of legitimate grievance expression.
Needed is a systematic infusion of the knowledge, attitude base and skills to access the peaceful grievance expressions and resolution potentials afforded for the existence of a vibrant, people-focus legislature.

BACKGROUND / PROBLEM ANALYSIS

According to Professor Ahmadu Sassay of Obafemi Awolowo University, Ile-Ife, conflicts can be categorised into two types: "interest related and value-related." He said that interest –related conflicts are more easily managed than the value-laden conflicts which are more difficult to resolve or manage (February 1999). (Train-the-Trainers Workshop. AFSTRAG / ACCORD/CASS, Ibadan, February, 1999 convoked by Major General Ishola Williams).

“Ethnicity .... Includes but is not limited to ethnocentrism. It is behavioural in form and CONFLICTUAL in content. First, ethnicity exists only within a political society consisting of diverse ethnic groups... Relations between ethnic groups within the same political system produce ethnicity"(Emphasis ours) (“ETHNICITY IN NIGERIA" Prof. Okwudiba Nnoli, Department of Political Science, University of Nigeria, Nsukka, 1987; pp 5 & 6).

In July 1999, several people died as a result of clashes between ethnic Hausas and sub-ethnic Remo speaking Yorubas in Shagamu and the retaliatory attacks on ethnic Yorubas and non-indigenes in Kano by Hausas. Meanwhile, the Niger-Delta crisis worsens, inter-ethnic conflicts deepen especially in Warri, Delta State; the clash between Ijaws and sub-ethnic Ilaje speaking Yorubas in Ondo State.

We witnessed the Ife/Modakeke crisis, TIV,Jukun war of attrition, the Ogoni crisis (1992 - 1995), Zango-Kataf crisis (1992), Bauchi civil disturbances, riots in Kano and other Northern states (1980) and other inter-religious holocausts of the 1980s and 1990s, the Nigerian civil war (1967 - 1970) which was sparked off by the pogrom of ethnic Ibos in the North as a result of the coup and counter coup of 1966, the bloody TIV riots of 1959, 1960 and 1964.

Speaking on "Unitary and Centripetal Developments:1966 - 1998" in his paper: "SETTING THE AGENDA FOR CONSTITUTIONAL DEVELOPMENT" at the Conference of Nationalities in December, 1998, Professor Itse Sagay said, "With the military take-over in January, 1996 centralization of governmental powers, followed centralization of command. General Gowon who was the military head of state from August 1966 to July 1975 was mainly responsible for this development. It is indeed ironical, that Gowon as Head of State, after overthrowing the government of General Ironsi, his predecessor and killing him, was that by Decree 32 of 1966, Ironsi tried to establish a unitary government for Nigeria by abolishing the regions. Indeed, one of the first things Gowon did was to repeal decree 32 of 1966. And yet it was under Gowon's government that the regions, later states, became systematically emasculated.

Apart from various individual Decrees, the very first decree issued by every successive military regime usually destroys the foundations of federalism".

Prof. Sagay continued that the military governments "completely undermined the federal status of Nigeria by giving itself the power to make laws for the peace, order and
good government for the whole of Nigeria with respect to any matter whatsoever. It is as if the regions or later states did not exist." (Prof. Itse Sagay, Conference of Nationalities, December 1998).

Resurgence and persistence of ethnic and religious conflicts are borne out of divide and rule tactics of the colonial masters, 28 years military rule and unitary system which destroyed federalism, crisis in Nigerian economy, and the secularity of the state not being enforced.

To guarantee their privileges, selfish interests and the status quo of corruption, mismanagement and mis-leadership, the ruling elite manoeuvre to fan the embers of ethno-religious chauvinism and conflicts.

Informal repression and deep-seated conflicts have relevant features which are briefly outlined as follows:

a) Economic: distribution of resources, territory, economic power, employment prospects;

b) Identity: more complex, persistent and ingrained, uncompromisable, non-negotiable and cannot be traded-off;

c) Persistence: ethnic conflict as an example.

Conflict can be positive or negative. It is the interaction of antagonistic aspirations and goals in which disagreements are processed, but not finally resolved. But conflicts are manipulated in such a way that as part of the divide and rule policy of elite in power, state sponsored violence erupt. According to Article 19 (International Centre Against Censorship) in a report entitled "DEADLY MARIONETTES" (October 1997), "often this has entailed stimulating ethnic violence, either favouring one faction against another in long-standing and latent rivalries or inciting new ones between communities which had previously lived together in harmony.

Typically this phenomenon of state sponsored communal conflict ... appears to be a self-fulfilling prophecy, justifying the government's claim that democracy would be accompanied by ethnic strife".

The state resorts to a different means of repression so as to avoid public opposition since siding specific factions in persistent or potential disputes or inciting fresh conflicts affords the elite in power to shift the blame for human rights violations on ethno-religious clashes.

From the problems of informal repression associated with conflicts, informal repression can be simply defined as a surrogate repression lying outside the direct controls of formal security legislation and which are exercised by state security agents at one end and by unknown persons at the other end. Ogoni versus Andoni war is a fresh example.

Exclusive electoral process: Electoral and post-electoral conflicts.
"electoral and post-electoral conflicts are the result of incompatible interests that come to the fore both before and after elections, between political parties on the one hand, and between political parties and the state/government/or its agencies, on the other.

Issues which ... can and do frequently lead to electoral conflicts in developing countries: for instance, the division of constituencies. Are the constituencies equal as far as possible? Is there an incident of gerrymandering?" (Prof. Ahmadu Sassay, February 1999).

Problems involved in monitoring, Resolution and management of conflicts. Monitors or observers will encounter the following problems:

(1) Lack of free access;

(2) Reluctance of a witness to provide information;

(3) Badly conducted interview and alienation of victims and witness;

(4) Psychological involvement in conflict or subjective disposition;

In view of the fact that ECOSOC rights, as contained in Chapter II of the 1999 constitution ("Fundamental Objectives and Directive Principles of State Policy") which were thought to be unenforceable by virtue of section 6(6)(c). But this section of the same constitution has no ouster clause, and have been made more actionable or justifiable by the African Charter on Human and Peoples' Rights (Ratification and Enforcement Acts Cap 10 Laws of Nigeria 1990) and there was a bill on the problems of unemployment in the National Assembly in which social security benefits were not approved.

Considering further that more than $250 billion ($0.25 trillion) was spent by the government within the past 30 years without any appreciable development in the economy, more than $12 billion, the windfall occasioned by the gulf War, was not accounted for during General Babangida's regime, about $10 billion was stashed in private foreign accounts during General Abacha's regime, the provisions of Chapter II are now more than practicable.

On May 29, 1999, the whistle was blown for starting anew the march towards full democracy signalling the usefulness of democratic space and structures as civilian government was inaugurated. The breathing space for the business of negotiation and dialogue (process) has thus been created. With the National Assembly and the Presidency inaugurated, channels of communication have been opened.

Unlike the period between 1979 and 1983 when the pro-democracy movement was not strong, the present and coming periods witness pro-democracy coalitions like the United Action for democracy (UAD), Alliance for Credible Elections, ACE, and Transition Monitoring Group (TMG) which would dialogue with marginalized groups and other stakeholders with a view to convincing them to live with peaceful settlements of ethnic conflicts by their being flexible on tactics and application of constitutional or democratic lever.
Pressures from pro-democracy groups, labour, NLC, TUC and the international workers movement would be brought to bear on the present civilian government to "Level the playing field" and adopt an all-inclusive approach. But mass education of stakeholders and parties involved in deep-rooted conflicts would be intensified.

1999 constitution is even being seen by the Presidency as a "Transitional pact" between the civilian and military elite without masses' involvement. There is a consensus for the need for amendments or a new one and adoption via a referendum (section 10, article 20 of the African charter on Human and Peoples Rights (ACHPR) states inter-alia: "All peoples shall have right to existence. They shall have the unquestionable and inalienable right to self-determination. They shall freely determine their political status and shall pursue their economic and social development according to the policy they have freely chosen".

This right to self-determination has been made actionable or enforceable by the African Charter on Human and Peoples' Rights (Ratification and enforcement) Acts CAP 10 Laws of Nigeria, 1990. Therefore, to start with, the InterCEGRADI will embark on litigation as part of the campaign for full federalism in collaboration with some human rights groups.

Since stabilizing forums and institutions for consensus building are being established, reconstruction and development of communities involved in deep-rooted conflicts (especially in the Niger Delta and the North) could begin; there are levers of constitutionality or legality for the resolution and management of conflicts, notably, asymmetrical federalism (to enforce minority rights and the right to self-determination), the legal basis for autonomy and solutions which would make the following advantages viable:

* Minorities would have fiscal powers in addition to power sharing in decision making;

* Demands for secession could be compromised or dropped;

* Ethnic groups would be more integrated;

* Emphasis on the rule of law, devolution of powers (decentralization) and independent institutions would contribute to constitutionalism;

* Organising autonomous regions as geographic entities would solve the problems of ethnicity to some extent;

* Breathing space would be provided by an end to deep-seated conflicts.

A parallel government or dual power, on the basis of this “free” market system, is impossible or not feasible in the scenario considered as practicable for the resolution and management of deep-seated conflicts in Nigeria. "Sovereign" National conference, being pushed by some pro-democracy groups as the only option, is a parallel government, which will create a dual power situation thereby precipitating a constitutional crisis. It is a disintegrationist approach. It is not viable.
Communities/groups in conflicts, political parties and the civil society are the stakeholders in consolidating this transition to democracy. Hence, democratically elected constituent Assembly or constitutional conference/National conference (which will fashion out a workable federalist constitution with autonomy and asymmetrical federalism entrenched to be adopted in a referendum) is possible.

Working People and Youth Alliance, WPYA, has been collaborating with the Civil Liberties Organisation (CLO), the Democratic Alternative (DA), Kolagbodi Memorial Foundation (KMF), Campaign for Left and Progressive Students (CLAPS), Youth and Trade Union Rights Campaign (YTURC) and some trade unions to defend human rights and campaign for democracy.

Through the Campaign for Workers and Farmers ‘Democracy (CWFD), National Unemployed Labourers’ League (NULL), its affiliates and active participants in the United Action for Democracy, the WPYA has always supported the key resolutions of the UAD on the right to self-determination and minority rights.

Despite the fact that we have many constraints including the identified obstacles to the human rights and realisation of full democracy in the 1999 constitution by the Transition Monitoring Group in the "Democracy Watch", we will continue to use the platform of the UAD to dialogue with the communities/groups in conflicts and minority groups like the MOSOP, Chikoko Movement etc and the Community Action for Popular Participation (CAPP) and to initiate mass signature campaign for full federalism (petition) against the present constitution and for its pro-grassroots review.

The effects of the advocacy project are divided into three categories, thus:

1. Enforcement of human rights, rule of law and sustained advancement of the cause of democracy.

2. The Economy

3. Transparency, good governance, peace and stability: Openness of the electoral process, accountability will be the key factors for the consolidation of Nigeria’s transitional democracy, peace and stability in the polity in the final analysis.

Legislative advocacy and Litigation on the right to work and other related ECOSOC rights; the right to self-determination and the enforcement of full federalism, when the cases are determined will set a precedent and make the advocacy more credible and sustainable. The following rights, around which the campaign will be organised by the WPYA, are of immediate relevance:

* Right to peaceful assembly and association (ILO, Convention 87)

* Right to work (UDHR and ACHPR)

* Right to social security, standard of living etc.(UDHR and ACHPR)

* Right to organise and collective bargaining (ILO, Convention 98). Political education, mass consciousness on full federalism will increase during the period of litigation.
WPYA plans to intensively advocate for these and other rights, against abuse of power, and violation of human rights utilising all means. When the prayers in the cases are granted, e.g. unemployment benefits programme of public works etc. They will have multiplier effects on the economy.

Aggregate demand will increase. Public expenditure will increase, therefore, the economy will be reflated, and the manufacturing sector will grow faster as percentage of capacity utilization increases. More jobless workers will be absorbed or employed. Growth rate of the GDP will increase with a resultant improvement in the standard of living. Hence reduction of poverty will commence.

A sustained campaign on ECOSOC rights involving litigation has a limited impact, but when they become practicable as a result of court action(s), human rights (in both ICCPR and ICESCR) will be respected; civil society will be strengthened and democracy will be consolidated on the long run. Practicability of ECOSOC rights some of which are contained in Chapter II of the 1999 constitution are actionable by virtue of a decided case won at the Federal High Court, Abuja, by Comrade (Barrister) Bamidele Aturu against deregulation, are now more achievable by virtue of the articles and provisions of the Africa Charter (as ratified and enforced by CAP 10. Laws of the Federation of Nigeria 1990) pave way for their being enforceable.

The NULL's role will be to educate the unemployed working people and youths and campaign for democratic rights. The CWFD will conduct the political education in the workplace and trade unions. It will organise the secretariat for workshops, campaigns, research and publications.

EXPECTED RESULTS

1. The Union of the unemployed recognised as a full affiliate of the NLC and TUC
2. Approximately eight thousand (8,000) Producers’-operatives would be established.
3. Government would establish public works programme to provide jobs all over Nigeria.
4. Between 240,000 to 5 million/ or more working people and the unemployed workers consciousness would be raised and they would be educated on their human rights.
5. Peace, macro-economic stability will be achieved. Right to social security like unemployment benefits would be enforced.
6. Aggregate demand would increase leading to improvement in living standards and reduction of poverty as the GDP grows.
7. ECOSOC rights legal standard by which to measure compliance of the government to the norms of the international Bill of Rights would be established. Constructive opposition movement against ethnicity, mismanagement, abuse of power, corruption: and bad governance (instead of armed opposition to effect change) will be generated by civil society organisations including trade unions, the NLC and TUC.
9. Support of the majority of 9,000 legislators from local government councils to the National Assembly would have been gained for law / constitutional reforms.

10. Recognition of the right to self-determination as a result of devolution of powers.

11. Powers comparable to the regions in the 1963 constitution with regions having their own constitutions.

12. Constitutional conference and Referendum

13. Fiscal federalism and revenue sharing on the basis of derivation with owner communities paying tax to the Union Government.

14. Revenue accruing to the Union Government or federal account shared between the federating units on the basis of the new responsibilities assigned each of these levels. But the federating units shall have larger share.

15. Democratic control of the military. The enforcement of compulsory military training for all able-bodied men as enshrined in the 1999 constitution.

16. A new political culture, participatory democracy and continuity with democratic development (with an inclusive electoral process/system).


Being a Paper Presented at a Meeting of Osun Development Agenda, ODA

By Comrades Kunle Oladejo and Ebenezer Kayode

The Overview and Case Study

The administration of Ogbeni Rauf Adesoji Aregbesola came on board after the landmark judgement of the Appeal Court, Ibadan on November 26, 2010. Even without the Executive Council in place for almost a year of the administration, the Governor launched a road map for the development of the state.

Realising the importance of education in the development of human and natural resources and that it is the most important programme of the Plan, the government immediately organised the Education Summit which attracted all the Stakeholders in the State and all other notable scholars within and outside the State.

After the Summit held in February 2011, the Government discovered that there is a big infrastructural gap in public schools. There is a total dearth of infrastructural facilities mainly in the areas of classrooms and other learning materials. The Government is not only looking into primary and secondary education, it is also seriously working on
tertiary education. To this end, the Government decided to tackle the problems head on by drastically reducing the fees payable in all tertiary institutions so as to make tertiary education affordable for students from humble background instead of being the exclusive preserve of few elite.

Before now, polytechnic students were paying 82,000 naira while their counterpart in the colleges of education paid 60,000 naira. The fees payable now in polytechnics and colleges of education are 25,000 and 20,000 naira respectively. 200,000 naira payable in the state owned university was reduced to 100,000 naira. Engineering and Science students who were paying 155,000 naira before had their fees slashed to 75,000 naira.

At the primary and secondary school levels, the Government introduced free, functional and qualitative education and instruction was given that no teacher or principal must ask for any money from any pupil. To make up for this, the normal running grant for the schools per pupil has been increased from 25 to 300 naira. The Government has also started constructing modern and decent school structures called MODELL SCHOOLS.

They are in three phases: (1)Elementary, (2)Junior, and (3)Higher Schools. The Elementary phase will take care of pupils in primary 1 to 3, while those in primary 4 to JSS 3 will be taken care of in the Junior phase. The Higher phase is for Students in SSS 1 to 3. For a start, the Government will build 100 Elementary schools, 50 junior schools and 20 high schools. Each of the model schools is to be equipped with the state of the art facilities such as 20 toilets, laboratories, administrative offices, playing grounds, parking lots, etc. The elementary model schools are to accommodate 900 pupils each, while the junior schools will accommodate 1,200 each and the high school model will take 3,000 students per school.

As a way of confronting some of the problems in the sector, the Government has absorbed some of the PTA teachers in the system and has also converted 6,000 OYES cadets with requisite qualifications into the school system. The Government has also procured 200,000 computer tablets called “Opon Imo” for distribution to all students in SSS 1-SSS3 in all public schools across the State. The “Opon Imo” which will be distributed free of charge to the pupils are made in such a way that it contains the syllabuses of 39 subjects offered at WAEC/NECO levels. This is to avail them the opportunity of access to the syllabus at their leisure.

The government is now supplying furniture to the schools. The feeding programme is being repackaged. The practice before now took care of only pupil in basic classes 1 and 2, but now it has been extended to pupils in basic class 3. This will cost the government =N=1.5 billion in the first year.

The government is also in the process of providing free uniforms to 750,000 pupils in primary and secondary schools. This will not only relieve the parents burden, but it will equally help in enhancing the comatose textile industry and providing jobs and additional income to self-employed tailors. Instructional materials are to be supplied to all the schools.

To boost the morale of the teachers and for effective administration, the Teaching Service Commission has been decentralised into the three senatorial districts. Each division is to be headed by a Tutor-General who will be appointed within the rank of
principals of secondary schools in the state and have the status of a Permanent Secretary.

Another thing this administration has brought on board as per tertiary institution is the cancellation of the practice of the schools augmenting their salaries by =N=9 million from their IGR. Now the schools will have =N=108 million yearly for developmental purposes. On the issue of bursary, the government has put a committee in place to review the meagre amount being paid. The committee will also do an enumeration of students of Oshun origin in the country and come up with something tangible and commensurate. On UniOshun medical students, government has decided to send those in the clinical years to Ukraine to complete their studies at the expense of the state government. The government has also retained its status as a joint owner of LAUTECH courtesy of a Supreme Court judgement.

In conclusion, the government of Ogbeni Abdul Rauf Aregbesola has not only come out with clear cut policies on how to revamp the education sector, but it is working assiduously to achieve the objectives of the policies.

Critique of Capitalist, Neo-Liberal Approach of Commercialisation, Deregulation, Liberalization and Privatization of Education in Nigeria

Having considered, it is apposite to consider and ponder on the following issues:

(1) Poverty

(2) Empowerment

(3) Other human rights

(4) NEEDS exhibiting the economic manifesto of PDP and hypocrisy on education

(5) Crisis caused by Neo-liberalism in the education sector

(6) Minimum wage, Teachers Salary Structure and labour issues on the exclusive list

(7) What does leaving its access to the mercy of market forces and vagaries of capitalism portend?

(8) IFCs, IMF, WB, education and poverty reduction strategy paper

(9) Growth rates

(10) Historical perspective of education in Nigeria

Poverty prevents most grassroots masses from the opportunity of having the right to qualitative education which the governments at all levels are obliged to provide. This is what led Dr Eze Onyekpere, a lawyer, in 2005, based on empirical evidence, to summarize the case against privatization thus:
• Privatization hurts the poor as it fails to take into account their inability to access services at market prices.

• It rolls back the frontier of the state and attempts to remove government obligations and duties under the right to education without offering the masses (the rights holders) another duty bearer.

• Privatization treats the market as an end in itself and not the means to an end. As such, it commits the fallacy of mistaking the premises and middle terms for the conclusion.

• Privatization privatizes the commons and treats social goods as private goods; thus pricing the services out of the reach of the poor.

• In most privatization exercises, tremendous loss of jobs follow and this further depreciates the people’s standard of living.

• It reinforces gender inequality as the market is apparently gender blind.

• It deepens inequality and widens the gap between the rich and poor as it guarantees the concentration of the nation’s wealth in the hands of a few.

• It raises tremendous challenges for national security and strategic economic interests when foreign multi-nationals whose loyalty is to profits and shareholders dominate sectors such as education.

• It is a one size fits all approach to solving the problem of state owned enterprises as it fails to diagnose and examine the specific reasons for the failure of state owned enterprises.

• Reactionary and corrupt politicians who were appointed to manage the public enterprises slated for privatization front for “foreign investors” and become shareholders with money stolen from public purse.

According to Comrade (Dr) Dom Okoro of Civil Society Coalition on Poverty Eradication (CISCOPE) and Social Economic Rights Initiative, SERI,” Universally, education is recognised as the primary vehicle through which economically and socially marginalised adults and children can lift themselves out of poverty and obtain the means to participate fully in their communities. The exercise of the right to education is instrumental for the enjoyment of many other rights; such as the right to work, health and political participation…………

Lack of education as manifested by high illiteracy rates and low primary school enrolment ratios, itself constitutes a dimension of poverty. The relevance of the right to education to poverty eradication is underlined by the fact that of the eight Millennium Development Goals……two are on education, hence the centrality of education in all poverty reduction strategies”{June 2005}

The laws that are relevant to the issues raised here are as follows:
Fiscal responsibility Act 2007

Procurement Act 2007


Fundamental Human Rights Enforcement Procedure Rules, December 1, 2009

Fiscal Responsibility Act which have their roots in the 1999 constitution in Chapter 2 of that Constitution, “Fundamental Objectives and Directive Principles of State Policies some of which CAP 10 laws of Nigeria (African Charter on Human and Peoples Rights, 1990) have been made enforceable despite the fact that section 6 (6) (c) has been misinterpreted as having an ouster clause which it does not have.

6 (6) (C) “the judicial powers vested in accordance with foregoing provisions in this section (c) shall not, EXCEPT AS OTHERWISE PROVIDED IN THIS CONSTITUTION, extend to any issue or question as to whether any act or omission by any authority or person or as to whether any law or any judicial decision is in conformity with the fundamental objectives or directive principles of state policy set out in Chapter II of this constitution.

But the constitution “otherwise provided” in item 60 of the Exclusive list, second schedule, part 1 “The establishment and regulation of authorities for the federation or any part therefor

To promote and enforce the observance of the fundamental objectives and directive principles contained in this constitution which gave birth to the Fiscal responsibility commission, due process office and anti-corruption agencies and authorities.

The constitution furthermore makes it mandatory for political parties to be registered under section 224 to have their manifesto conform to the fundamental objectives and directive principles of state policy (224) “the programme as well as the aims and objectives of a political party shall conform with the provision of chapter ii of this constitution”

It is otherwise further provided in the seventh schedule regarding oaths taken when an elected/appointed officer is been sworn in at local government or state government or federal government level as follows “That I will strive to preserve the fundamental objectives and directive principles of state policy contained in the constitution”.

Education from Human Rights Perspective

The following provisions of International and National Standards are relevant:

- Article 17 of the Africa Charter on Human and Peoples Rights provides that (1) every individual shall have the right to education; (2) every individual may freely take part in the cultural life of his/her community; (3) the promotion and protection of
morals and traditional values recognised by the community shall be the duty of the state.

- Section 18, Chapter Two of the 1999 Constitution entitled: "Fundamental Objectives and Directive Principles of State Policy" provides for free education at all levels and mass literacy.

- Section 15 of the Child Rights Act states that (1) every child has the right to free, compulsory and universal basic education and it shall be the duty of the Government of Nigeria to provide such education.

- Article 26 of the Universal Declaration of Human Rights (UDHR) clauses (1 to 3)

- Articles 13 and 14 of the International Covenant on Economic, Social and Cultural Rights (ECOSOC rights).

- Article 10 of the Convention on the Elimination of all forms of Discrimination Against Women.


CISCOPE in a report says:”There is no way to avoid raising the levels of public investment in education if the Millennium Development Goals of poverty reduction and attainment of full universal basic education are to be achieved”

OXFAM GB confirms this: “Public investment in education is among the most cost effective ways of reducing poverty, boosting economic growth, and promoting basic human rights…….Government budgets hold the key to improving the coverage and quality of education services available to poor households” [pp 206 to207]

CISCOPE, therefore, recommended in 2004:

- (1)Increased funding to all tiers of education

- (2) Reinstatement of subsidies on feeding and accommodation for public educational institutions

- (3) Sourcing funds for new hostels from the National Housing Fund (NHF) instead of commercial banks

- (4)……Autonomy should include and promote rights to unionise, collective bargaining, academic freedom and critical scholarship.

A CRITIQUE OF THE MILLENNIUM DEVELOPMENT GOALS REPORT

2013: Political Economy of Strategic Planning in the Context of the Crises and Vagaries of World Capitalism and the Implications for Situations in Nigeria-the need for system change.
In his foreword to the report, the Secretary-General, United Nations, Ban Ki-moon, says: “We are now less than 1,000 days to the 2015 target date for achieving the MDGs. This year’s report looks at the areas where action is needed most. For example, one in eight people worldwide remain hungry. Too many women die in childbirth when we have the means to save them. More than 2.5 billion people lack improved sanitation facilities, of which one billion continue to practice open defecation, a major health and environmental hazard. Our resource base is in serious decline, with continuing losses of forests, species and fish stocks, in a world already experiencing the impacts of climate change.”

He continues: “This report also shows that the achievement of the MDGs has been uneven among and within countries. Children from poor and rural households are much more likely to be out of school than their rich and urban counterparts. Wide gaps remain in basic knowledge about HIV and its prevention among young men and women in sub-Saharan Africa, which has been hardest hit by the epidemic.”

Let us look at more problematic areas outlined by the Under-Secretary-General for Economic and Social Affairs, Wu Hongbo in the report: • Environmental sustainability is under severe threat, demanding a new level of global cooperation. • Most maternal deaths are preventable, but progress in this area is falling short. • Too many children are still denied their right to primary education. • There is less aid money overall, with the poorest countries most adversely affected. • Rural-urban gaps persist—access to reproductive health services and to clean drinking water are only two examples. • The poorest children are most likely to be out of school.

On poverty, the following facts are outlined thus: The economic and financial crisis has widened the global jobs gap by 67 million people. One in eight people still go to bed hungry, despite major progress. Globally, nearly one in six children under age five is underweight; one in four is stunted. An estimated 7 per cent of children under age five worldwide are now overweight, another aspect of malnutrition; one quarter of these children live in sub-Saharan Africa….., but 1.2 billion people still live in extreme poverty. Challenges in monitoring poverty hamper effective policymaking Measuring poverty continues to be a barrier to effective policymaking. In many countries, the availability, frequency and quality of poverty monitoring data remain low, especially in small states and in countries and territories in fragile situations. The slowing of economic growth spells continued job losses, with young people bearing the brunt of the crisis…. over 60 per cent of workers in the developing world still live on less than $4 a day.

The number of people uprooted by conflict or persecution is at its highest level in 18 years. If current trends continue, the world will not meet the goal of universal primary education by 2015. Poverty is a key factor keeping children out of school, but gender and place of residence also matter. According to Comrade (Dr) Dom Okoro of Civil Society Coalition on Poverty Eradication (CISCOPE) and Social Economic Rights Initiative, SERI,” Universally, education is recognised as the primary vehicle through which economically and socially marginalised adults and children can lift themselves out of poverty and obtain the means to participate fully in their communities. The exercise of the right to education is instrumental for the enjoyment of many other rights; such as the right to work, health and political participation. The global financial crisis and euro zone turmoil continue to take a toll on official development.
assistance. Reductions in export earnings have caused debt service ratios of some regions to rise.

KUNLE OLADEJO ("KULU TEMPER"), President, Working People and Youth Alliance (WPYA) and SECRETARY- GENERAL, MARXIST LEAGUE FOR WORKERS INTERNATIONALISM (MLWI),Protem Secretary-General, Freedom Charter Campaign, FCC.

CHAPTER ONE

The World Economy in Crisis

BOURGEOISDOM is collapsing at the microcosmic level of Nigeria which is reflecting the present deep crisis of global capitalism at the macrocosmic level in a dialectical fashion as a logical conclusion from the prognosis and laws by Karl Marx, Lenin and Trotsky which predicted from about 160 years ago in (1) Law of cyclical economic crisis of capitalism which is even more rapid now as if it were written yesterday since the cycle is now about 5 or 6 or 7 or 8 and not up to 10 years in DAS CAPITAL, about 140 years ago, after the predictions in THE COMMUNIST MANIFESTO written more than 160 years ago (2) Law of the Tendency for the Rate of Profit to Fall; and (3) Law of Combined and Uneven Development propounded by Lenin and Trotsky to prove that REVOLUTION can happen in an underdeveloped country which further explains colonial revolutions for independence and against manifestation of NEOCOLONIALISM like the inseparable neo-liberal Siamese twin policies of Deregulation and Privatisation.

It is common place that crises in Nigeria's neo-colonial capitalist market system have been increasing since General Babangida imposed IMF/World Bank/WTO inspired SAP. The crises in the power sector, petroleum sector, financial, education, health, communication sectors e.t.c., are well known. But reforms/counter reforms since 1985 have been done illegally or unconstitutionally, against the letters and spirit of the grundnorms-1979 and 1999 Constitutions. Despite the mantra of rule of law being sung by the members of the ruling classes at all tiers of government, human rights are being violated with impunity.

The strategic Objective of this socialist manifesto is to apply a political economy of development planning in the FUNDAMENTAL OBJECTIVES AND THE DIRECTIVE PRINCIPLES OF STATE POLICY, CHAPTER TWO OF 1999 CONSTITUTION for grassroots empowerment, good governance and working people’s democracy. The objectives are as follows: to examine all grassroots empowering instruments, the constitution and other relevant laws on development in the paper; to share the experiences of centrally planned economies and their advantages over "free" market economies focusing on China and India; to do a brief critique of "Asian Miracle"; to look at sector reforms or system change as a way forward in Nigeria; to examine the issues of accountability, transparency, best financial practices and corruption; to further examine the issue of full federalism or fiscal federalism in relationship to a national minimum living wage demanded by labour; to do a comprehensive critical analysis of “social market economy”, neo-liberal economic paradigm or developmental state paradigm or Keynesianism or the New Economic Paradigm; to do a critique of deregulation and privatization; to consider the resultant problems of national question, Niger-Delta crisis and other deep-rooted and violent conflicts, their implications for development focusing on the failure of Niger Delta Regional Development Master Plan (RDRDMP) in its first phase, 2006-2010, as a lesson for states in other regional
geopolitical blocs. NDRDMP IS NOW SIX YEARS OLD; to further consider a set of transitional demands by civil society on governments at all levels and the labour movement as one of the lessons of the REVOLUTION betrayed in January, 2012.

China today is the fourth most powerful economy in the world after the USA, Japan and Germany. According to BBC and CNN, its trade surplus with the USA is four (4) folds the forecast of IMF/World Bank/WTO standing at $11.5bn dollars. If China sneezes now, not only the US, the world economy will catch cold. What is the foundation of this success story or what the World Bank deceptively calls "miracle"? The answer will be found in the historical perspective on China and comparative analysis on the economies of China and India done presently.

THE LINES ABOVE WERE WRITTEN ABOUT TWO YEARS AGO. Latest data show that China has become the second most powerful economy in the world pushing Japan and Germany to third and fourth respectively.

THE COMMUNIQUÉ OF THE NIGERIA LABOUR CONGRESS (NLC) AT THE END OF ITS NATIONAL EXECUTIVE COUNCIL (NEC) MEETING IN BENIN CITY, EDO STATE ON AUGUST 8, 2012

The National Executive Council (NEC) of the Congress met at the Royal Marble Hotel, Benin City, on Wednesday 8th August, 2012, to discuss matters of national interest including the following:

1. Security situation in the Country;
2. Budget face-off between the National Assembly and the Executive;
3. Corruption;
4. Crude Oil Theft;
5. Legislative Amendments;
6. Murder of Olaitan Oyerinde;
7. Situation in the Power Sector;
8. Trial of Fuel Subsidy Suspects;
9. The Nigeria Railway Corporation;
10. Centenary Celebration;
11. Leadership of the Congress.

After an exhaustive deliberation, NEC resolves as follows:

1. Security Situation

NEC notes that in spite of the measures taken by the government, the security situation in the country continues to deteriorate. Kidnappings, assassinations, resurgence of armed robberies, bombings, communal and sectarian violence have led to painful loss of lives, massive displacements, injurious
interruption of productive activities with prospect of acute food shortages, destruction of properties (in excess of billions of Naira) and capital flight.

NEC believes that government’s continuous display of incapacity to confront these problems has eroded the confidence of the citizenry in their government to protect them, leading to general panic in the land with not a few questioning the continued existence of Nigeria as one country. Accordingly, NEC calls not only on the government to do more to secure the lives and properties of its citizens in fulfilment of its social contract, but also to quickly find solutions to end this spate of alarming insecurity.

Convinced that Nigeria’s existence as one indivisible entity is inviolable, irrevocable and inalienable, the Nigeria Labour Congress, as part of its contribution to ensuring the continued peaceful co-existence of our people, has decided to organize in the 2nd week of September in Abuja, a peace rally and summit entitled, “Labour for Unity, Peace and Good Governance.

2. Budget Face-off

NEC observes that the face-off between the National Assembly and the Executive on the implementation/ non-implementation of the budget as healthy for the operation of democracy as it represents checks and balances in the system.

NEC urges the National Assembly (NASS) to continue to perform its functions (law-making, oversight etc.) as prescribed by the constitution but advises that this not be tainted by partisan politics, especially when national interest is at stake. It urges state houses of assembly to redeem their honour by resisting the lure to be governors’ rubber stamps, and adds that a compromised state house of assembly defeats not only the principle of separation of powers but betrays the electorate.

Convinced that a performing budget is a necessity for growing the economy, NEC calls on the government to overhaul the entire budget process as well as criminalise wilful budget offences through the amendment of the Appropriation Act.

It urges its affiliates and civil society allies to devise and put in place, budget-tracking mechanisms to monitor budgets.

3. Corruption

NEC condemns the rising incidence of corruption in government and government’s ambivalence towards it and warns that this ambivalence is capable of destroying the nation.

Accordingly, it urges the government to demonstrate the necessary will and skill to combat corruption in all its ramifications, especially the cases of Halliburton, Siemens, Pension Fund, Oil Subsidy Fund, Mahlabo Oil etc.

NEC is similarly worried by the inability of the judiciary to speedily dispense justice in high profile corruption cases. Citing the cases of James Ibori and Erastus Akingbola who were convicted in the UK with the same set of evidence that Nigerian courts could not secure conviction, NEC advises the judiciary not to sacrifice justice on the altar of technicalities.

4. Crude Oil Theft

NEC acknowledges that illicit activities in the form of occasional illegal bunkering and pipeline vandalism have been familiar features of oil production in the Niger-Delta but wishes to reiterate
that the same cannot be said to be the situation at the moment as nearly 50 per cent of Nigeria’s crude is stolen by the high and the mighty.

NEC is outraged by this heinous crime and calls on Mr President to speedily take the necessary action(s) to stop this show of shame.

NEC warns that in the event Mr President fails to act within a reasonable time, it will take all the steps necessary, including mobilizing its members to stop oil production.

5. Amendments

NEC notes with dismay, the attempts by the government to remove the minimum wage from the exclusive legislative list.

NEC advises government not to embark on this unhelpful journey.

The logic of a national minimum wage is informed by the need to ensure a minimum floor which is nationally guaranteed to avoid or minimize the incidence of the working poor.

It wishes to remind elected government functionaries, especially governors and Mr President, of their electioneering promises to the electorate, especially workers, to whom they pledged to improve the quality of their lives through payment of improved wages.

NEC holds the view that corruption, and not workers’ salaries is the drain on the nation’s resources.

NEC notes with concern the gale of de-membership of Congress from institutions and organizations in which it hitherto was a member. Citing the case of the National Industrial Court (NIC) among others, including the proposed de-listing of NLC/TUC from the board of the PPPRA, NEC wonders what government intends to achieve by this act of belligerence.

Vowing to fight back, NEC has given its approval to the Congress to mobilize all the necessary resources to reclaim its membership of the NIC.

6. Murder of Olaitan Oyerinde

NEC commends the effort of the police and other security agencies for their prompt investigation of the murder of its Deputy General Secretary, Mr. Olaitan Oyerinde seconded to the Governor of Edo State as Private Principal Secretary but expresses concern at the conflicting reports from the Police and the Directorate of State Security Service (SSS) on who his murderers are.

NEC holds the view that these conflicting reports further lend credence to the long-held view that Olaitan was a victim of cold political murder and that those behind his murder are shielding his killers.

NEC is alarmed that two national security agencies would work at across purpose and without coordination in carrying out investigations of a crime of this magnitude. This situation raises doubts in the minds of most discerning Nigerians as to the motive of the investigations. Are the grounds being laid for confusion with a view to preventing the apprehension and successful prosecution of the actual perpetrators?
NEC calls on Mr President and the National Assembly to get to the roots of this seeming game of the security agencies and have this crime resolved urgently to prevent a complete loss of faith in them by Nigerians. Such a loss of faith has the potential of worsening the security situation in the country.

7. Situation in the Power Sector

NEC condemns in its entirety the military takeover of the corporate headquarters of the Power Holding Company of Nigeria (PHCN), over an industrial relations issues and calls on the federal government to within the next one week, withdraw the army from PHCN installations and commence negotiations with the unions on outstanding labour issues.

Congress reiterates its earlier position that the New Pension Act did not abolish gratuity and that the 25 per cent contributions by the workers should be paid up to date. NEC holds the view that there cannot be retroactive contribution, hence if the PHCN management intends to migrate to the new pension policy, they should go into an agreement with the unions and agree on the commencement date to start the contribution.

Accordingly, NEC considers the current gun-point deductions directed by the ministry of power as illegal as the new Pension Act 2004 provides for the worker to open an account with a PFA of choice and submit same to their employer for remittance.

NEC warns that if by the end of one week, government and management of PHCN refuse to commence negotiations with the unions, Congress and its allies may be forced to commence a nationwide industrial action in support of the unions. To prosecute this action, NEC directs that strike committees be set up immediately across the country.

NEC directs the unions in the power sector to commence actions to compel the management of PHCN and government to implement agreements as contained in their collective agreements. NEC condemns the recent attack on the NUEE National Secretariat and calls on the law enforcement agencies to commence the prosecution of the persons arrested in connection with this act.

NEC condemns the style and manner of intervention in the PHCN imbroglio by the Honourable Minister of Labour. His by-passing of the unions and attempting to deal directly with workers, which appears to be a regular occurrence, portrays him as a minister always seeking to take the side of employers, instead of the expected role of arbiter.

NEC believes that the Minister of Labour for effective performance ought to enjoy the confidence of the social partners. NEC warns that if the Minister carries on like this, Congress will be compelled to boycott all government activities involving him.

NEC also warns that any attempt to disregard the clear provisions of the law by any government functionary, no matter how highly placed, will be massively resisted in the best traditions of trade unionism.

8. Trial of Fuel Subsidy Suspects: NEC commends the government for finally bowing to public pressure to commence the trial of the fuel subsidy suspects but condemns the selective trial of the suspects as most of those arraigned before the court are people with least sums of money illegally paid to them from the subsidy funds. NEC is outraged by government’s attempt to shield the main culprits most of whom are believed to be friends or funders of the campaigns of people in corridors of power.

NEC calls for diligent and robust prosecution of all the accused and warns against the frustration of the trial process in any way or form, as given the outrage that greeted the discovery of these crimes, anything to the contrary could attract grave consequences.
NEC holds the view that with the facts of the subsidy fund in the open, government should commence
the process of reviewing downward the price of Premium Motor Spirit (petrol).

9. The Nigeria Railway Corporation

NEC urges the management of Nigeria Railway Corporation and the federal government to in line
with the provisions of the monetization policy of the Federal Government, give the staff of the
corporation the first right of refusal in respect of the sale of the quarters of the corporation.

NEC resolves to give all the necessary support to the staff of the corporation in their struggle to
acquire these quarters and warns that it will resist any action to thwart this objective.

10. Centenary Celebration

NEC resolves to mark the 100th year anniversary of trade unionism in Nigeria with a series of
activities in conjunction with the Nigeria Civil Service Union.

NEC pays tribute to the pioneer role of the Nigeria Civil Service Union which came into being in
August 1912 and acknowledges the historical and contemporary contributions of its leadership.

11. Leadership of the Congress

NEC re-affirms its total and unalloyed confidence in the national leadership of the Congress.

Abdulwahed I. Omar                            Chris Uyot
President                                      Ag General Secretary
CHAPTER TWO


All the policies of Structural Adjustment Programme (SAP) introduced by General Babangida in 1985/86, VISION 2010 under Generals Abacha and AbdulSalam, National Economic Empowerment and Development Strategy (NEEDS) and New Partnership for Africa’s Development (NEPAD) under General Obasanjo (1999 to 2007) and vision 2020 or 7-point agenda under President Yar’Adua are:

(1) to worship the forces of demand and supply, the so-called “free” market forces, the market system, the “free” enterprise system; (2) to cut public expenditure or government spending;

(3) to cut wages; (4) to retrench or sack workers anyhow; (5) to deregulate the economy so that government will not be able to control or tame market forces in order to prevent hunger, eradicate poverty and control inflation; and the poor masses cannot buy drugs to fight diseases and food because their prices go up, cannot pay hospital bills, cannot pay school fees, cannot buy uniforms or books; (6) to devalue the currency, the naira and import inflation or get higher prices for imports; (7) to sell public properties or government companies or privatize them without regards to what the supreme law says, the 1999 constitution; (8) to service or pay debts to the disadvantage of sustainable development and safe environment especially in the Niger Delta.
Executive Summary

INTRODUCTION

The National Executive Council (NEC) of NLC met in an emergency session on Tuesday 10th March 2009, and deliberated on the reported decision of the Federal Government to deregulate the downstream sector of the petroleum industry.

The NEC reviewed developments since the suspension of the 2007 general strike, and the fact that despite repeated pressure and reminders, the government had up to this time not done much to convene the expert committee anticipated in item 2 of the Agreement between organized Labour and the Federal Government. The meeting was informed by the Congress leadership that an explanatory meeting held between the Federal Ministry of Petroleum resources and the Congress on January 8, 2008, where it was agreed that an enlarged stakeholders' forum would be held in March 2008.

At the meeting, six areas were identified for deliberations as follows:

- The issue of the refineries and their capacities
- The issue of importation of petroleum products for domestic markets
- The issue of demurrage/taxes/tariffs
- The issue of pipeline integrity and vandalisation
- The issue of petroleum products pricing mecha
- The issue of petroleum products haulage

Thereafter, nothing again was heard from government. In June 2008, the government unilaterally extended the moratorium on fuel prices, from June 2008 to January 2009.

In June 9, 2008, correspondence with the government via the Honourable Minister of State for Petroleum Resources, following the extension of the moratorium, we stated:

As we had noted when canvassing the forum, it is necessary that we take full advantage of the relative peace to engage on all the issues pertaining to the local refinement, supply and pricing of fuel products. We look forward to the forum based on the modalities we had jointly agreed in our January 2008 meeting with you.

The period between June 2007, when the agreement was signed and March 2009, when the emergency meeting of NLC NEC held, it was 20 months, during which all efforts to get government to discuss the pricing mechanisms of petroleum products and make appropriate recommendations met with little success.

Against the above background NEC felt disturbed that rather than fix the refineries, and establish new ones, twenty months down the line, government is now contemplating selling off the refineries, and fully deregulate the downstream sector of the petroleum sector.

The NEC then resolved that Congress should campaign against, and through it, sensitize Nigerians on the need to oppose the sales, and the deregulation programme.

Towards the implementation of the NEC resolution, NLC held rallies in each of the 6 zones in the country as well as Lagos and Abuja. The rallies started on May 13th in Lagos and ended on October 29 at the National Assembly.
The Federal Government sought for meeting with the leadership of Congress on October 16, 2009 on the specific issue of deregulation of the downstream sector of the petroleum industry. The meeting subsequently held with the national leadership of Congress - in the National Administrative Council (NAC) of NLC. Government's side was headed by the Chairman of the National Economic Management Team, and Minister of Finance, Dr. Mansur Mukhtar. Subsequently further meetings held between the government team and Congress Central Working Committee and National Executive Committee on November 10th and 11th respectively.

COMMITTEE'S MANDATE
At the end of the interaction of the Federal Government Committee with NEC of Congress, NEC in an Executive session decided to constitute a 10-member committee to among others:

a. Hold further interactions with the government team with a view to getting additional information on the state of the downstream sector of the petroleum industry.

b. Consult our civil society allies on the on-going dialogue with the government.

c. Make recommendation(s) on its findings to the National Executive Committee of Congress.

COMMITTEE'S MEMBERSHIP
The committee was given 3 weeks within which to submit its report and its Members are as follows:

1. Comrade Peters Adeyemi - Chairman
2. Comrade Issa Aremu - Member
3. comrade Peter Akpatason - Member
4. Comrade Kiri Mohammed - Member
5. Comrade Henry Odugala - Member
6. Comrade D.D. Bissahal - Member
7. Comrade Mike Okeme - Member
8. Comrade Biseni Alafiatayo - Member
9. Comrade Emma Akin Ayeteibe - Member
10. Comrade John Odah - Member/Secretary

METHODOLOGY
The methodology adopted by the Committee for its was interactive, participatory and consultative. The committee invited and interacted with key players and institutions within the oil sector, government functionaries, political leadership and civil society.

In the course of the work of the Committee, we met with:

(a) Dr. Mukhtar, Chairman of the Presidential Economic Management Team and Federal Minister for Finance;
(b) the Executive Secretary of the Major Marketers Association of Nigeria (MOMAN), Mr. Obafemi Olawore;
(c) the Group Managing Director (GMD) of Nigerian National Petroleum Corporation;
(d) Governors' Forum;
(e) a multidisciplinary taskforce team on PIB and deregulation;
(f) civil society alliance partner, Labour Civil Society Coalition (LASCO).

In all instances, those invited made presentations to the committee after which members engaged them further via comments and asked questions for clarifications where possible.

The committee also relied on secondary documents such as Congress literatures on deregulation, media reports and individually expressed views of members of committee.
FINDINGS
After careful consideration of views and materials placed before it, the committee made the following findings:
(1.) The petroleum downstream sector is in crisis and it is manifested in a number of ways, namely:
(i.) Refineries are definitely not working, as only ten percent (10%) of our petroleum products needs come through local refining. Ninety percent (90%) reliance on importation for domestic consumption requirement.
(ii.) Government has to come in to subsidise imported products, which for 2009 is estimated to cost N600 billion.
(iii.) Administration of subsidy is full of distortions, citizens are not benefiting as much as they should; only a few are benefiting from this subsidy.
(iv.) Poor infrastructures, with pipelines not regularly maintained and leakages are prevalent in several areas.
(v.) Government response to this crisis, it seems, is that deregulation will be the way out to allow people to come in without restrictions to import products for the domestic market.
(vi.) Another approach by the same government is to address not just pricing, but reform of the entire industry. This is enunciated in the petroleum industry bill (PIB) currently before the National Assembly.
(vii.) The crisis in the sector is an incentive to smuggling of products to neighbouring countries.
(2.) Unlike with previous governments, the current government appears to be ready for genuine dialogue with Labour to address national issues, and appears ready to respect the outcome of dialogue.
(i) In this respect, it has demonstrated a willingness to engage Labour in particular on the way to address the crisis in the petroleum sector, as reflected in the calibre of representation to the interactions with Congress organs, and attendance at meetings with the NEC Committee on Deregulation.
(3.) Government is desperate to deregulate the sector as the best means of curbing corruption and "leakages" in the downstream sector of the industry.
(4.) Marketing of petroleum products in several other oil producing countries is deregulated, yet they maintain some form of subsides and reasonable prices.
(5.) Private investors are not willing to go into local refining except there is deregulation leading to the removal of controlled price cap.
(6.) The subsidy regime Petroleum Support Fund (PSF) has been subjected to massive distortions and abuses by the existence of cabal that appears to be too powerful for stakeholders (including government) to control.
(7.) Corruption (and sabotage) has been the bane of contention why the refineries have not been functioning to full capacity.
(8.) Exchange of accusation and counter accusations between NNPC and marketers on who is responsible for the crisis in the downstream sector, especially the sharp practices in the industry.
(9.) Statistical data from the oil industry are unreliable.
(10.) Historically, the government has participated in the downstream sector and have held controlling shares in marketing companies in the past.
(11.) The downstream sector of the petroleum industry has been deregulated prior to 1973.
EXECUTIVE SUMMARY

SCENARIOS
Having listened and interacted with key government officials and other stakeholders within the petroleum industry, the committee is of the firm view that the downstream sector is in grave crisis. This stems from a number of factors which are graphically illustrated in the engagement with the NNPC’s GMD, the Executive Secretary of Major Marketers Association of Nigeria and the NNPC Technical Team that the committee met with. The fiscal crisis arising from an estimated N600 billion annually spent on subsidies is similarly amply captured in our encounter with the Hon Minister of Finance as well as the Chairman of the Governors Forum. 

spent on subsidies is similarly amply captured in our encounter with the Hon Minister of Finance as well as the Chairman of the Governors Forum.

The Committee in its engagement with the various individuals and institutions asked probing questions and fully used the widely canvassed views and position of the NLC to contest the issues raised in the discourse on deregulation.

After painstaking and thorough deliberations, the Committee resolved to articulate three (3) scenarios, and invite NEC to deliberate on them with a view to adopting a preferred option.

The scenarios are as follows:

Scenario One:
From what we have outlined thus far in this report, there are clear problems in the downstream which requires a holistic and rigorous approach to resolve them. In the past, government’s push to enthrone a regime of deregulation in this sector of the industry had been borne out of the pursuit of an ideological conviction that “government has no business in business” and that free market must be given free rein.

Under this situation, the underpinning drive of government is to make more revenue for itself and big business (marketers and oil companies) at the expense of the welfare of the mass of our people. Under this guise, deregulation translates into just increase in the prices of petroleum products. This will not address the fundamental issues afflicting the sector.

Clearly, support for either side to this scenario can be extracted from the arguments FOR and arguments AGAINST deregulation as captured by the Committee in Chapter Eight of this report. In essence, this scenario stipulates that if government (as has been known to do) proceeds with a one-cap-fits-all solution via increase in price of products, in the name of deregulation as a panacea to the problem of the downstream, then our response as organised Labour to such must be to continue our resistance as we have done over the years.

Scenario Two:
The second scenario is an acknowledgement by both government and organised Labour that the nature of the crisis in the downstream requires that all hands are on deck, and work together to find a lasting solution which will be beneficial to all stakeholders and the Nigerian people. This partnership will enable the downstream sector of the oil industry to be holistically restructured to aid its transformation.

The transformed and restructured downstream operation will be expected to have timelines for:

(i.) The complete repair and functioning (in full capacity) of the existing four refineries.

(ii.) Establishment of additional refineries, either solely by the NNPC or through joint partnership with oil companies, or through private sector initiative to ensure that the estimated 40% petroleum products which would otherwise still be imported can be refined domestically in the country.
EXECUTIVE SUMMARY

(iii.) Pricing being one of the elements in deregulation; we will need to agree with government what will be done with the money (estimated at N600 billion annually) which will be freed if government subsidy on petroleum products stops.

(iv.) This will entail that we will not hold on to existing pricing regime. However, we must have agreed limits beyond which government must not allow prices to go beyond.

(v.) Regulatory agencies will have to be properly strengthened to sanction potential defaulters.

(vi.) There is need to reach a pact with government on short, medium and long term programme for the transformation of infrastructure and commitment to funding of social services.

(vii.) Putting in place a re-opener clause in whatever agreement we reach with government which will state clearly that should government default in carrying out agreed programmes and plans, organised Labour would be free to revert to the option as articulated in scenario one.

Scenario Three
Here we acknowledged that the crisis in the downstream sector of the oil industry and successive government’s penchant for increasing petroleum products prices as a panacea for solving this crisis has more often tasked the energy, time and resources of organised Labour. We also noted that over the years, we have been forced to devote more energy and resources of the Labour Movement in fighting against this policy option to the detriment of our primary responsibility.

Flowing from the above, we should therefore leave Nigerians to their own devices in fighting deregulation. This will hopefully enable us to refocus greater attention at the myriad of problems facing Nigerian workers. This scenario means adopting the “famous” stance of Siddle look (do nothing).

IMPLEMENTATION STRATEGY
Whatever scenario NEC opts for will entail developing an implementation strategy that will ensure that the main objectives and goals we hope to achieve are successfully carried out.
An outline of an implementation strategy for the scenarios can be seen as follows:

Scenario One: this will entail setting up a committee to:
(i) To intensify our national rallies.
(ii) Mobilise allies to prepare for struggles to frustrate and stop government in its resolve to deregulate.
(iii) Mobilise strategy to counter the support the government campaign has garnered from National Assembly, traditional institutions, Governors Forum, etc.

Scenario Two: this scenario will entail a committee that will see to the implementation by government of whatever guidelines NEC might wish to give in negotiating with the federal government. Among others, there will be need to:
(i) Develop a list of key issues that should be placed before government which can be broken into immediate, medium and long term issues.
(ii) Develop an appropriate machinery to drive the achievement of the listed tasks.

Scenario three
A committee might also be needed to develop a strategy for dealing with identified pressing issues affecting the welfare of Nigerians. This committee will also devise a strategy of how Labour will cope with the perception of Nigerians that organise Labour in adopting the scenario, has betrayed their confidence and trust.
CONCLUSION

It is our hope as committee members that we have placed enough information at the disposal of NEC to enable it to debate and take an informed decision on this very vexed issue. We are not unmindful that whichever option NEC decides to adopt, there will be reactions, positively or negatively. This is borne out of the fact that even before the committee started writing its report, concerted efforts were made by some people to poison the minds of NEC members and Nigerians through a campaign that the committee had already taken a position.

We have endeavoured to conduct the work of the committee in the most open and transparent way possible and hope that NEC would find this report helpful as it contemplates the option that will be in the best interest of our members, other citizens and our country.

Finally, we wish to thank the leadership of Congress under Comrade Abdulwahed Omar and the National Executive Council of Congress for giving us the honour to serve on this important committee.

Signed:
1. Comrade Peters Adeyemi - Chairman
2. Comrade Issa Aremu mni - Member
3. Comrade Peter Akpatason mni - Member
4. Comrade D.D. Bissallah - Member
5. Comrade Henry Odugala - Member
6. Comrade Biokemi Alasiatayo - Member
7. Comrade Aycoribe E. Akin - Member
8. Comrade Kir Nohammed - Member
9. Comrade Mike Okeme - Member
10. Comrade John Odah mni - Member/Secretary
WHAT NIGERIANS SHOULD KNOW ABOUT THE PLANNED PRIVATISATION OF PHCN

PRIVATISATION OF PHCN IS NOT THE SOLUTION!
PUBLICLY RUN AND DEMOCRATICALLY MANAGED PHCN WILL DELIVER UNINTERRUPTED POWER SUPPLY!!

"On Monday, November 14th 2011 the Federal Government of Nigeria ordered the forcible take-over of PHCN facilities across the country in the guise of "security cover". What Nigerians should know is that the massive military occupation of the PHCN facilities went beyond the routine security brief of armed personnel that have maintained security vigilance over the years on public properties beyond that of the PHCN. What actually happened was that the Jonathan Presidency in a fascist manner used the deployed troops to convey foreign profiteers and Bureau of Public Enterprises (BPE) officials to undertake the inventory of the facilities, in view of its plot to illegally transfer these undervalued public assets to their cronies of profiteers, so-called private investors.

JAF deplores this unwarranted military occupation, which has been characterized by the maltreatment of workers and security harassment of its leadership across the country, instead of Government implementing the payment of the 50 per cent salary increment due to the PHCN workers since June. We therefore demand the unconditional and immediate withdrawal of the military occupiers from the PHCN facilities" — JAF press conference, November 23rd 2011.

What is clear from President Jonathan Goodluck regime in the past one and half years on Power Sector reform is that the Federal Government has concluded plans to abdicate responsibility for the production, transmission and distribution of electricity and hand these essential services to private interests and profiteers, one of who is the current Minister of Power, Barth Nnaji, who owns (with his wife as the new CEO) Geometrics Power Ltd and Aba Power that had licenses since 2005 and yet to produce a single watt. It is the same individual and his cliques who want to take over the vital part of our national asset, which is not only a basic need of a people, but also an essential ingredient of national security.

The major reason advanced for this plan is that the Power Holding Company of Nigeria (PHCN) has not been able to manage the production, transmission and distribution of electricity produced in Nigeria.

• Yes, we in the Joint Action Front (JAF) agree that the state of electricity is abysmal and scandalous; but it is not true that the same incompetent, inefficient and thevarious have sabotaged PHCN in order to sell it to themselves and their foreign partners in economic crimes! This is what they have been doing with public property since 2000.

• Who embezzled the $6 billion dollars voted during Obasanjo regime - Is it PHCN workers or the same corrupt government officials and their cronies? What has happened to over $7 billion dollars also spent by Mr. President Jonathan on NIPP?

• It is now clear to the Nigerian people that the privatization programme imposed by successive regimes is an agenda to rob the Nigerian people of their patrimony. The well known revelations of robbery going on in the name of privatization are a serious indictment of the neo-liberal economic agenda of PRIVATISATION & DEREGULATION adopted by successive regimes since the introduction of Structural Adjustment Programme (SAP) by the Ibrahim Babangida dictatorial regime in 1986. This agenda is unviable and doomed to fail. The Nigerian people should reject and defeat it.

• If the proffered solution by FG to corruption in the Power Sector is privatization, is it not the Presidency that should be held responsible for lacking the political will and patriotism necessary to prosecute past presidents and their cronies of portfolio contractors as a deterrent?

• Should we then advocate that the Presidency be privatized and deregulated for its failure to prosecute the corrupt and greedy FG officials who run the power ministry and the PHCN on the basis of their private selfish interests?
WHY IS PHCN NOT WORKING?

Our study revealed that the installed generating capacity of the 11 power stations (Egbine, Afam, Delta, Ijora, Sapele, Gerugbe, Omotosho, Shiroro, Jebba, Kainji, and Olorunsogo) in Nigeria is about 6,900MW, out of which a generating capacity of about 3,500 MW is available. In other words, PHCN ought to deliver to Nigerians about 6,900MW if its potentials are properly harnessed and adequately funded.

Can we think about this situation: South Africa with a population of 49 million generates 42,000MW of electricity, while Nigeria with a population of 150 million generates 3,500MW? It will therefore be a miracle for PHCN workers to ensure adequate supply of electricity to Nigerians when the country’s energy requirement as at December 2010 ought to be 20,000MW as stipulated by the National Planning Commission.

Between 1999 and 2007, about N431.9bn ($3.64bn) was allocated to the power sector, which were handled directly by the Ministry of Power with the supervision of the Presidency and not by the PHCN workers. Besides the budgetary allocation, about N1.3trillion ($12.6bn) out of the excess crude account was also sunk into the power sector; in addition to the $16billion questionably expended by the Obasanjo regime on existing power plants. That ought to have produced an additional 16,000MW generated capacity. Yet, nothing tangible came out but scandals of sharp corrupt practices and looting. Therefore, the lack of expansion and state of disrepair of PHCN facilities that were induced by corruption in the high places is the true explanation why it is difficult for PHCN to work to the expectations of Nigerians who need available and affordable electricity. It is this same corrupt people that are making the maneuvers to sell the PHCN to themselves and their international and local accomplices.

HAS PRIVATISATION WORKED IN OTHER COUNTRIES?

Developing countries that privatized their power sectors in the past 30 years have experienced disappointing performance, astronomical hikes in tariffs, millions of people being cut off from power supply as well as massive job losses.

In Latin America, privatization has been characterized by heavy job losses, failure to deliver promised new investment, absence of competition, performance failure and high cost to government and consumers. Enron used its political influence with US embassies and the CIA to win a $1 billion contract to build the Dhibol Power Plant, South of Bombay, India, in 1992. This was the largest foreign investment in India. Enron charged so much for electricity that the state government ended its agreement to buy the electricity in June 2001 and the plant was forced to shut down.

IS PRIVATIZATION THE ANSWER TO THE POWER PROBLEM?

There is a thin line between the government and the private investors in the power sector. For instance, Vice President Namadi Sambo and the Minister of Power, Professor Barth Nnaji have vested interests in the power sector through their private companies and yet they are the ones piloting the privatization of the sector. Their companies (Sambo’s Manyatta Engineering Services and Barth Nnaji’s Geometrics Power Ltd) are potential beneficiaries of the privatization and this is the more reason they have been aggressive for the sales of PHCN; with the Minister saying that the reform is irreversible. What this really means is that the same set of people who have entrenched corruption are now determined to steal PHCN to themselves. Their companies, and Farm Electric that belongs to General Obasanjo, are among the 34 private investors that have been issued licenses since 2005 to generate electricity but none has generated a single watt. This is a disaster for our country and for our people.

The so-called private investors are government contractors or fronts of the politicians in power. They are mainly interested in swindling public funds to make huge and quick money at the expense of the national economy. Check out the record of companies that have become comatose after privatization: Osogbo Steel Rolling Mill, Daily Times, Nigeria Airways, Itakoje Iron and Ore, Tafawa Balewa Square, National Arts Theatre, Trade Fair Complex, NAPCON, NITEL, Ajahkuta Steel, ALSCOM, Nigerian Newsprint Manufacturing Company (NNMC), just to mention a few. If we allow the planned privatization engineered by these sharks, the experience of these companies is inevitable. We should resist and stop it.
However, Nigerians should know that most developing countries such as Brazil, India, Mexico, South Korea, Venezuela, South Africa and Thailand have suspended or reversed plans for the privatization of electricity sector. For example, the Power Generation in Iran and Nigeria twenty (20) years ago were at par. However, Iran has moved to over 60,000 MW. The electricity system in Iran is entirely publicly owned. Even though, there is provision for private power generation in Iran, only 2% of electricity is generated privately.

In the African experience, Cameroon is the only country in sub-Saharan Africa that fully privatized its power utility with one company in charge of generation, transmission and distribution. The company has only raised generation from 817 MW in 2001 to 3333 MW at present. The euphoria that greeted the takeover has dissipated as the service has been characterized by frequent blackouts, low voltage output, job losses and high tariffs. About 10 years into the takeover, the company provides services only to urban areas, and just for about 588,000 customers, about 15 percent of the population. And the promise to connect millions of Cameroonians has become a mirage.

South Africa, which is Africa’s biggest economy abandoned its plan for unbundling and privatization of electricity Industry in 2004 and retained Eskom as an integrated state owned Electricity Company. The only privatized power station KELVIN was abandoned twice by its multinational owners; first by AES then by GLOBELEQ. South Africa generates about 42,000MW of Electricity.

Ghana allowed private participation in the electricity sector in the form of independent power producer, but did not sell the publicly owned Volta River Authority, which generates most of the country’s electricity, as well as the Electric Company of Ghana and Northern Electrification Department responsible for distribution at different regions of the country.

SO-CALLED SUCCESS STORIES OF GSM NOT THE RESULT OF PRIVATISATION!

One of the biggest lies repeatedly parroted by Government to hoodwink the people on its planned handover of PHCN to private interests is that improved telecommunications services in Nigeria was a result of privatization! But NITEL was not sold to MTN, Zain, Etisalat, Visafone or Glo before there was improvement in the telecommunication sector. The entrance of these private firms is a result of the looting of NITEL for years before it was cheaply sold off. But the privatized NITEL has now been left in a much worse condition.

Yes, there is improvement in telecommunication with the advent of GSM providers compared with the era of monopoly of NITEL when telephone was only meant for the rich. GSM technology is today far cheaper than the technology previously used by NITEL and that explains why the GSM companies did not come in the 1980s. Despite that, the service is poor and tariffs are outrageous.

Besides, electricity supply is fundamentally different from telecommunication. First, the power sector plays a more vital role in the economy than the telecom sector and is more capital intensive. As a matter of fact, the telecom industry needs electricity to operate; and once the cost of electricity is hiked by policy of privatization; costs of other services including GSM will definitely increase. Electricity is so vital for the security of the country that whoever controls the electricity supply can deliberately plunge the country into darkness for private subversive reasons. It is, therefore, imperative for Nigerian people to prevent profit seekers from endangering our national security.

WHAT WILL HAPPEN IF PHCN IS PRIVATISED?

- PHCN tariff/charges will be increased astronomically and a vast number of people will be disconnected because they will not be able to afford electricity.
- Most of the PHCN properties/equipments will be sold in order to make quick money or will be dashed to private investors. Such was the case in the Aviation industry where Arik Airline inherited all the property of the Nigerian Airways worth billions of Naira without paying a kobo till date.
- Corruption will still be on the high side, if not higher.
- Private investors will make huge profit at the expense of the energy needs of Nigerians.
- Many Workers will lose their jobs thereby increasing the unemployment rate.
- National security will be in jeopardy.
- The looters of our national wealth will be emboldened to accomplish more looting.
WAY FORWARD: OUR ALTERNATIVE TO PRIVATISATION

Preliminary studies carried out on hydro projects suggest that if the existing power potentials are developed, Mambilla, Zungeru, Katsina-Ala, Ikot and Manyi have capacities to generate 2,500 MW, 950MW, 750MW, 800MW and 458 MW respectively. In effect, the existing hydro plants have capacity of over 5,000MW.

Also, there are abundant coal deposits in Enugu that could sustain the revival of Oji River that could generate up to 1,000MW. Besides, there are coal deposits in Kogi and Benue States, which could necessitate citing of power stations in the states. With deployment of required technology the impact of coal-powered generation on environment could be reduced. A combination of these sources, according to experts, could guarantee production of about 15,000MW in the next five years. All this is in addition to the potential to expand the existing capacity of the current power stations from 3,500 MW to 6,000MW.

There is the importance issue of the ever growing debt profile of the Federal, state and local governments as well as the government agencies like police and military that refuse to pay the bills to PHCN. These debts were well over N50bn as at July 2009. Should the debts be paid and judiciously invested, the funds collected will improve the power generation and distribution system.

Power sector is capital intensive and public investment is the best method to deliver uninterrupted and affordable supply of electricity to the people. Hence, JAF holds strongly that PHCN can be made efficient if it is kept public and placed under the democratic control and management of elected committees of workers, consumers and representatives of the government in order to ensure that public resources spent to improve the power sector are not mismanaged or looted as has happened in the previous regimes.

What this means is that instead of few bureaucrats appointed by the government dictating the workings of public enterprises, decisions must be taken by workers, consumers and technical experts elected into management committees at communities, state and national levels with the mandate to oversee the affairs of the power sector in compliance with the needs of the people. With this kind of management, the primary aim of running PHCN will be to expand infrastructure to meet the needs of all as against the profit of a few.

LETTER FROM PUBLIC SERVICES INTERNATIONAL (PSI)

President Goodluck E Jonathan, Federal Republic of Nigeria, Presidential Villa, Aso Rock, Abuja, NIGERIA
File reference: PPS
Contact Name: Sani Baba Muhammed
Tel: +229 2223 1260/1
Email: sani.baba@world-psi.org
17 November 2011

Dear Mr. President,

It is with alarm that we note the military occupation of power stations throughout the country. This occupation comes under the guise of protecting the facilities and workers against possible threats from Boko Haram. However, we see another purpose, which is to intimidate the workers and their union leaders in order to have them cease and divert their opposition to privatization of the energy sector system. This military occupation was used not less than four months ago to stop an industrial dispute.

We are aware of the politicizing the electricity sector where certain parties, including in your government, have personal interests to run down the sector in order to use the opportunity to privatise under the guise that the public sector has failed.

NUC’s opposition to privatization is based on the more than 20 years of experience in many countries with energy privatization. The impact of these privatizations has been almost uniformly negative. Your policy makers should study these experiences in greater detail, and give you less biased advice on the greatest good for all of Nigeria and Nigerians.

The NUC has not been confrontational to your Government and recently engaged in dialogue as a partner so that our views can be heard and taken on board. The continued arrests and intimidation of NUEE members is a negation to civilized ways of resolving conflicts in our modern society which guarantees freedom of association and right to expression of opinion.

The union believes strongly that the aggressive move to privatize the energy sector is a huge mistake, driven by personal interests and not by the best interests of all Nigerians. We support a strengthened PHCN in public hands, with much improved transparency, accountability and participation in decision-making process. The country has sufficient funds to provide modern, reliable and affordable electricity to all Nigerians, which will provide key support to job creation and poverty reduction. We have provided policy suggestions to your Government and stand ready to support your decision-making. Our unions in Nigeria are committed to ongoing open dialogue with all stakeholders to improve the quality public services upon which we all depend.

Finally, we urge the Government to restrain itself from the use of agencies such as EFCG, SSS, police and military to intimidate the union and workers of PHCN.

PETER WALDORFF, PSI General Secretary

DR. DIPO FASHINA (Chairperson) Comrade ABOIDUN ARENU (Secretary)

IUPEJU-ANTHONY, LAGOS-NIGERIA. 08035068524, 08033347982. Email:jnt_action@yahoo.co.uk
DAYLIGHT ROBBERY FOR DARKNESS IN NIGERIA: THE MASSIVE FRAUDS IN THE POWER SECTOR UNDER THE OBASANJO REGIME

Introduction
Once again, the probe of the power sector by the National Assembly has revealed that over $16 billion of our money was stolen in the name of projects in the power sector. The projects were meant to increase the supply of electricity to the country but instead and because of the massive robbery, they brought more darkness on the land. When Obasanjo was forced on the country in 1999, the country generated about 3600 mega watts of electricity. Eight years later with USD 16 billion stolen in the name of more power, the country generated less than 2000 mega watts. Indeed, the situation became so bad that by May Day, 2008, the country had only about 810 mega watts. The story of the power projects is the story of looting and bringing darkness to a country by those who pledged when they took office that the power problems of the country would be over in 18 months.

How the looting was done
The probe of the power sector shows that the looting was done in the most scandalous, irresponsible and despicable manner. The looters simply looted and looted and looted as if there would be no day of reckoning.

* They set about a privatization exercise of NEPA (now PHCN) with a $100 million credit facility from the World Bank. This money was to be used to upgrade transmission lines across the country. But this never happened!

* They told the country they would reactivate and repair different generating units of the existing power stations across the country. They never fulfilled this promise!

* They said they would establish new power stations within the National Integrated Power Projects (NIPP) framework in different parts of the country such as the Mambilla Power Station in Taraba State. All these were to raise the power generating capacity of the country to about 10,000MW. But this too, never happened!

* Publicly, they shouted due process; privately they tore and threw away the paper on which due process was written. They used naked, raw power to distribute money and contracts to themselves and their friends.

* The former Finance Minister, Dr. Ngozi Okonjo-Iweala has said categorically that no due process was observed in the award of the power contracts. Instead, Obasanjo, who was preaching anti-corruption and insisting on diligent observance of due process, personally directed that the NIPP contracts be exempted from the due process certification exercise. This allowed the projects to be awarded to companies with dubious capacity to meet required performance. It has now also come to public knowledge that many of these companies are fronts of key government officials. For example, a Chinese company which got the contract for pre-paid meters from the PHCN is alleged to be a business front for Obasanjo, the former President.
• The companies were paid huge sums of money but most of them failed to execute the contracts. For example Siemens, which was given the contract for the 132KVA transmission line from Akure to Ado Ekiti in 2001 has not executed the work even though it has collected more than 60% of the contract sums.

• The PHCN itself has been ordered to refund about $142 million said to have been used in bogus and phoney rehabilitation contracts. Thus today none of the new power stations has been completed, neither are the old ones fully rehabilitated.

• No evaluation was undertaken to determine the capability of the companies to undertake the contracts. Most of the companies (32 of them) were not even registered by the Corporate Affairs Commission.

• In one particular case, a company that has been blacklisted by the World Bank, Lahmeyer, was awarded the contract for the feasibility study for the proposed Mambilla Power Station. As it turned out the company collected the sum of N369 million for the work and the only thing it delivered was the soil breaking ceremony and a flat erected at the site.

• In another case, Paym Bargh and Carpalark Engineering Services, which was given the contract for the construction of the New-Haven-Ikot Ekpene 330KVA Switching Sub-station at the cost of N5.9 billion with a completion date of December 2007 absconded from the site after only undertaking some fencing work in 2006 and only returned to the site late March 2008. It had already been paid N4.5 billion for the project.

• Another company, Energo Nig. Ltd which is said to be owned by a former military head of state was awarded the contract for transmission lines at N18.5 billion and is yet to complete the contract because according to the company, there was a "delay by the authorities in paying compensation to some of the land owners at the site".

The defence of the looters
One commentator said that, "$16 billion was spent without even one megawatt generated, and instead all we get are megawatts of excuses". In an attempt to sidetrack the issues of massive corruption, large scale looting of public funds, lack of performance and accountability, those involved have been trying to reduce the issues to a dispute over the actual amount stolen. Obasanjo has said that only $10 billion was involved; the CBN and the Office of the Accountant General have said only $3 billion to $6 billion was involved. This deliberate confusion must also be seen for what it is: the lack of accountability, transparency and record keeping in public expenditure in Nigeria. Or else how could different government bodies fail to arrive at the same figure as to what had been looted? It also shows that there was no due process in the disbursement and management of public funds by the government and its officials.
Whatever amount they may want to claim was looted or not looted, the Speaker of
the National Assembly has insisted that the actual figure is $16 billion. And,
whatever the excuses for the looting, the fact is that this criminal looting of power
sector funds has had and will continue to have devastating consequences for the
people and the country.

Consequences
The massive looting of public funds under the Obasanjo regime directly by
Obasanjo, his family members, business associates both within and outside the
country and other top officials of the regime is a crime against the people of Nigeria.
This crime has once again brought to the fore the issues of governance,
development and corruption in the country. As it is well known, industrialization
today is an essential requirement for the health, growth and development of any
nation. However, no industrialization can take place in the context of acute shortage
of power supply. The lack of sufficient power supply has been a major bane of our
development efforts. Instead of generating more power with the USD 16 billion, our
rulers simply stole this money and increased darkness on Nigeria, this is an
unpardonable crime against the Nation. As a result of this crime:

- Power generation is at its lowest ebb today in Nigeria’s history. Official
  statistics show that the current installed power generation capacity of Nigeria which
  has a population of more than 140 million people is less than 4000MW. South Africa
  with a population of about 50 million people has an installed power generating
  capacity of 40,060MW. Even this has fallen far short of South Africa’s development
  needs and a national emergency has been declared to upgrade power generation.

- As of today, Nigeria needs to generate 60,000 MW of power to meet the
  needs of the people. However, actual power generation is in the range of 2000
  3000MW. A few weeks ago, power generation dropped to 810 MW and the entire
  country was plunged into darkness.

- Nigeria is now a generator run economy. Nigeria does not manufacture
generators. Nigeria is now the highest importer of generators in the whole world.
The importation of generators is a huge drain on the national economy. Generators
constitute a hazard in terms of noise and environmental pollution. Generators are
operated on fuels which are now also imported. All these impose high costs on
manufacturing and production activities. Small businesses and families are
spending fortunes on fuels for generators. The consequence is that our industrial
capacity is operated at less than 25 per cent of capacity utilization due to power
outages.

- There have been huge job losses and factory closures across the country.
Many factories are operating at a small fraction of their installed capacity. Many
small businesses have collapsed. All these have increased the already high rate of
poverty and unemployment in the country. They have also resulted in scarcity of
industrial goods, hyperinflation and loss of billions of naira in foreign exchange due
to importation of virtually every need of the country.
• New jobs can also not be generated now because the nation has been plunged into darkness by the looters of the power sector project funds.

• As a direct fall-out, the level of insecurity of lives and properties has lightened with jobless youths resorting to all kinds of social vices including armed robbery and prostitution.

• Every social sector; education, health, communication is virtually grounding to a halt due to power outages. Individual families are groaning in darkness. Villages and remote areas which have never been connected to electricity since independence in 1960 are now being joined by even the most modern urban cities like Abuja as they face the consequences of the massive looting of the power sector funds by criminals in power.

Matters Arising from the looting of power sector USD16 billion funds
The probe of the power sector has thrown up a number of issues.

• First, given the conflicting figures given by different government officials and departments, it is clear that in recent years no one cared to keep records of government spending. This in itself is clear evidence of the impunity and plunder that is taking place at all levels of government in Nigeria.

• Secondly there were so many irregularities in the awards of the contracts. For example, the former Minister of Finance admitted that the former President waived away the due process in the awards and disbursement of funds for these power project contracts. Also as several witnesses have said some of the companies were not even registered with the Corporate Affairs Commission (CAC). Public money was simply and outrightly shared with utter disregard to public interest and the laws of the land.

• A third issue is the insensitive manner, almost bordering on impunity, with which government officials involved in the looting have been responding to the concerns expressed by the public. Both Governors Imoke and Agagu, who at various times, were the Ministers responsible for power, are angry at the public for asking questions. They shamelessly maintain that the money in fact was too little to expect anything. Can USD16 billion be said to be too little? Even if we are to concede to them that USD16 billion was little, was the money meant to be looted? Is stealing now a practice for which the public is expected to clap? Is the crime involved in stealing public funds defined by the amount of money stolen? Do people who supervised the monumental looting of trillions of public funds have the right to ask the people to go to hell because they believe they cannot be touched? Yet for Nigerians to get the real magnitude of the sums looted in the power sector, just multiply $16 billion by N119, which is the current value of the dollar to Naira. We are therefore talking of N1.904 trillion or N1,904,000,000,000,000! If this money was shared to the entire population of 140 million Nigerians, every citizen, children or adult, would have gone home with N13,600 each. A few people stole this money!
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A fourth issue emerging from the looting of the NIPP funds is that the projects were financed with unbudgeted excess crude oil funds. This means that the funds did not belong to the Federal Government and that they were therefore not properly appropriated. The use of the money was therefore illegal. In fact Yar'adua himself has noted that there was no legal instrument for the use of the money. State governments are now complaining about the deduction, which clearly was done without their express consent.

A fifth issue is that the Presidency itself presided over the massive looting that took place. The NIPP coordination structure was entirely that of the federal government with the Minister of Power and Steel as the Chief Accounting Officer, reporting to the President. Indeed the Permanent Secretary of the Ministry of Power and Steel has said that the NIPP staff were not under the normal supervision of the Ministry. Instead, the NIPP staff were directly responsible to the Minister and therefore bypassed the normal Ministry procedure of going through the Permanent Secretary. This was done to facilitate and cover up the massive frauds and irregularities that have now been uncovered. The Presidency designed a programme to plunder the country!

A sixth issue that is the most troubling is that the government approached the power sector problem with little or no concern for the seriousness of the problem of power supply in the country. It simply looks as if the government was involved in playing an expensive joke on the country. For example, Mr Segun Agagu in his testimony at the Panel said that three of the new power stations at Papalanto, Omotosho and Geregu which should have been completed in 2005 are not contributing anything to the national grid. This is because the gas pipeline network to deliver gas to these gas-fired stations has not been completed. Mr Imoke also made the same point that the gas turbines of some of the NIPP power stations have been in the ports and could not be installed because of some problems, including lack of gas to the sites. Although Mr. Imoke did not elaborate on the problems that made it not possible to install some of the turbines, some of the companies handling the contracts blamed co-contractors engaged in the civil engineering works who could not complete their own contracts in time. Yet, none of them had made formal complaint about their inability to proceed due to the failure of others to complete their own part. What emerged from this is that the power project contracts had no effective machinery for supervision, that the government was never serious about solving the power problem and that the projects were simply a ruse to loot public funds. It is widely suspected that part of the N50million and N40million each shared to every senator and member of the House of Representatives to support the tenure extension of former President Obasanjo came from the looted funds in the power sector.

In the end what comes out is that there is deep-seated corruption in the governance of the country. The looting of the power sector funds took place at the same time that Obasanjo, the former President was boasting about fighting corruption and busy using the EFCC to fight personal political battles. The double standards exhibited by the leadership both at the level of tolerance of corruption and in evading due process that the regime on its own instituted, are weighty crimes against the nation that cannot be condoned. The level of corruption that has taken place is so staggering that it cannot be accidental; it is a deliberate and planned one.
Such magnitude of corruption cannot allow for a healthy environment for the economy to grow. It also reveals that the campaign to attract foreign investment is merely a self-serving attempt to use foreign companies as fronts to siphon money out of the country by a political class that has no commitment to the country, and leaders who think nationalism and patriotism have gone out of fashion. Although government had been considering the Local Content Bill (admittedly focusing on the oil sector), it paid very little attention to local content in contracting for other sectors of the economy. Thus, for the NIPP, all activities from procurement to contracting as well as materials were all foreign in content. This was partly responsible for the delays in addition to the huge drain in foreign exchange. It is also implicated in the inability to keep to contractual schedules and provide effective supervision for the timely execution of these contracts. This is clear because the government never intended the projects to be executed. The NIPP was a scam to plunder the country!

The Way Forward

The power sector probe confirms that our economy has suffered and endured massive corruption especially in recent years. The NLC insists that the country cannot continue like this. The Yar’adua regime is at a crossroad. It has the option either to rebuild public confidence and engender the conditions for citizens to trust it or to continue to pay lip service to public interest. The NLC believes that rebuilding the confidence of the people and sending a clear message to Nigerians that it seeks to halt the plunder of the nation will require at least the following measures:

- First, there should be a comprehensive probe not only of the power sector looting but all sectors where corruption is suspected in the activities of the previous regime. There should be no sacred cows in this. Given the conflicting figures being bandied by different government officials about the spending with respect to the power sector, it is imperative that the Auditor General carry out a comprehensive audit of both the Ministry of Power and the relevant parastatals (i.e. NEPA/PHCN and NIPP) from 1999 to 2007.

- Second, all the people found to have been corrupt in the power sector must be publicly brought to book for their crimes. There should be no cover up or behind the scene negotiations. All those found guilty should be made to face the law. The existing law should be amended to make the crime of corruption a capital offence or one that carries a life sentence.

- Third, there must be an audit of all the power sector contracts. The President must ensure that all contracts that were found to be given in violation of due process should be terminated and those involved made to refund money already paid. All those who failed or are not capable of meeting their contractual terms should be terminated and liabilities settled in accordance with the laws governing contract execution in the country.

- Fourth, now that the government has understood that huge sums of money had been spent without anything to show for it in the power sector, it must come up with a transparent and realistic plan for its emergency plan in the power sector. This plan must be able to achieve the 10,000MW short term target within the next couple of years.
By way of conclusion, we note the statement credited to the Special Adviser to the President on Economic Matters that the country will need about $40 billion to solve the power problems of the country in the next four years. This is far more the disputed $16 billion under probe. Nigerians are tired of projections; what they want to see are results. They want electricity in their houses; they want electricity to power factories, hospitals, small businesses and every social sector. The government should come up with a transparent plan through public consultations which would carry with it quarterly targets of what additional capacity will be injected. This should be religiously followed through an effective mechanism for monitoring and evaluation that will incorporate all stakeholders, including civil society.
What is Deregulation?

Deregulation, which, as a methodology of capitalism or neo-liberalism like privatization, commercialization and liberalisation, started in the financial sector when foreign exchange and interest rates were being left to the forces of demand and supply or the so-called market forces to determine 25 years ago under General Babangida’s regime, which causes the crisis in the economy particularly education, petroleum (energy), power, finance and now 10,000 jobs in banks have been lost. It simply means removal of government control. Even their imperialist masters of advanced capitalist countries are reversing the total hands-off policies of the past and are presently seriously considering taking back the control of economy. It is a programme of the ruling class to deprive our people of their collective patrimony. It is a recipe for disaster. It is the lame argument of someone who says a particular property is not being managed well because it belongs to all of us, but that if it is now sold to the same poor managers, it will prosper. This is the argument of corporate thieves or, simply, people who have lost their minds and as such all initiatives. Deregulation is the brain child of “akotiletas”, never-do-wells and prodigal sons. It is indeed a masterful plan to steal what belongs to all, using corporate argument and government power - another dimension in authority stealing to use the legendary words of Fela Anikulapo Kuti. (Kulu Temper, Daggar Tola and Kazeem CWA, edited)

An Overview of Nigeria’s Neo-Colonial Market Economy since 1998 and Implications for the Present Political Situation Amidst the Vagaries and Crisis of World Capitalism.

Prof. Pat Utomi and Sen. Sylvester Anyanwu were reported to have opposed the hypocritical reversal of the sale of NITEL to Gen. Obasanjo’s TRANSCORP. But the hypocrisy of these two apologists of the so-called free' market economy and representatives of the money-bag ruling class will be exposed as we restate the opposition of the MLWI, WPYA and other organizations which are collaborating to facilitate the FREEDOM CHARTER CAMPAIGN, FCC, NLC, TUC, LASCO and DA to the illegal and unconstitutional privatization and Neo-Liberal economic policies. They and other big business representatives claim to support due process and rule of law. How true or false this claim is will be elaborately exposed presently.

The introduction of austerity measures and Structural Adjustment Programmes (SAP) by IMF and World Bank (the twin Breton Woods Institutions) and World Trade Organization WTO (formerly GATT), has been leading to economic crisis and political instability in developing countries, jeopardizing the development of full democracy. The key tendency since May 29, 1999 in the fiscal and monetary policies of the PDP led government has been to accept hook, line and sinker the prescriptions of the IMF, World Bank and World Trade Organisation (WTO). This is in line with the economic blueprint of People’s Democratic Party (PDP) Government, which is oriented towards a market economy anchored on free enterprise (Private Initiative or Private Sector Led Development). PDP-led government continued to implement the policies of myopic VISION 2010 (of Generals Abacha and Abubakar), another name for Structural Adjustment Programme. National Economic Empowerment and Development Strategy (NEEDS), Nigeria’s version of New Partnership for African Development (NEPAD) and Globalisation, is a new nomenclature (Name) of SAP. The vogue is to rechristen or rebrand SAP by one regime after the other. NEEDS or (SAP) is incorporated in Yar’adua’s short-sighted vision 2020/20 (triple 20) and Jonathan’s REACTIONARY TRANSFORMATION AGENDA.

We in the LASCO supported the position of trade unions affiliated to both the NLC and TUC who, at a time opposed privatization and neo-liberalism. A short resume is now apposite: This brief summary of the position of the National Union of Electricity Employees (NUEE) and Senior Staff Association of Electricity and Allied Companies (SSAEC) contained in the memorandum by NUEE to the National Assembly against privatization, is a shining example of how labour unions should fight privatization and neo-liberalism.
According to the NUEE, “The accusation of the past, at the debate on the pros and cons of privatization, is that many public enterprises were badly managed and people corruptly enriched themselves through them…..corruption is no longer seen as something to be lamented, glossed over, or overlooked. It is now seen as a cardinal reason why both public and private enterprises fail to accomplish their goals…if the view is that it is only through public enterprises that people corruptly enrich themselves what do millenarian scandal of WorldCom and ENRON where board members and chief executive officers used their positions to corruptly enrich themselves and got world rate auditing firms to cover up for them and turned their losses into profit by manipulating documents and papers!.......................Now a new legislation has been signed against corporate misconducts in Nigeria, enterprises are condemned for the faults and corruption of their managers who in the end are allowed to go scot-free with their loot. Enterprises are blamed instead of their managers.

We should first fight corruption and see whether public enterprises will not perform well. The government cannot claim that it is helpless in fighting corruption and therefore the alternative is to privatize public enterprises.

Inefficiency is a subset of corruption and cannot be separated from it. Argument about work ethic is also tied to it. So is maintenance culture. Many of Nigeria’s Hydro-electric and thermal stations have not been given turn-around maintenance for between 24-36 years, yet, the government expects efficient service delivery.

The electric power reform bill, 2001 has fundamental technical and procedural flaws. This has wider implications for, and indeed contradicts what government intends to do in other sectors relating to social provisioning and social security of its people. There is need for the entire privatization act to be fundamentally revised.. The act threatens national peace and security.

The pressure for privatization of the electricity sector is coming from one and the same source-the World Bank and IMF. Even in terms of minor issues such as selection of consultants, Nigeria just like some other African countries embarking on privatization is complying with the World Bank manual entitled, Guidelines : Selection and Employment of Consultants by World Bank Borrowers-January 1997 (revised in January 1999);K.. the point to be blunt, is that Nigeria is trying to embark on privatization of NEPA and other public enterprises at all cost and in spite of the over whimling opposition. Because it is a borrower, a debtor who has been compelled by its external creditors or le3nders to act in a particular way like a zombie. Any other argument to the contrary-of corruption inefficiency, bad management and so on, are just academic sophistry meant to rationalize an objective or goat that has been pre-conceived in spite of the true situation on ground.

In the memorandum, NUEE concluded “The President Olusegun Obasanjo administration cannot claim it knows it all, it certainly does not. We as unionists do admit / agree that there is need for new work ethic and behavior from our members to meet the new thinking and expectation of Nigerians and we are not leaving any stone unturned to ensure that this is done. Government cannot say it is serving the interest of the people by under mining it. Government is meant to serve the people and not the market. For too long government has chased the market and it has failed. It should simultaneously allow the market and the state to co-exist without any chasing the other”.

This is the perspective against the inseparable NEO-LIBERAL SIAMESE TWIN POLICIES OF PRIVATIZATION AND DEREGULATION OF PHCN, THE POWER SECTOR AND OTHER SECTORS--FCC OPPOSES THE NEO-LIBERAL SIAMESE TWIN POLICIES OF PRIVATIZATION AND DEREGULATION OF PHCN, THE POWER SECTOR AND OTHER SECTORS: A Clarion Call for Mass Actions
* FOR A RENATIONALIZATION PROGRAMME OF ALL PRIVATIZED COMPANIES

* ONLY SYSTEM CHANGE/SOCIAL CHANGE, THE VISION OF FCC/LASCO CAN GUARANTEE FULL DEMOCRACY

* RESISTANCE MOVEMENT AGAINST NEO-LIBERAL POLICIES OF PRIVATIZATION, DEREGULATION, ETC, AND BAD GOVERNANCE, IS OUR MISSION

* TO RESIST AND/OR REVERSE PRIVATIZATION ESPECIALLY OF PHCN, NNPC, REFINERIES, NITEL AND ANY SECTOR, IS OUR GOAL OR SPECIFIC OBJECTIVE

* NO TO CORRUPTLY AND UNDEMOCRATICALLY MANAGED PUBLIC SECTOR

* FOR A GRASSROOTS DEMOCRATICALLY OWNED, CONTROLLED AND MANAGED PUBLIC SECTOR

* YES, TO RULE OF LAW. NO, TO RULE OF FORCE

* WE DEMAND RIGHT TO SUSTAINABLE DEVELOPMENT, SAFE ENVIRONMENT, RESOURCE CONTROL /FISCAL FEDERALISM, SELF DETERMINATION; AND A WORKING PEOPLE’S GOVERNMENT/OR WORKING PEOPLE’S SHADOW GOVERNMENT

* IMMEDIATE IMPLEMENTATION OF THE RELUCTANTLY ACCEPTED =N=18,000.00 NAIRA MINIMUM WAGE LAW

* WORKERS SHOULD RESIST DEREGULATION, PRIVATIZATION, WITHDRAWAL OF SUBSIDIES, INCREASES IN THE PRICES OF PETROLEUM PRODUCTS LIKE KEROSENE, DIESEL, PETROL, AVIATION FUEL ETC., AS CONDITIONS FOR IMPLEMENTING THE WAGE

* FOR IMMEDIATE PASSAGE OF A NEW LAW ON REVENUE ALLOCATION FORMULA AS THE EXISTING ONE IS SAID TO BE 21 YEARS OLD AND OBSOLETE

* SERIOUSLY CUT THE JUMBO PAY OF LEGISLATORS IN THE NATIONAL ASSEMBLY, STATE ASSEMBLIES, LOCAL GOVERNMENT COUNCILS AND POLITICAL OFFICE HOLDERS

* SERIOUSLY CUT THE 54% OF FEDERAL EXPENDITURE ON THE NATIONAL ASSEMBLY ACCORDING TO THE GOVERNOR OF CENTRAL BANK

* WE DEMAND RECALLS OF NATIONAL ASSEMBLY MEMBERS WHO DO NOT SUPPORT A NEW REVENUE FORMULA

* TAX THE RICH! NOT THE POOR! TAX CAPITAL! NOT THE POOR!

* FOR WORKERS' PROCUREMENT COMMITTEE IN EACH MINISTRY, DEPARTMENT/ PARASTATAL (MDA)

PRIVATIZATION OF PHCN: RULE OF FORCE VERSUS THE RULE OF LAW

The neo-liberal Siamese twin policies of privatization and deregulation inspired by IMF/WORLD BANK since 1999, under the civilian dictatorship of Genera Obasanjo,
Yar’Araudua and now Jonathan have been imposed ILLEGALLY and UNCONSTITUTIONALLY on Nigerians. In view of the fact that that neo-liberalism, policies of privatization, deregulation and so on and crisis in the power and other sectors reflect the impact of the crisis and vagaries of world capitalism.

The key tendency since May 29, 1999 in the fiscal and monetary policies of the PDP led government has been to accept hook, line and sinker the prescriptions of the IMF, World Bank and World Trade Organisation (WTO). This is in line with the economic blue print of Ya’radua’s People’s Democratic Party (PDP), which is oriented towards a market economy anchored on free enterprise (Private Initiative or Private Sector Led Development). PDP-led government continues to implement the policies of the myopic VISION 2010 (of Generals Abacha and Abubakar), another name for Structural Adjustment Programme. National Economic Empowerment and Development Strategy (NEEDS), Nigeria’s version of New Partnership for African Development (NEPAD) and Globalisation, is a new nomenclature (Name) of SAP. The vogue is to rechristen or re-brand SAP by one regime after the other. NEEDS or (SAP) is incorporated in Yar’adua’s short-sighted vision 2020 20 (triple 20) and Jonathan’s REACTIONARY TRANSFORMATION AGENDA.

In further view of the fact that the PDP-led central government and most state and local governments have been flagrantly violating the 1999 constitutions regarding the economic, social and cultural rights and right to development, international laws and treaties like the African Charter on Popular Participation in Development and African Charter on Human and People’s Rights (CAP 10, Laws of Nigeria, 1990) etc. Furthermore, the following schedules, provisions and sections of the 1999 constitution have been violated by all legislators, people in power at all levels of government, the PDP controlled National assembly, executive council, all the parties in power since 1999, PDP, ANPP, AD, APGA, and AC: item 60 of the Exclusive Legislative List Part 1 of the Second Schedule regarding the “establishment and regulation of authorities for the federation or any part thereof.-(a)to promote and enforce the observance of the Fundamental Objectives contained in the constitution”; the seventh schedule on the oath of allegiance / office in which they affirm or swore to “Preserve the Fundamental Objectives and Directive Principle of State Policy”, Chapter 2 of 1999 Constitution. Section 224 makes it mandatory for party manifestoes, programmes, aims and objects to conform to “the provisions of chapter II, the fundamental philosophical or ideological foundation of the 1999 constitution, which forbid the worshipping of market forces, privatization, corrupt practices and abuse of power etc. It is also made mandatory for the government to “direct its policy towards ensuring the promotion of a planned and balanced economic development, the control of national economy to secure maximum welfare, social justice, equality of states and opportunity, free education, right to health, right to work, right to shelter, right to food, reasonable national maximum living wages, unemployment and sick benefits.

Considering that the rule of law since 1999 has meant that, in this “free” market system, laws are made in the interest of the ruling classes which violate the constitution and are against the interest of the working people, the poor grassroots masses, all economic reforms foisted on the grassroots through the IMF/World Bank/WTO inspired austerity measures have been executed in violent violation of the 1999 constitution. Due process (in the supreme law and other laws) is not followed. Poverty increased from 67.1 million Nigerians in 1999 (when PDP-led central government was inaugurated) to 100 million now. This situation is being caused by the civilian dictatorship (regime of civilian Bonapartism and budding fascism) which desperately retains power on the basis of electoral fraud, violence, thuggery, hooliganism, bribery and corruption. What does the supreme law say? It is now apposite to make reference to the 1999 constitution viz-a-viz the policies formulated by PDP-led government since 1999 supplementary budget and 2000 budget speeches. They wanted market forces to determine everything: Interest rate, foreign exchange rate, etc. They wanted to deregulate the economy (especially the major sectors,) devalue the currency, liberalize, service debts to the detriment of masses interests,
privatize (let the private sector lead industrial development) and relegate authentic national planning to the background. LASCO will be interested in PDP-led policies as they affect economic, social, cultural rights and Fundamental Objectives and Directive Principles of State Policy in the 1999 constitution. “The security and welfare of the people shall be primary purpose of government (section 14 (2) (b))” the state shall abolish all corruption practices and abuse of power” (section 15 (5)) “the state shall, within the context of the ideals and objectives for which provisions are made in this constitution (b) Control the national economy in such a manner as to secure the maximum welfare, freedom and happiness of every citizen on the basis of social justice and equity of status and opportunity. (c) Without prejudice to its right to operate or participate in areas of the economy, other than the major sectors of the economy (section 16) “the state shall direct its policy towards ensuring the promotion of a planned and balanced economic development, that material resources of the nation are harnessed and distributed as best as possible to serve the common good, that the economic system is not operated in such a manner as to permit the concentration of wealth or the means of production in a few individuals….., and (d) that suitable and adequate shelter, suitable and adequate food, reasonable national minimum living wage, old age care and pensions, and unemployment, sick benefits and welfare of the disabled are provided for all citizens”. Section 16 (2) (Emphasis mine). “The state social order is founded on ideals of freedom, equality and justice” (Section 17 (1) “in furtherance of the social order. (d) exploitation of human or natural resources in any form whatsoever for reasons, other than the good of the community, shall be prevented;” (Section 17 (2) (d) (emphasis supplied) “the state shall direct its policy towards ensuring that (a) all citizens, without discrimination on any group whatsoever, have the opportunity for securing adequate opportunity to secure suitable employment; (d) there are adequate medical and health facilities for all persons (e) there is equal pay for equal work without discrimination on account of sex, or any ground whatsoever (section 17 (3) (emphasis mine). “Government shall direct its policy towards ensuring that there are equal and adequate educational opportunities at all levels.” (Section 18 (1)). Free education at all levels as and when practicable is provided for in section 18(a, b, c, d). Section 20 provides that “the state shall protect and improve the environment and safeguard the water, air and land, forest and wild life of Nigeria”.

We have to look at PDP-led FG, key fiscal and monetary policies since May 1999 and their positive or negative impacts on the masses (whether they have adverse effects or not on the economic interests of the grassroots) regarding economic rights. First and foremost, a resume of the objectives, strategies and programmes of PDP-led FG since 1999 is necessary. These are: increased growth rate, diversification, macro-economic stability, privatization, sustaining the single digit inflation rate, interest rates left to the vagaries of market forces, debt servicing, capacity building and utilization, increasing the revenue base deregulation, employment creation and poverty eradication.

Repudiation or moratorium versus debt servicing: 40% of Nigerians earnings were earmarked for debt servicing. The debt configuration was approximately $30 billion. At the rate of $ 2 billion between 1986 and 2006, the total amount (in dollars) being $40 billion.

Federal expenditure and deficit funding.

The revenue allocation to the centre (FG) is too much and this confirms the centralizing tendency in the “Federal” system (really a unitary system under the 1999 constitution. But PDP-Goodluck government has said that market forces will determine every economic policy of theirs. The extent of the depreciation of the naira could be imagined per dollar. Therefore, an inflationary spiral could be engendered by this scenario. And in trying to control it, interest rates could go up leading to the burden of the cost of production being passed on to consumers by manufacturers. The bandwagon effects of any increase in the prices of fuel, NEPA/PHCN and telecommunication tariff will take their toll on the grassroots as prices of things will double.
Inflation and total salary package.

Naira has been devalued by 28,000 per cent since 1980s. Minimum wage law was passed in 1981 and pegged at N125 (basic salary)...Price rises since 1986 have been more than 3,000% while basic salary (minimum wage) has only increased by about 2,800%. Cut in public expenditure meant wage cut or wage freeze and retrenchment until a salary review was reluctantly done during IBB’s regime when disparity was created between the salary levels of federal and state public servants. There was no inflationary spiral after the minimum wage was increased to N125 which was about$250 (now worth approximately N60, 000 between 1986 and 1995). The rate of inflation was more than 76% because of devaluation, fuel crisis (price hikes), imported inflation and sky rocketing interest rates. Now with deregulation and non-intervention by the government to tame the market forces of demand and supply, inflation rate will go up again. With the cost of living increasing, consumers will cut their consumption and industries will not be able to sell creating the scenario of STAGFLATION (recession and inflation). Hence, capacity utilization may be stagnant or even decrease. This may worsen if the prices of petroleum in the world market fluctuate again, and FG and marketers increase fuel prices again. There is vat on petroleum products already.

Mortgaging Nigeria’s economy in the name of privatization.

Key sectors of the economy and industries/public enterprises are being slated for privatization. IMF/World bank are spurring the FG to sell NNPC, the refineries, NEPA, generating plants, NITEL, NIPOST, etc. NEPA and NITEL tariffs will go up again to further price them out of the reach of the poor and fuel the impending inflationary spiral, recession and job losses/unemployment. There are at least 10 million unemployed graduates in Nigeria. ILO’s figure of more than 37 million jobless is even higher. That is less than 50% of 100 million Nigerians said to be poor by the UNDP. No less than 10,000 people enter the Labour market every day in search of jobs. But most will never find work. The economy needs to grow by more than 15% a year for the next 10 years to be able to create jobs for 500,000 work seekers each year. A target of the unrealistic growth rate cannot reduce the more than 12% unemployment rate. If unemployment is to be overcome, a range of 2,500-3,000 jobs need to be created every day for the next 10 to 15 years. Under the present system of SAP (alias VISION 2020), the majority of young Nigerians will never know what it is to have a stable job. Millions of people face starvation because of the chronic shortage of work. The economic policies of PDP-led government are really poverty elevation programmes rather than “poverty eradication programme” which the FG is hypocritically implementing. National Minimum Living Wage Campaign. Having reviewed the crisis surrounding the minimum wage, members of JAF felt that the arbitrary way the federal Government announced the salary increase was contrary to the past practice and may only create crisis. The minimum wage was legislated after negotiating with the labour in the past (especially in 1981). It was fraudulent for the ruling class (government) to engage in the propaganda associated with the wage issue because in reality the minimum wage was less than N 1,500 and not N 7,500 (total salary package for the least paid public servant) as the public was made to believe. We therefore call for no disparity in the salaries of federal, state and local public servants.
CHAPTER THREE
A CRITIQUE OF NEO-LIBERALISM (NEO-CLASSICAL SYNTHESIS) OR DEVELOPMENTAL STATE PARADIGM

Neo-Liberalism is the latest school (of bourgeois economic thought). But this is really and correctly referred to as NEO-CLASSICAL SYNTHESIS. Bourgeois (or Capitalist) theoreticians solve the crisis of global capitalism by applying a mish-mash of Keynesian school of thought with that of the monetarist school with a view to working out one hypothesis or the other. Monetarism or Keynesianism is applied to solve the cyclical economic crisis (what I prefer to call intrinsic crisis) of globalised capitalism. A short economic historical perspective is apposite in this analysis.

Classical school of economics was pioneered by Adam Smith, Ricardo, Malthus, Professor Say, e.t.c.). A critique of this was done by Karl Marx and F. Engels giving birth to Marxism as the only alternative school of thought which can solve global problems. Professor (Lord) John Maynard Keynes, an eclectic of Karl Marx founded the Keynesian school of thought while monetarism (also known as Friedmanism after Professor Friedman, an American Nobel Laureate) is the foundation of the neo-classical school of economics.

Neo-classical Synthesis is the reconciliation of Keynesianism with monetarism. Orthodox Keynesians like John Hicks (Britain), Alvin H. Hansen, Professor Richard Lipsey (Canada) and Professor Paul Samuelson were influenced by monetarism to work out neo-classical Synthesis. Keynesianism explains the particular case of “equilibrium with less than full employment” while neo-classical theory claims to substantiate the more general uniformities of the functioning of the economic system, including optimal distribution of resources, price-formation and income distribution.

Methods for managing effective demand, business cycle policy and regulation of aggregate demand by means of fiscal and monetary instruments, are involved in this synthesis. Keynesianism triumphed between 1940 and mid-1950s, in Western Europe, and the period of long post war upswing in the US (1960-83). A series of crises - raw material, energy, monetary (late 60s) and cyclical economic crises of the periods 1969 -1971, and 1974 to 1975 led to the collapse of Keynesianism, monetarism, and ultimately, neo-classical synthesis. Friedmanism(monetarism) has been an influential current in neo-liberalism since 1979 (Thatcherism) and the 1980s (Reaganomics). We continue to witness the most painful internal problems in a market economy: business cycles, unemployment, underutilization of production capacities, stagnation and inflation (STAGFLATION). No wonder, Claudio Sardoni in his PHD thesis asks this question: “Why did Keynes underestimate the relevance of Marx’s contributions, while he probably credited other authors with more merits than they actually deserved?”!

Classical School of Economics

Karl Marx criticized the works of Adam Smith, Ricardo, Professor Say, Malthus, Marshal, Pigou e.t.c of the classical school of Political Economy. His scientific analysis including his foresight was followed by Marxist-Leninists and the genuine continuators of the ideas of Marxism in this epoch. Some of the ideas of the Classical school which today form the foundation of Neo-Liberalism were postulated by Prof Say and Ricardo. According to Say’s Law, it is impossible to have under-employment equilibria due to insufficient aggregate demand. Say and Ricardo propounded the theory that “Supply creates its own demand”. This is the basis of “Supply side economics” (Professor Freidman) and Thatcherism or Reaganomics

Marxism -Leninism

Apart from the Laws of cyclical economic crisis of capitalism and the tendency of the rate of profit to fall, the critique of classical political economy was mainly done by Karl Marx. He criticized Ricardo’s
reasoning that “supply necessarily creates its own demand, and effective aggregate demand can never fall short of aggregate supply”. “Ricardo could consider Say’s Law valid only because of his inadequate concept of money and its role in a capitalist economy”, argued Karl Marx. Marx continued: “money is also a store of value and such can be hoarded, kept idle instead of using it ---”. Approximately $4 trillion -dollar fictitious capital existing in the globalized market economy confirms this statement made about 140 years ago by Marx. This Marxist tradition was continued by Lenin, Trotsky, late comrades Ted Grant, Ernest Mandel, Ola Oni and Bade Onimode. Other continuators are Alan Woods, Peter Taafe, Lynn Walsh, Professor Eskor Toyo, Festus Iyayi, Abubakar Momoh, Edwin Madunagu, Muyiwa Adebanjo, Lanre Ehonwa, e.t.c.

Keynesianism versus the monetarist school

Eclectic Professor Keynes (according to Lenin in the 1920s) whose ideas led to the creation of the twin Breton Woods Institutions (IMF and World Bank) to regulate the world economy based on his theoretical conception- crisis of the dollar (its devaluation and the ending since 1971 of its exchange for gold. For saving globalised market economy from collapse, his theoretical framework was termed “Keynesian Revolution”. However, his interpretation of economic theory before the “General Theory” was neither accurate nor correct. But he criticized classical Political Economy thus: “A free enterprise economy does not necessarily achieve a full -employment equilibrium.

Now, does unemployment mean that the number of workers offering themselves for vacancies greater than that which enterprises want to offer jobs at the current rate? But inability of maintaining levels of employment is engendered by failure to sell the output workers have been producing and low customers demand. When all resources are fully utilized, we have full employment output. However, unsold stocks are caused by the inadequacy of spending to buy all the output produced.

There are 4 categories of decision makers about spending:

* Consumers who spend a percentage of income and save the rest.

* Firms as investors who spend on new factories machines, stocks of raw materials and other capital requirements.

* Exporters and importers who invest in international trade.

* Government: expenditure on defence, security, social services and the public sector.

The summation of spending is called the aggregate demand referred to above. Unemployment is as a result of the discrepancy between the value of full-employment and the total expenditure of those groups of decision makers on spending. This difference is often called deflationary gap. Unregulated free market economy, because many individuals with diverse interests in an economy budget to produce and spend, and their plans do not equal to the same amount, leads to unemployment.

What are the Keynesian solutions to this intrinsic crisis?

Catalysing spending in the private sector and Increase in public expenditure- Keynesians recommend the use of monetary policy or fiscal policy or both to stimulate investment by entrepreneurs and
private consumers. Interests rates are lowered when the financial sector is regulated through the Central Bank (Fed in the case of the US now, when it experiences consumer credit crunch!). However, adjustment of interest rates may not influence consumer credits, savings and investment. If and only if there is a substantial reduction in interest rates, decisions to invest could be positive.

In the light of this reality, Keynesians apply fiscal policy (fiscalism, Lipsey) - taxation and expenditure by government are manipulated. This adds to aggregate demand. It could also mean deficit financing. Increase in tax revenue may result. During the oil boom when Nigeria’s neo-colonial market economy was regulated and there was state planning- long term development plans, some level of industrialization was witnessed in the major sectors of the economy (commanding heights) in which the FG participated. What went wrong? Why did the number of the jobless rise to the present level?

The introduction of SAP/Vision 2010/NEPAD/NEEDS/Vision 2020 has sharpened the contradictions in the so-called free enterprise economy, Nigeria’s neo-colonial market economy in which there is the difficulty in forecasting how private investors react to the monetary and fiscal policy of government. There is always conflict between full employment and price stability. The resultant, after the abandonment of Keynesianism or state capitalism in 1986, was inflation and recession (nay, stagnancy in growth) - STAGFLATION, Paul Samuelson).

What caused the inflationary spiral then? Was it too much money in circulation? Balance of trade deficits? Devaluation? Stop - go policy? Why do we have unemployment? Policy makers prefer to reduce inflation at all costs thereby shirking their responsibility of providing employment. Government morbidly adheres to the neo-classical school of monetarism to control money in circulation and supply of money by allowing “free market forces”.

We should be bothered about inflation for the following reasons:

- Cost of living rises
- Standard of living declines
- Official statistics hides the real situation about the distribution of income and wealth.
- When consumers suffer, borrowers are lesser than savers because of high interest rates
- There is inflation on import-export trade
- If, in the final analysis, the confidence of the people in money is lost, it implies inflationary spiral or hyper-inflation will result.

But what constitutes the wealth of a person? It includes assets, business stocks and shares in addition to holding a small amount of money. A flow (per day or week or month or year) as wages or salaries or return on investment (profit e.t.c.), money form of fringe benefits, is called income. The total amount of money in circulation is a stock. An individual may confuse money for income because of the close nexus between them. We can hold wealth in many forms - from liquid cash to illiquid assets.

In Keynesian analysis, interest rates are determined by the quantity of money rather than the price level. Keynesian techniques applied in government intervention include prices and incomes policies, industrial restructuring and economic planning.
To what extent money supply growth can be fixed is one of the features of monetarism. Others are:
- Possibility of government regulation of money supply.
- The speed with which money is circulated will not cushion out the effect of its control.
- When the growth in the amount of money in circulation is limited, inflationary spiral is checked.

But, (1) wealth is held in many ways; (2) banks evade control because of its weakness and leakages, (3) ineffectiveness of controlling bank deposits.

Open market operations, OMO.

Open market operations means that government bonds are sold meaning that customers will draw cheques in favour of the government. This implies a reduction in the cash reserves of commercial banks. These may sell back to the Central Bank some of their bills. A minimum liquidity ratio means that the availability of government bills is limited. Banks then sell off government bonds held by them for more cash to lend out. The nexus between money in circulation and inflation cannot be proved by the monetarist neo-classical approach.

Cut in public spending has been in vogue since 1984. They have been claiming that this policy has been giving “freedom” to individuals and private firms. Let us examine the reasons given for cut in public expenditure - When private choice is expanded, it results in efficiency.

- The commanding heights of an economy in the public sector stifle private initiative and competition. However, freedom of choice is circumscribed “free” market forces which determine how wealth is distributed, is a highly undemocratic approach of determining what to produce because a “free” enterprise economy is organised on the basis of profit motive. Many private firms depending on the interrelationship between public and private sectors is not considered. The efficiency of the private sector is further reduced by cuts in public expenditure.

Public expenditure means that a “free” market economy is defective. When public expenditure is cut, military spending is increased at the same time. This is what Marxists call “negative” Keynesianism. The rise in the number of the jobless is always engendered (as the case in Nigeria is showing) by cuts in public expenditure as these lead to lower consumer demand. Deflation of the economy is the end result. Therefore, according to Keynesians, public expenditure maintains aggregate demand at an adequate level called full employment equilibrium.

At this point, a brief overview of neo-classical synthesis regarding interest rates, currency exchange consumption, investment, balance of trade, balance of payments on current accounts will be done starting with the historical perspectives on fixed rates of the British pounds: The value of the British pounds was set in agreement with the IMF, that is, more or less fixed between 1945 and 1971. The pounds were devalued in 1949 and 1967. Devaluation and revaluation are used by neo-liberal policy makers to manage the forces of demand and supply, the so-called, “free” market forces.

When the pounds were floated in June 1972, it started to depreciate it fell by 25% between 1972 and 1976. The percentage rise between 1976 and 1980 was 30%. Interest rates adjustment(s) can be used for the alteration of the demand and supply totals of currency in addition to growth rate and balance of payments on current accounts which is balance of trade + (invisible exports-invisible imports). Balance of trade is visible exports minus visible imports. ‘Visible trade’ is imports plus exports. ‘Invisible trade’ is sale and purchase of services and related transactions (income and spending on shipping, airlines, banking and insurance, tourism, maintenance of government mission abroad and foreign bases, and flows, profits, interests and dividends.

The central government has been abandoning the Keynesian basis of the “Fundamental Objectives and Directive Principles of State Policy in Chapter Two of the defective 1999 constitution and that is why it has not been able to enforce the welfarist policies in the chapter or implement the social
democratic ideology which the state violates with impunity. Government, instead of investing more in the commanding heights or major sector of the economy without reducing consumption started cutting public expenditure, divesting from (privatizing) public enterprises in neo-classical /Ricardian or monetarist fashion. This is a phase of global capitalism (imperialism) dictated by IMF, World Bank and World Trade Organization (WTO).

Keynesianism has failed, monetarism or neo-classical school(Professor Milton Friedman’s trend of “supply side economics”) has failed, neo-liberalism or neo-classical synthesis has failed signalling the death agony of the so-called “globalised “free” market economy as the intrinsic crisis of world capitalism and the international situation have proved our earlier prognosis and predictions to be scientifically correct. In a nutshell, neo-classical synthesis or neo-liberalism of world capitalism whether the Keynesian or monetarist lever is applied or not implies intolerable mass unemployment, economy being run below full capacity, lower production, higher demands not being equal to higher output, higher spending on imported goods and services, aggregate demand being greater than the value of full employment output, expansion catalysing cost-push inflation, stagflation or world economic recession. The socialist alternative solutions to the problems engendered by the crisis of world capitalism involve revolutionary changes in the ownership and control of world economy and a World Socialist Federation of Grassroots Democracies.

ACCOUNTABILITY, TRANSPARENCY AND FINANCIAL PRACTICES

By: KUNLE OLADEJO, Secretary for Labour/ Director of Studies, NIPID, DA

According to Dr Arthur Nwankwo, “Any major work on corruption in Nigeria must be imbued with revolutionary aesthetics, thus fulfilling the writer’s role as a catalyst for social change. The pedagogy of this puritanical conviction anchored on a firm moral fabric and dynamic forces of social change will ultimately usher in a better society. Nigeria is a lumbering behemoth troubled by the malefeasance of pandemic corruption unleashed on it by A CABAL WITH A NARROW ETHNIC AGENDA AND HALLUCINATORY OBSESSION FOR PRIMITIVE ACCUMULATION. Thus, ------------------------- -,-, her attempt at greatness lies prostrate manacled by minions of tyranny and corruption.

A writer’s historical responsibility lies in seizing the moment to highlight the spectre of visionless governance and corruption in a contrived polluted environment--------we have unwittingly earned the unwholesome sobriquet, third world’s kleptocracy capital "( "NIGERIA:THE STOLEN BILLIONS” July,1999)

The current financial crisis in the globalised market economy engendered by credit crunch has increased interest in Nigerian financial system, Nigeria’s neo-colonial market economy, and the issues of accountability, transparency and corruption. This paper will, in addition, examine the implications of the world cyclical economic crisis on the struggles of the working people, working-class grassroots masses and the labour movement.

In “BEHIND THE FIGURES” (Ijeoma Nwogwu,ijeomanwogwu@thisdayonline.com,”Reassessing the Nigerian Financial System IV”, THIS DAY, Monday, November 10, 2008) , Professor Soludo ,the governor, Central Bank of Nigeria ,Chief Erastus Akingbola, the CEO ,Intercontinental Bank Plc ,and President ,Chartered Institute of Bankers of Nigeria were reported to “have been talking up the Nigerian Banking system”. Not only this, I will quickly add that after the global financial system started collapsing ,Soludo misled Nigerians to believing that the financial system is immune to cyclical economic crisis (which may become a 1929-like Great Depression).Later ,he confessed that the credit crunch led to the loss of N400 bn in the system.

According to Ijeoma,”----- In the process, they have been quick to remind the public that the sector-wide consolidation exercise embarked upon by commercial banks from 2004 to 2005 ,has
strengthened our banking sector and shielded it from the global credit crisis. In comparison, they say banks overseas are undergoing what Nigeria was smart enough to do earlier.

Yet they cannot explain away the forbearance granted the banks not to make the necessary provisions for non-performing margin loans as required under the prudential guidelines of the Central Bank. The last time I recall banks were given any form of forbearance by the CBN was before the consolidation exercise when a significant number of them were hailing. It was after that failed to achieve the desired result, that the Bank forced the banks to increase their capital requirements to N25 billion”.

She wrote that the “regulators are being economical with the truth” as manifested by “several stock broking and investment banks that were used as conduits for margin facilities to trade in bank shares are in dire straits. Most of them are defaulting on their obligations to the banks and cannot even meet their monthly wage bills. It is for this reason that the push for a government bail out has been loudest from capital market operators”. Before I go further in this paper, answers must be provided for the following questions while relying on my previous works, recent publication by ActionAid authored by Comrade(Dr) Otive Igbuzor and a contribution by the World Bank entitled” Accountability, Transparency and Corruption in Decentralized Governance”:

*What is Accountability?

Accountability

In its democratic political aspect, decentralization as currently conceived and increasingly practiced in the international development community has two principal components: participation and accountability. Participation is chiefly concerned with increasing the role of citizens in choosing their local leaders and in telling those leaders what to do—in other words, providing inputs into local governance. Accountability constitutes the other side of the process; it is the degree to which local governments have to explain or justify what they have done or failed to do. Improved information about local needs and preferences is one of the theoretical advantages of decentralization, but there is no guarantee that leaders will actually act on these preferences unless they feel some sort of accountability to citizens. Local elections are the most common and powerful form of accountability, but other mechanisms such as citizen councils can have limited influence.

Accountability can be seen as the validation of participation, in that the test of whether attempts to increase participation prove successful is the extent to which people can use participation to hold a local government responsible for its actions.

Types of Accountability

Accountability comes in two dimensions: that of government workers to elected officials; and that of the latter to the citizens who elect them.

Government Workers to Local Officials

The first type can prove difficult to achieve, for civil servants, particularly professionals in such fields as health, education, agriculture --the very sectors that are most often decentralized-- often have considerable incentive to evade control by locally elected officials. Such people generally have university training and sophisticated life-style practices hard to maintain in small towns and villages, career ambitions that transcend the local level, and goals for their children’s education that local schools cannot meet. They may well also fear that quality standards for service delivery will suffer if provision is localized. Finally, they often find opportunities for corruption greater if they are supervised by distant managers through long chains of command than if they must report to superiors close at hand. For all these reasons, they tend to have strong urges to maintain ties with their parent
ministries in the central government and to resist decentralization initiatives. And understandably, their colleagues at the center have a parallel interest in maintaining these ties, for they are much concerned about preserving national standards in service delivery and often about opportunities for venality as well (many corruption schemes provide for sharing ill-gotten gains upward through bureaucratic channels to the top).

Given all these reasons both good and bad for opposition, it is scarcely surprising that decentralization initiatives so often run into heavy bureaucratic resistance, and designers find themselves pressured to keep significant linkages between the field and the central ministries, especially concerning such issues as postings, promotions, and salaries. Needless to say, such ties tend to undercut the capacity of elected officials to supervise government servants supposedly working for them. Some decentralized governance systems (e.g., Karnataka State in India) appear to have worked through these problems to establish popular control over the bureaucracy, but it has taken many years to do so.

Elected Leaders to the Citizenry

The second type of accountability is that of elected officials to the citizenry. Elections (provided they are free and fair) provide the most obvious accountability, but this is a rather blunt tool, exercised only at widespread intervals and offering only the broadest citizen control over government. Voters can retain or reject their governors, a decision that can certainly have salutary effects on governance, but these acts are summary judgments, generally not reactions to particular acts or omissions. And when local elections do revolve around a given issue, such as schools, they necessarily leave everything else out of the picture. Citizens need more discriminating instruments to enforce accountability. Fortunately, a number of these are available.

• Political parties can be a powerful tool for accountability when they are established and vigorous at the local level, as in many Latin American countries. They have a built-in incentive to uncover and publicize wrongdoing by the party in power and to present continuously an alternative set of public policies to the voters.

• Civil society and its precursor social capital enable citizens to articulate their reaction to local government and to lobby officials to be responsive. These representations generally come through NGOs (though spontaneous protests can also be considered civil society), which, like political parties, often have parent organizations at the provincial or national level.

• If citizens are to hold their government accountable, they must be able to find out what it is doing. At the immediate neighborhood level, word of mouth is perhaps sufficient to transmit such information, but at any higher level some form of media becomes essential. In some countries, print media can perform this function, but generally their coverage is minimal outside larger population centers. A feasible substitute in many settings is low-wattage AM radio, which is highly local, cheap to operate, and can offer news and talk shows addressing local issues.

• Public meetings can be an effective mechanism for encouraging citizens to express their views and obliging public officials to answer them. The cabildos abiertos held in many Latin American countries are a good example. In some settings, such meetings may be little more than briefing sessions, but in others they can be effective in getting public officials to defend their actions.

• Formal redress procedures have been included as an accountability mechanism in some decentralization initiatives. Bolivia probably has the most elaborate instrument along these lines with its municipal Vigilance Committees that are based on traditional local social structures and are charged with monitoring elected councils, encouraged to file actionable complaints with higher levels if needed.

In other systems, formal recall procedures are available to citizens dissatisfied with their officials.
• Opinion surveys have generally been considered too complex and sophisticated to use at the local level, but usable and affordable technologies are being developed in the Philippines enabling local-level NGOs to employ such polls to assess public opinion about service provision.

A recent USAID assessment of democratic local governance in six countries found that each country employed a different mix of these mechanisms, while no country had employed them all. No one instrument proved effective in all six settings, but various combinations offered considerable promise. Some may be able to substitute at least in part for others when weak or absent. Civil society and the media, for example, might together be able to make up for a feeble party system at the local level.

*What is Transparency or Openness? Transparency and Corruption

In theory these two phenomena should be inversely related, such that more transparency in local governance should mean less scope for corruption, in that dishonest behavior would become more easily detectable, punished and discouraged in future. The history of the industrialized countries indicates that this tend to be true in the longer term, but recent experience shows that this relationship is not necessarily true at all in the short run. In the former Soviet countries, for example, local governance institutions have become much more open to public scrutiny in the 1990s, but at the same time there can be little doubt that corruption at all levels has greatly increased. It is to be hoped that the local mechanisms of accountability discussed above will in tandem with greater probity at the national level improve the degree of honesty at all levels, but at best this will take time. The message for the international development community is to press forward with as many of these accountability mechanisms as is feasible.

A second type of linkage between transparency and corruption has been noted by Manor when he notes that in India, while greater transparency in local governance was not accompanied by increased corruption, it did lead to popular perceptions of greater public malfeasance, simply because citizens became more aware of what was going on. This pattern has surely repeated itself in many other locales. Over time, to the extent that accountability mechanisms begin to become effective and corruption begins to decline, the citizenry should appreciate the improvement.
CHAPTER FOUR

LESSONS FROM THE JANUARY REVOLUTION AND OTHER MASS ACTIONS

WHAT LESSONS

* In struggle and unity lies the strength of the labour movement.

* It is consistent struggle that will make Labour or any revolutionary party like DA win the confidence of intellectuals/intelligentsia, middle class and the other strata of the grassroots that Labour can fight back.

* Labour should not succumb to divide-and-rule tactics.

* The trade unions centres, NLC and TUC should adopt a non-sectarian united working class front of all the tendencies or trends in the movement.

* An economic general strike can be made to dovetail into a political general strike.

* Labour should not just tell workers to stay at home but to join the picket lines and mass actions.

* An alliance forged in action by Labour and other civil society organisations should not be unilaterally broken.

* For any revolution, there is a counter-revolution.

* State repression and killings during the mass actions are reminiscent of parliamentary dictatorship (Bonapartism or civilian dictatorship and budding or growing (incipient) fascism on which activists should set agenda for Labour. How do we prevent military-police dictatorship, that is, a coup (a possibility) again in Nigeria? How do we defend picket lines and mass actions against attacks by the state and fascists?

* Embryonic organs of dual power were established at least on the economic plane and the picket lines/assemblies at work places and/or factories and the neighbourhood grassroots action committees/grassroots assemblies on the streets and joint actions committees of trade unions.

* There is the need to build the LABOUR PARTY as a revolutionary party on the basis of Socialism and Grassroots Democracy.

The focus of the TUC is encapsulated in the resolutions adopted in Benin, 2010 from which further lessons are learnt as follows: social security, social dialogue, Decent Work Country Programme, inadequate human capital development, poverty and corruption, sanitization of the banking sector to be in line with the existing labour standards, regulations and laws such as statutorily and constitutionally stipulated to revamp other areas of the economy; appropriate stimulus package for small business; legislation against casualization; for government to establish employment information centre; mandatory setting aside of a reasonable percentage of budget for workers training by employers; reversal of massive deindustrialization; rejection of neo-liberalism; no return of business as usual; conference supports a new model of economic development that is economically efficient, socially just and environmentally sustainable and calls on the labour movement in Nigeria, civil society and affiliates of TUC to mobilize to fundamentally change Nigerian economy so that it ensures respect for human rights including workers’ rights, gender equality, sustainable development that generate decent work for all;
TUC’s opposition to casualization; opposition to all forms of discrimination; visible fight against corruption, bad governance and inept leadership; forging of new alliance with progressive bodies and strengthening of existing ones with the NLC, LASCO e.t.c., affiliates to compliment and cooperate on programmes, projects and other events at the centre; issue guidelines to the state councils of the TUC; organizing and unionizing the informal sector and other unionized workplaces; charter of demands for political parties AND JOIN IN THE RE-ORGANISATION OF THE LABOUR PARTY (emphasis mine); TUC’s observation on labour laws; TUC women commission on women’s participation in politics; need for paradigm shift and a new model opposed to NEO-LIBERALISM; accountability and transparency; Africa’s development of its national economies; opposition to speculative financial markets; TUC’s campaign for Global Jobs Pact; on Trade Union Declaration at G20 Summit in Pittsburg; Internationalism and opposition to IMF/World Bank/WTO.

In addition, LASCO, in some of its general meetings, resolved to adopt the Labour Party (January 17, 2009) and on February 22, 2010 proposed on forms of ACTIONS…..holding CANDLE EVENING/DEMONSTRATIONS to reject the policy of deregulation; the need for LASCO standing committee to respond to issues; the need for LASCO to regularly make statements on the true position of the body on deregulation and other national issues; the need for a major press conference on LASCO opposition to deregulation and the state of the nation…..and LASCO should go beyond its current limited agenda to define its agenda of struggle for POLITICAL POWER; and by extension the RE-ORGANISATION OF THE LABOUR PARTY TO MEET THE POPULAR EXPECTATIONS OF THE NIGERIAN WORKING PEOPLE.

SOME CASES OF MASS ACTIONS

While the ASUU, teachers’ and doctors’ strikes were aimed at resolving the crises in education and health, and remuneration, salaries and terminal benefits were the issues raised by the strikes of the Judiciary Staff Union of Nigeria (JUSUN) and NIPOST Committee of Retirees respectively.

JUSUN members had demanded:

Enhanced salary package

Implementation of the white paper on the reform of the justice sector.

The establishment of a judicial pension board

The implementation of section 121(3) or centralized source of funding of all judicial arms in the country.

A joint negotiation council in order to facilitate all mechanisms of negotiating with relevant bodies in the country.

According to Malam Abubakar, a senior registrar with one of the magistrate courts who explained to “Daily Trust”, “………that they have no option other than to go on strike because four years after the reform of administration provided for adjustment of their salary (ies), nothing has been done…….”. He said there is no fairness in a situation where a magistrate court judge collects N 25,000.00 (per month) while a high court judge collects over N 200,000.00 (per month) and both of them are expected to be good ministers in the temple of justice….. Under normal circumstance all judicial officers are supposed to enjoy the same salary scale because the judiciary is the arm of government where justice is expected to be done………”
THE PROTEST MOVEMENT OF THE NIPOST COMMITTEE OF RETIREES AGAINST NON-PAYMENT OF BENEFITS, RIGHT-SIZING AND OTHER NEO-LIBERAL ECONOMIC POLICIES.

We should support the following demands of the NIPOST Committee of Retirees:

1. Immediate payment of their benefits (gratuities, pensions etc)

2. Immediate payment of the balance (allowance of the (3) Three month salary in lieu of notice of retirement)

3. FG should implement immediately the term(s) of agreement with the NLC that terminal benefits of disengaged workers should be paid after pre-retirement training programme.

4. Pre-retirement training for disengaged workers who have not attended any work-shop.

5. Special compensation for the families of dead NIPOST Retirees (96 nation-wide as at March 10, 2008) in addition to the late retirees severance benefits.

6. Management of NIPOST should be probed by EFCC and tried by ICPC if these top managers tampered with the terminal benefits.

7. The Postmaster General, Alhaji Muri Baba, who failed to comply with the order in the circular from the office of the Head of Service dated April 18, 2006 (Ref. No HC SC/PS/P8/90/32) should be removed.

8. NIPOST and other Federal Government should stop disobeying the rule of law or violating the provisions in the 1999 Constitution which they swore to uphold or enforce.

Our Observations

Three thousand and eleven (3,011) NIPOST retirees were denied their terminal benefits when billions of naira were spent to pay severance benefits for more than 8,000 Local Government Councillors, former members of State Houses of Assembly, House of Representatives, Senators, Commissioners, Ministers, Deputy-Governors, Governors, Vice-President(s), and President(s), some of who defrauded or stole public funds while in power.

Right-sizing or down-sizing or retrenchment is one of the obnoxious policies foisted on Nigeria by IMF/ World Bank (Vision 2010, Vision 2020, NEPAD, NEEDS and Globalization...
CHAPTER FIVE

CHAPTER II FUNDAMENTAL OBJECTIVES AND DIRECTIVE PRINCIPLES OF STATE POLICY

(13) It shall be the duty and responsibility of all organs of government, and of all authorities and persons, exercising legislative, executive or judicial powers, to conform to, observe and apply the provisions of this Chapter of this Constitution.

14- (1) The Federal Republic of Nigeria shall be a State based on the principles of democracy and social justice.

(2) It is hereby, accordingly, declared that:

(a) Sovereignty belongs to the people of Nigeria from whom government through this Constitution derives all its powers and authority;

(b) the security and welfare of the people shall be the primary purpose of government; and

(c) the participation by the people in their government shall be ensured in accordance with the provisions of this Constitution.

(3) The composition of the Government of the Federation or any of its agencies and the conduct of its affairs shall be carried out in such a manner as to reflect the federal character of Nigeria and the need to promote national unity, and also to command national loyalty, thereby ensuring that there shall be no predominance of persons from a few State or from a few ethnic or other sectional groups in that Government or in any of its agencies.

(4) The composition of the Government of a State, a local government council, or any of the agencies of such Government or council, and the conduct of the affairs of the Government or council or such agencies shall be carried out in such manner as to recognise the diversity of the people within its area of authority and the need to promote a sense of belonging and loyalty among all the people of the Federation.

15- (1) The motto of the Federal Republic of Nigeria shall be Unity and Faith, Peace and Progress.

(2) Accordingly, national integration shall be actively encouraged, whilst discrimination on the grounds of place of origin, sex, religion, status, ethnic or linguistic association or ties shall be prohibited.

(3) For the purpose of promoting national integration, it shall be the duty of the State to:

(a) provide adequate facilities for and encourage free mobility of people, goods and services throughout the Federation.

(b) secure full residence rights for every citizen in all parts of the Federation.

(c) encourage inter-marriage among persons from different places of origin, or of different religious, ethnic or linguistic association or ties; and (d) promote or encourage the formation of associations that cut across ethnic, linguistic, religious and or other sectional barriers.
(4) The State shall foster a feeling of belonging and of involvement among the various people of the Federation, to the end that loyalty to the nation shall override sectional loyalties.

(5) The State shall abolish all corrupt practices and abuse of power.

16- (1) The State shall, within the context of the ideals and objectives for which provisions are made in this Constitution.

(a) harness the resources of the nation and promote national prosperity and an efficient, a dynamic and self-reliant economy;

(b) control the national economy in such manner as to secure the maximum welfare, freedom and happiness of every citizen on the basis of social justice and equality of status and opportunity;

(c) without prejudice to its right to operate or participate in areas of the economy, other than the major sectors of the economy manage and operate the major sectors of the economy;

(d) without prejudice to the right of any person to participate in areas of the economy within the major sector of the economy, protect the right of every citizen to engage in any economic activities outside the major sectors of the economy.

(2) The State shall direct its policy towards ensuring:

(a) the promotion of a planned and balanced economic development;

(b) that the material resources of the nation are harnessed and distributed as best as possible to serve the common good;

(c) that the economic system is not operated in such a manner as to permit the concentration of wealth or the means of production and exchange in the hands of few individuals or of a group; and

(d) that suitable and adequate shelter, suitable and adequate food, reasonable national minimum living wage, old age care and pensions, and unemployment, sick benefits and welfare of the disabled are provided for all citizens.

(3) A body shall be set up by an Act of the National Assembly which shall have power;

(a) to review, from time to time, the ownership and control of business enterprises operating in Nigeria and make recommendations to the President on same; and

(b) to administer any law for the regulation of the ownership and control of such enterprises.

(4) For the purposes of subsection (1) of this section -

(a) the reference to the "major sectors of the economy" shall be construed as a reference to such economic activities as may, from time to time, be declared by a resolution of each House of the National Assembly to be managed and operated exclusively by the Government of the Federation, and until a resolution to the contrary is made by the National Assembly, economic activities being operated exclusively by the Government of the Federation on the date immediately preceding the day when this section comes into force, whether directly or through the agencies of a statutory or other corporation or company, shall be deemed to be major sectors of the economy;
(b) "economic activities" includes activities directly concerned with the production, distribution and exchange of weather or of goods and services; and

(c) "participate" includes the rendering of services and supplying of goods.

17. (1) The State social order is founded on ideals of Freedom, Equality and Justice.

(2) In furtherance of the social order-

(a) every citizen shall have equality of rights, obligations and opportunities before the law;

(b) the sanctity of the human person shall be recognized and human dignity shall be maintained and enhanced;

(c) governmental actions shall be humane;

(d) exploitation of human or natural resources in any form whatsoever for reasons, other than the good of the community, shall be prevented; and

(e) the independence, impartiality and integrity of courts of law, and easy accessibility thereto shall be secured and maintained.

(3) The State shall direct its policy towards ensuring that-

(a) all citizens, without discrimination on any group whatsoever, have the opportunity for securing adequate means of livelihood as well as adequate opportunity to secure suitable employment;

(b) conditions of work are just and humane, and that there are adequate facilities for leisure and for social, religious and cultural life;

(c) the health, safety and welfare of all persons in employment are safeguarded and not endangered or abused;

(d) there are adequate medical and health facilities for all persons:

(e) there is equal pay for equal work without discrimination on account of sex, or on any other ground whatsoever;

(f) children, young persons and the age are protected against any exploitation whatsoever, and against moral and material neglect;

(g) provision is made for public assistance in deserving cases or other conditions of need; and

(h) the evolution and promotion of family life is encouraged.

Educational objectives-

18 -(1) Government shall direct its policy towards ensuring that there are equal and adequate educational opportunities at all levels.

(2) Government shall promote science and technology
(3) Government shall strive to eradicate illiteracy; and to this end Government shall as and when practicable provide

(a) free, compulsory and universal primary education;
(b) free secondary education;
(c) free university education; and
(d) free adult literacy programme.

19. The foreign policy objectives shall be -

(a) promotion and protection of the national interest;
(b) promotion of African integration and support for African unity;
(c) promotion of international co-operation for the consolidation of universal peace and mutual respect among all nations and elimination of discrimination in all its manifestations;
(d) respect for international law and treaty obligations as well as the seeking of settlement of international disputes by negotiation, mediation, conciliation, arbitration and adjudication; and
(e) promotion of a just world economic order.

20. The State shall protect and improve the environment and safeguard the water, air and land, forest and wild life of Nigeria.

21. The State shall -

(a) protect, preserve and promote the Nigerian cultures which enhance human dignity and are consistent with the fundamental objectives as provided in this Chapter; and
(b) encourage development of technological and scientific studies which enhance cultural values.

22. The press, radio, television and other agencies of the mass media shall at all times be free to uphold the fundamental objectives contained in this Chapter and uphold the responsibility and accountability of the Government to the people.

23 The national ethics shall be Discipline, Integrity, Dignity of Labour, Social, Justice, Religious Tolerance, Self-reliance and Patriotism.

Duties of the citizen

24. It shall be the duty of every citizen to -

(a) abide by this Constitution; respect its ideals and its institutions, the National Flag, the National Anthem, the National Pledge, and legitimate authorities; (b) help to enhance the power, prestige and good name of Nigeria, defend Nigeria and render such national service as may be required;
(c) respect the dignity of other citizens and the rights and legitimate interests of others and live in unity and harmony and in the spirit of common brotherhood;
(d) make positive and useful contribution to the advancement, progress and well-being of the community where he resides;

(e) render assistance to appropriate and lawful agencies in the maintenance of law and order; and

(f) declare his income honestly to appropriate and lawful agencies and pay his tax promptly
CHAPTER SIX

Working People’s Charter of Transitional Demands

This is a call to action on the grassroots masses to form the following STRUCTURES of struggle:

(1) Workplace or factory committees
(2) Popular Committees on Prices, Rents and Tariffs (PCPRT)
(3) Peasant committees in rural areas
(4) Working peoples self-defence committees/mandate protection committee
(5) Neighbourhood Grassroots Action Committee(s) on each street or in each community (Neighbourhood GAC(s)).
(6) Joint Action Committee of Trade Unions (JACTU) at local, state and central levels
(7) Grassroots assembly in each of the wards, state constituencies, local government areas (LGAs), federal constituencies and senatorial districts
(8) Working people’s assembly in each state to co-ordinate the Grassroots’ Assemblies
(9) Regional Grassroots Assembly in each of the six (6) geo-political zones.
(10) Supreme Grassroots Assembly at the center, Abuja.

Organise Now We must organise neighbourhood rallies, seminars and symposia, in the communities, workplaces and campuses, to sensitize and prepare the suffering masses for the struggle ahead.

Organise meetings to discuss in your workplace, street, compound, and organisation and distribute copies of leaflets to others. (Daggar Tola and Kulu Temper)

A. FULL DEMOCRACY

It is on the above account that JAF and Democratic Platform for Socialist Reconstruction(DPSR) out rightly oppose Neo-liberal/capitalist policies and calls on the NLC, TUC, Labour Party, poor people’s organisations and LASCO to commence the campaign and mobilisation for a struggle to oppose and resist any ruling class whether civilian or military dictatorship who imposes these policies.

As part of the preparation for an all-out action, LASCO should immediately declare a 48-hour General Strike as a warning to government to back down, failure which a full scale general strike would be called.

However, more than ever before, the need to replace the entire crop of the ruling class and this ruinous capitalist system of greed and profit calls for the building of a political platform of the working masses. Of what importance is it for the present crop of ruling class to develop qualitative educational systems, when all their kids are studying abroad? What is there for
them to gain if there is functional and standard health systems, when they travel abroad for only malaria fever? Only the working class and poor strata of the society are genuinely interested in making Nigeria progress and truly develop because they most bear the burden of its backwardness. Only the Government of the working class and poor strata of the society can sincerely and genuinely redeem all the ills; towards this end, a party of the working class is required. Fortunately enough, the trade union centres launched a party of labour (Labour Party) with their energy and money, but unfortunately, the leadership of labour abandoned it and make it possible for anti-labour individuals to take over the running of the party. Many known enemies of the people in general and workers in particular are presently parading themselves as members of Labour Party. We strongly call on NLC, TUC leadership, the Socialists and other pro-labour organizations to reclaim the Party and boot out the scoundrels and enemies of the people who are presently using it to further their selfish career.

It is clear that the grassroots masses of this country can no longer continue to bear the burden of civilian dictatorship and budding fascism. Labour party must lead a campaign for multi-party democracy, independent candidature, in collaboration with the NLC, TUC and LASCO, left-wing parties, and other civil society organizations to fight for a democratically elected working peoples government that will install WORKERS DEMOCRACY, grassroots’ democracy (in general, working people’s democracy) and replace ruling class NEEDS with Working People’s NEEDS, the SAP-ist market economy with a centrally planned economy in which the major sectors (or commanding heights) will be under grassroots democracy, ownership, control and management so as to avoid the problems posed by bureaucratic management in the former Soviet Union and Eastern Europe (Eastern Bloc). (Daggar Tola, Kazeem CWA and Kulu Temper, edited)

2. For working people’s Assemblies; for a democratically elected constitutional conference to review the 1999 constitution and consider the models of the UAD, MNR, CFCR and PRONACO: for a referendum on the new constitution. For a SUPREME GRASSROOTS ASSEMBLY which will install a working people’s Government.


4. Right to military training: for the enforcement of section 220 of 1999 constitution so that the working people will be able to form self-defence committees against autocracy / dictatorship, budding fascism, for neighbourhood vigilance and security; and mandate protection.

5. Right to participate in government (Participatory Democracy) (Article 13, ACHPR): for “The System of Local government by democratically elected local government councils …” (1999 Constitution section 7)

B. GOOD GOVERNANCE

6. For economic democracy and right to credit facilities for small business people.

7. The right to a minimum living wage (Chapter II, 1999 Constitution). For a minimum living wage and pension linked to the cost of living index determined by the trade unions, with regular increases to match the rate of inflation. No to Deregulation

Neither can we accept a barter exchange of deregulation for a new minimum wage of the proposed and inadequate 30,000 naira, which falls short of the 52,200 naira demanded by the labour unions, with inflation unchecked and topped upon by deregulation, inflation would skyrocket above the heavens, making the working masses worse off; JAF therefore supports the
 demand by labour for 52,200 naira without deregulation (Kazeem CWA and Kulu Temper, edited)

8. The right to health (Article 16, ACHPR)

9. Right to education (Article 17 ACHPR) cost free education at all levels; for a minimum of N100, 000.00 bursary for each student in tertiary institutions and ten thousand Naira (N10,000) for WAEC & NECO fees and book allowances for SSCE candidates

10. Right to food (Chapter II, 1999 Constitution).

11. Consumers right to control prices rents and tariffs; for democratically elected representatives of trade unions, farmers, petty – traders, students, tenants and consumers to control prices and rents.

12. For Popular Committees on Prices, Rents and Tariffs (PCPRT).

13. No to hiding of the wealth, income and assets of money bags and members of the ruling classes through “business secrets” and “Professional Secret” to promote their exploitation, corruption and oppression; the account books should be opened. We want to know what the real national income (“national cake”) is and how it is divided. For a working people’s democratic control of National Account and Public Finances

14. For Grassroots Democratic ownership, control and management of the economy – banks, agriculture, commerce and industry (Chapter II, 1999 Constitution) to redistribute wealth for the benefit of the poor masses and reduce the effects of competition on the peasants and urban middle class with the working people’s government guaranteeing small producers (peasants, artisans and small business persons) full liberty to dispose of their property and at the same time assuring them of state orders at a price that will considerably raise their standard of living. For a massive investment in public infrastructure, to provide accommodation, housing, healthcare, schools, roads etc. Repair and rebuilding of new refineries to meet the fuel need of all.

15. The organization of poor grassroots masses into producers co-operatives which shall be guaranteed credits in a MICROFINANCE SYSTEM akin to the international best practices, especially Bangladesh which reduced poverty among 7 million people.

16. Right to shelter (Housing) Chapter II, 1999 constitution. The National Housing Fund is a ploy to rob workers to further the fortunes of mortgage speculators and moneybags. Government should first and foremost implement the employees Housing Decree No 54 of 1979 and compel employers to implement it. The decree makes it the duty of employers to build houses for their workers. The Government is using the NHF to shirk its responsibilities of providing housing facilities for the masses. For massive funding of Local Government to enable them build houses for the grassroots.

17. For prompt payment of arrears to pensioners and regular pension payments

18. For unemployment benefits not less than the minimum wage; opposition to retrenchment; permanent employment for casual or contract workers and apprentices in the NDE scheme to be organized in the trade unions
19. For massive funding of Local Government to enable them embark on MASS TRANSIT

20. Right to own land.

C. NATIONAL QUESTION

21. For the revolutionary resolution of the national question; for quick/immediate resolution of the Niger Delta Crisis

D. FISCAL FEDERALISM

22. For a working people’s Government to re-organize the economy and restructure Nigeria towards fiscal federalism; right to resource control (Article 21 ACHPR) and full democracy

E. SUSTAINABLE DEVELOPMENT

23. Right to development (Article 22, ACHPR)

F. SAFE ENVIRONMENT

24. Right to safe environment

(Article 24, ACHPR) and Chapter II, 1999 constitution

G. COMMUNICATION RIGHTS

25. (Article 9, ACHPR). Right to freedom of expression and the press (section 39, 1999 Constitution) public ownership of the media under grassroots democratic control and management by the representatives of NUT, RATTAWU, paper and printing workers, NLC and TUC and political groups on the basis of their strengths. For immediate passage of Freedom of Information (FOI) amendment to remove the cumbersome provisions.

H. FOREIGN POLICY

26. Opposition to imperialist wars and occupation of Iraq. We oppose American and British interventions in Syria, Venezuela, Korea, Ecuador, Argentina, Peru, Palestine and various parts of Africa. While striving against, regionalist forces and for the unity of the labouring grassroots masses of Nigeria, the enforcement of the right to SELF–DETERMINATION (Article 20, ACHPR) within Nigeria, We stand for the real UNIFICATION of Africa through the creation of a PAN AFRICAN FEDERATION OF WORKING PEOPLE’S GOVERNMENTS

I. GENDER RIGHTS

27. For the domestication in the Nigerian Laws all international instruments on gender and children’s rights.

J. RENATIONALIZATION PROGRAM:

28. Opposition to commercialization and privatization; for re-nationalization of all privatized companies’, public corporations and schools (Chapter II, 1999 Constitution).
APPENDIX


CONCEPT PAPER

SUSTAINABLE DEVELOPMENT, SAFE ENVIRONMENT, RENEWABLE ENERGY, CLIMATE JUSTICE, GENDER EMPOWERMENT AND POVERTY ERADICATION IN NIGERIA: Making the Pro-Grassroots Government in Oshun State a model on Grassroots Participatory Budget Processes, Community and Right-based Approach to Public Finance Analysis and Microfinance for Grassroots Empowerment- (A Pilot Project)

The reasons why Nigeria has not developed or advanced industrially and poverty level has increased have been adduced to the mismanagement of the economy over the years and corruption. There is lack of transparency or accountability which is a central tenet of good governance. There has been no access to information in the possession of the government. The right to know is not guaranteed. Hence, the media (especially including the internet as a medium), have been ineffective in the struggle to advocate against (and get rid of) these vices. Levels of alienation of the grassroots and youth from the political decision-making processes are underscored by the frequent expression of youth grievances through violence. Failure to heighten access to such peaceful awareness for inclusion that currently exists in the system can entrench violence by means of legitimate grievance expression. Needed, is a systematic knowledge, attitude base and skills to access the peaceful grievance expressions and resolution potentials afforded for the existence of a vibrant, people-focused National Assembly.

PROPOSED INTERVENTION

A series of education programmes on the link between poverty, unsafe and degraded environment, conflicts, repression and violence: unlocking the synergies of peace, participation and sustainable human development. The programmes will train participant in the scientific, development focused processes of eliciting, collating and dissemination of practical information on youth need and/or concerns in their areas of activity. The information generated by the practical application of these research methodologies will be packaged and presented through a participatory WARDC, NLC, TUC, POSPositive Ltd and Labour CEDRADS facilitated, sensitization meeting between participants and the legislature. Mass rallies, legal action or impact litigations, leaflets, posters, t-shirts, advertorials will be employed in the mass actions against joblessness and poverty in the transitional programme.

AIMS AND OBJECTIVES

and Fiscal Responsibility Act which have their roots in the 1999 Constitution in Chapter 2 of that Constitution, "Fundamental Objectives and Directive Principles of State Policies some of which CAP 10 laws of Nigeria (African Charter on Human and Peoples Rights, 1990) made enforceable including Right to Safe environment from Pollution, and Climate Change, Right to Food and Food Security, Right to Health, Right to Work, Right to Shelter Right to Public Facility/Utility and Other Related Human Rights Issues.: to reduce poverty through increased access to infrastructure facilities and income generating technical options as well as sustainable development and increased equity amongst men & women, youth, workers, the unemployed and the working people in general, thereby facilitating the mobilization of target groups and the building of capacity in them for sustainable social, human, environmental and economic development through the projects and Leveraging government response to service delivery in a participatory and transparent manner ; to support reforms, through offering models of transparency and participation in projects which increase access to socioeconomic infrastructure services, income generating options, sustainable livelihood options, gender equity and community empowerment (including youth and the unemployed)

PROBLEM STATEMENT

About 70% of Nigerians were reported by the "National Concord" of September 7, 1999 to be poor and that the number living below poverty line increased from 17.7 million to 67.1 million by 59.4 million between 1985 and 1996. There are at least 20 million unemployed in Nigeria, but the ILO figure is higher at 37.5 million jobless while the Federal office of statistics gives a figure of 40 million. The National Assembly has also quoted 50 million as the number of the unemployed. If the system does not concretely set into motion machinery for solving the problems of unemployment, climate change and environmental degradation, especially in the Niger Delta, the resultant macro-economic instability could derail the transition to full democracy as there is a nexus between poverty, climate change, environmental degradation and conflicts-deep-seated or ethno-religious.

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On Tue, 2/21/12, KUNLE OLADEJO <ladson9@yahoo.com> wrote:

From: KUNLE OLADEJO <ladson9@yahoo.com>
To: raregbesola@yahoo.com
Cc: aderaskeey@yahoo.com
Date: Tuesday, February 21, 2012, 3:50 PM

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On Mon, 12/19/11, KUNLE OLADEJO <ladson9@yahoo.com> wrote:

From: KUNLE OLADEJO <ladson9@yahoo.com>
To: raregbesola@yahoo.com
Cc: aderaskeey@yahoo.com, dadnig@yahoo.com, ajibola.basiru@gmail.com, ghengafayemiwo2002@yahoo.co.uk, kradegoke@gmail.com, olaitanoyerinde@yahoo.co.uk

Re: ANTI FUEL PRICE HIKE BASIC DOCUMENTS

Wednesday, December 7, 2011 3:03 AM

From:"KUNLE OLADEJO" <ladson9@yahoo.com>

The laws that are relevant to the issues raised are as follows:

1. Fiscal responsibility Act 2007

2. Procurement Act 2007


4. Fundamental Human Rights Enforcement Procedure Rules, December 1, 2009

5. Fiscal Responsibility Act which have their roots in the 1999 constitution in Chapter 2 of that Constitution, “Fundamental Objectives and Directive Principles of State Policies some of which
CAP 10 laws of Nigeria (African Charter on Human and Peoples Rights, 1990) have been made enforceable despite the fact that section 6 (6) (c) has been misinterpreted as having an ouster clause which it does not have. 6 (6) (C) “the judicial powers vested in accordance with foregoing provisions in this section (c) shall not, EXCEPT AS OTHERWISE PROVIDED IN THIS CONSTITUTION, extend to any issue or question as to whether any act or omission by any authority or person or as to whether any law or any judicial decision is in conformity with the fundamental objectives or directive principles of state policy set out in Chapter II of this constitution. But the constitution “otherwise provided” in item 60 of the Exclusive list, second schedule, part 1 “The establishment and regulation of authorities for the federation or any part therefore-a. To promote and enforce the observance of the fundamental objectives and directive principles contained in this constitution which gave birth to the Fiscal responsibility commission, due process office and anti-corruption agencies and authorities. The constitution furthermore makes it mandatory for political parties to be registered under section 224 to have their manifesto conform with the fundamental objectives and directive principles of state policy (224) “the programme as well as the aims and objectives of a political party shall conform with the provision of chapter ii of this constitution “It is otherwise further provided in the seventh schedule regarding oaths taken when an elected/appointed officer is been sworn in at local government or state government or federal government level as follows “That I will strive to preserve the fundamental objectives and directive principles of state policy contained in the constitution ’ The poser is: have they been enforcing chapter 2 or any law to develop the Niger-Delta since 1999? The failure of the NRDMP for the past six years is the correct answer to this. Right to participate in government, right to free education at all levels, right to free medical care, right to helter, decent work and a reasonable minimum wage, right to safe environment, resource control, fiscal federalism, self-determination and development are all guaranteed in our laws in addition to other rights. CSO’s should educate grassroots stakeholders in the Niger-Delta region on their rights by organizing stakeholders democratic conferences and invoking recall provisions in the 1999 Constitution to sanction representatives who divert funds meant for the development of communities or constituencies. Public interest litigations could also be intensified by CSO’s.

--- On Mon, 9/19/11,

KUNLE OLADEJO <ladson9@yahoo.com> wrote:

From: KUNLE OLADEJO <ladson9@yahoo.com>Subject: Fw: MEMO TO JAF: Draft Leaflet Committee To: lakemfaowei@yahoo.com, gsec@nlcng.orgDate: Monday, September 19, 2011, 9:50 AM

Dear Comrade, This is my contribution to the awareness campaign against privatization, deregulation etc. as the methods of Neo-Liberalism, but the Labour Movement has not been proactive enough. It has been tail-ending events because it also engages in self-censorship and non-holistic approach to the opposition movement against the market system, neoliberalism in relationship to our TRANSITIONAL DEMANDS. We should stop piecemeal approach to the struggle--- On Tue, 9/13/11, KUNLE OLADEJO <ladson9@yahoo.com> wrote:--- On Mon, 9/19/11, KUNLE OLADEJO <ladson9@yahoo.com> wrote:From: KUNLE OLADEJO <ladson9@yahoo.com>Subject: Fw: MEMO TO JAF: Draft Leaflet CommitteeTo: lakemfaowei@yahoo.com, gsec@nlcng.orgDate: Monday, September 19, 2011, 9:50 AM

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Cc: jnt_action@yahoo.co.uk, biod_abi@yahoo.co.uk, seniajai@hotmail.com, peladii@yahoo.com, cachike@yahoo.com, daggartola@yahoo.com, ladson9@yahoo.com, kuladson@yahoo.co.ukDate: Tuesday, September 13, 2011, 12:11 PM--- On Wed, 9/7/11, KUNLE OLADEJO <ladson9@yahoo.com> wrote:From: KUNLE OLADEJO

<ladson9@yahoo.com>Subject: Fw: MEMO TO JAF:Draft Leaflet CommitteeDate: Wednesday, September 7, 2011, 11:08 AM

Please find below the Memorandum by the organizations I belong to as a contribution to the Protest Movement .I will send an extract from the NLC’s position on deregulation and the NLC pamphlet on $16 billion dollars meant for the power sector that was not accounted for between 1999 and 2007 under General Obasanjo and JAF document on the privatization of NEPA . The MEMO is in form of a petition.

I, the undersigned on behalf of the grassroots masses of Nigeria, in view of the fact that our rights (under the African Charter on Human and Peoples Rights (ACHPR) ,chapters 2 and 4 of the 1999 Constitution, some of its other sections and laws ) are being violated by the Federal Government, authorities, people and agents mentioned above reminiscent of impunity ,civilian dictatorship and RULE OF FORCE since 1999 contrary to the MANTRA of the RULE OF LAW they have been singing, hereby apply as follows: That our fundamental rights under African Charter on Human and Peoples Rights ACHPR,CAP 10, Laws of Nigeria ,1990,Fiscal Responsibility Act ,2007,Procurement Act 2007, chapters 2 and 4 of the Constitution, several sections of it, and the judgment of an ECOWAS Court that education should be free), in general, and in particular, section 83 which says “ (1) The National Assembly may by law make provisions for the establishment of a Contingencies Fund for the Federation and for authorizing the President, if satisfied that there has arisen an urgent and unforeseen need for expenditure for which no other provision exists, to make advances from the Fund to meet the need” like the repairs and maintenance of refineries, of power generating stations, of roads and other infrastructures and constructing new ones; section 162 which also says “(1) The Federation shall maintain a special account to be called "the Federation Account" into which shall be paid all revenues collected by the Government of the Federation, except the proceeds from the personal income tax of the personnel of the armed forces of the Federation, the Nigeria Police Force, the Ministry or department of government charged with responsibility for Foreign Affairs and the residents of the Federal Capital Territory, Abuja.(2) The President, upon the receipt of advice from the Revenue Mobilisation Allocation and Fiscal Commission, shall table before the National Assembly proposals for revenue allocation from the Federation Account, and in determining the formula, the National Assembly shall take into account, the allocation principles especially those of population, equality of States, internal revenue generation, land mass, terrain as well as population density; Provided that the principle of derivation shall be constantly reflected in any approved formula as being not less than thirteen per cent of the revenue accruing to the Federation Account directly from any natural resources.(3) Any amount standing to the credit of the Federation Account shall be distributed among the Federal and State Governments and the local government councils in each State on such terms and in such manner as may be prescribed by the National Assembly.(4) Any amount standing to the credit of the States in the Federation Account shall be distributed among the States on such terms and in such manner as may be prescribed by the National Assembly” and not an unconstitutional Sovereign Wealth Fund/or ECA; section 224, Item 60 of the Exclusive
Legislative List; OATHS OF OFFICES saying “…… ; that I will strive to preserve the Fundamental Objectives and Directive Principles of State Policy contained in the Constitution of the Federal Republic of Nigeria which have been observed in breach; and judgments of the Supreme Court in decided cases on constitutional matters and principles of interpreting the Constitution which have also been violated to jeopardize rights. (2) That according to the rules made by the Supreme Court on December 1, 2009 to enforce human rights, ”The court shall constantly and conscientiously seek effect to the over-riding objectives of these rules at every stage of human rights action, especially whenever it exercises any power given it by these Rules or any other law and whenever it applies or interpretes any rule . The court shall encourage and welcome public interest litigations in the human rights field and no human rights case may be dismissed or struck out for want of locus standi. In particular, human rights activists, advocates or group as well as any non-governmental organization may institute any human rights application on behalf of any potential applicant. In human rights litigation, the applicant may include any of the following ; (i) Any one acting in his own interest. (ii) Any one acting on behalf of another person. (iii) Any one acting as a member of, or in the interest or class of persons. (iv) Any one acting in the public interest and (v) Association acting in the interest of its members or groups”

(3) That by virtue of section 1subsection(3) and section 315 of the 1999 Constitution, any regulation, rule or order made by the authorities or agencies named above, and any law(s) which set(s) them up that has/have provision(s) which conflict(s) or is/are inconsistent with the provisions of the Constitution are invalid to the extent of its/their inconsistency.

(4) That the Constitution is clear on who owns the PHCN (formerly NEPA) and without amending the CONCURRENT LEGISLATIVE LIST, the FG cannot sell it or begin any bid to privatize it. Doing so is gross violation of our rights, the rights of workers and consumers as items F (13) and (14) below reveal:

**Item**

**Extent of Federal and Legislative Powers-Electric power.**

13. The National Assembly may make laws for the Federation or any part thereof with respect to -(a) electricity and the establishment of electric power stations; (b) the generation and transmission of electricity in or to any part of the Federation and from one State to another State; (c) the regulation of the right of any person or authority to dam up or otherwise interfere with the flow of water from sources in any part of the Federation; (d) the participation of the Federation in any arrangement with another country for the generation, transmission and distribution of electricity for any area partly within and partly outside the Federation; (e) the promotion and establishment of a national grid system; and (f) the regulation of the right of any person or authority to use, work or operate any plant, apparatus, equipment or work designed for the supply or use of electrical energy.

14. A House of Assembly may make laws for the State with respect to -(a) electricity and the establishment in that State of electric power stations; (b) the generation, transmission and distribution of electricity to areas not covered by a national grid system within that State; and (c) the establishment within that State of any authority for the promotion and management of electric power stations established by the State. (5) That to redress the injustice meted to us and flagrant violation of our rights since 1999, I on behalf of myself and in public interests seek your assistance for an APPLICATION for a High Court or Supreme Court order(s) and declarations : (A) A DECLARATION that 6 (6) (C) does not contain any ouster clause on the jurisdiction of any court. The laws that are relevant to the issues raised are as follows: 1. Fiscal responsibility Act 2007

2. **Procurement Act 2007**

4. Fundamental Human Rights Enforcement Procedure Rules, December 1, 2009

Fiscal Responsibility Act which have their roots in the 1999 constitution in Chapter 2 of that Constitution, “Fundamental Objectives and Directive Principles of State Policies” some of which CAP 10 laws of Nigeria (African Charter on Human and Peoples Rights, 1990) have been made enforceable despite the fact that section 6 (6) (c) has been misinterpreted as having an ouster clause which it does not have: 6 (6) (C) “the judicial powers vested in accordance with foregoing provisions in this section (c) shall not, EXCEPT AS OTHERWISE PROVIDED IN THIS CONSTITUTION, extend to any issue or question as to whether any act or omission by any authority or person or as to whether any law or any judicial decision is in conformity with the fundamental objectives or directive principles of state policy set out in Chapter II of this constitution. But the constitution “otherwise provided” in item 60 of the Exclusive list, second schedule, part 1 “The establishment and regulation of authorities for the federation or any part therefore-a. To promote and enforce the observance of the fundamental objectives and directive principles contained in this constitution which gave birth to the Fiscal responsibility commission, due process office and anti-corruption agencies and authorities. The constitution furthermore makes it mandatory for political parties to be registered under section 224 to have their manifesto conform with the fundamental objectives and directive principles of state policy (224) “the programme as well as the aims and objectives of a political party shall conform with the provision of chapter ii of this constitution “It is otherwise further provided in the seventh schedule regarding oaths taken when an elected/appointed officer is been sworn in at local government or state government or federal government level as follows: “That I will strive to preserve the fundamental objectives and directive principles of state policy contained in the constitution”; it should be further declared that INEC be ordered to de-register PDP and any other party whose constitution and manifestoes do not conform to section 224 and revoke the order of INEC de-registering DA,PRP,NAP,PMP and others who conform to chapter 2 of 1999 constitution.(B)A DECLARATION that SWF/ECA is unconstitutional and that the law establishing it is null and void and of no effect whatsoever.(C) A DECLARATION that “Fundamental Objectives and Directive Principles of State Policies” of Chapter Two are justiciable or enforceable as (A)(1-6) reveal and the Government of the State of Osun has demonstrated that the ECOSOC rights in the Chapter are more practicable now.(D) A DECLARATION that by virtue of sections 16 to 23, deregulation and privatization/concessioning are unconstitutional and an order revoking them is granted in line with section 16 since the recommendation by the Senate Committee probing privatization has revealed why those public enterprises were unconstitutionally sold.: an order is to be further granted to declare the law setting up the National Privatization Council invalid, null and void.(E)A DECLARATION that by the virtue of section 22 of the 1999 Constitution on the obligation of the mass media, section 39 on the right to freedom of expression and the press, Article 9 of the ACHPR and the FOI law, Nigerians have the right to know why after spending more than $4 (four) billion dollars on the refineries and $16 (sixteen) billion dollars on the PHCN, there is no appreciable improvement in both sectors for the past 14 years; and that EFCC and ICPC are ordered to probe how the funds were mismanaged.(F) A DECLARATION that the right to participate in government, right to free education at all levels, right to free medical care, right to shelter, decent work and a reasonable minimum wage, right to safe environment, resource control, fiscal federalism, self-determination and development are all guaranteed in our laws in addition to other rights.(G) A DECLARATION that the FG has not been enforcing chapter 2 or any law to develop the Niger-Delta since 1999 and that the failure of the NDRDM for the past 7 years is a revelation of the fact that budgeted funds for it between 2006 and 2010 were mismanaged and this constitutes a rape on the rights of grassroots stakeholders in the Niger-Delta region, They, therefore, have the right to organize and invoke recall provisions in the 1999 Constitution to sanction representatives who divert funds meant for the development of communities or constituencies.(H)A DECLARATION that, according to items F (13) and (14) of the Concurrent List, Extent of Federal and Legislative Powers, PHCN cannot be sold or privatized. Therefore any sale is hereby ordered to be stopped forthwith.
THIRD SCHEDULE
PART I
FEDERAL EXECUTIVE BODIES (ESTABLISHED BY SECTION 153)

– Revenue Mobilisation Allocation and Fiscal Commission.31. The Revenue Mobilisation Allocation and Fiscal Commission shall comprise the following members - (a) a Chairman; and (b) one member from, each State of the Federation and the Federal Capital Territory, Abuja who in the opinion of the President are persons of unquestionable integrity with requisite qualifications and experience.

32. The Commission shall have power to - (a) monitor the accruals to and disbursement of revenue from the Federation Account; (b) review, from time to time, the revenue allocation formulae and principles in operation to ensure conformity with changing realities: Provided that any revenue formula which has been accepted by an Act, of the National Assembly shall remain in force for a period of not less than five years from the date of commencement of the Act; (c) advise the Federal and State Governments on fiscal efficiency and methods by which their revenue can be increased; (d) determine the remuneration appropriate for political office holders, including the President, Vice-President, Governors, Deputy Governors, Ministers, Commissioners, Special Advisers, legislators and the holders of the offices mentioned in sections 84 and 124 of this Constitution; and (e) discharge such other functions as are conferred on the Commission by this Constitution or any Act of the National Assembly.

PART II
section 4
CONCURRENT LEGISLATIVE LIST
Item Extent of Federal and Legislative Powers

Electric power.13. The National Assembly may make laws for the Federation or any part thereof with respect to - (a) electricity and the establishment of electric power stations; (b) the generation and transmission of electricity in or to any part of the Federation and from one State to another State; (c) the regulation of the right of any person or authority to dam up or otherwise interfere with the flow of water from sources in any part of the Federation; (d) the participation of the Federation in any arrangement with another country for the generation, transmission and distribution of electricity for any area partly within and partly outside the Federation; (e) the promotion and establishment of a national grid system; and (f) the regulation of the right of any person or authority to use, work or operate any plant, apparatus, equipment or work designed for the supply or use of electrical energy.14. A House of Assembly may make laws for the State with respect to - (a) electricity and the establishment in that State of electric power stations; (b) the generation, transmission and distribution of electricity to areas not covered by a national grid system within that State; and (c) the establishment within that State of any authority for the promotion and management of electric power stations established by the State.15. In the foregoing provisions of this item, unless the context otherwise requires, the following expressions have the meanings respectively assigned to them - "distribution" means the supply of electricity from a sub-station to the ultimate consumer; "management" includes maintenance, repairs or replacement; "power station" means an assembly of plant or equipment for the creation or generation of electrical energy; and "transmission" means the supply of electricity from a power station to a sub-station or from one sub-station to another sub-station, and the reference to a "sub-station" herein is a reference to an assembly of plant, machinery or equipment for distribution of electricity.

FOURTH SCHEDULE FUNCTIONS OF A LOCAL GOVERNMENT COUNCIL1. The main functions of a local government council are as follows - (a) the consideration and the making of recommendations to a State commission on economic planning or any similar body on - (i) the economic development of the State, particularly in so far as the areas of authority of the council and of the State are affected, and (ii) proposals made by the said commission or body; (b)
collection of rates, radio and television licences; (c) establishment and maintenance of cemeteries, burial grounds and homes for the destitute or infirm; (d) licensing of bicycles, trucks (other than mechanically propelled trucks), canoes, wheel barrows and carts; (e) establishment, maintenance and regulation of slaughter houses, slaughter slabs, markets, motor parks and public conveniences, (f) construction and maintenance of roads, streets, street lightings, drains and other public highways, parks, gardens, open spaces, or such public facilities as may be prescribed from time to time by the House of Assembly of a State; (g) naming of roads and streets and numbering of houses; (h) provision and maintenance of public conveniences, sewage and refuse disposal; (i) registration of all births, deaths and marriages; (j) assessment of privately owned houses or tenements for the purpose of levying such rates as may be prescribed by the House of Assembly of a State; and (k) control and regulation of (i) outdoor advertising and hoarding, (ii) movement and keeping of pets of all description, (iii) shops and kiosks, (iv) restaurants, bakeries and other places for sale of food to the public, (v) laundries, and (vi) licensing, regulation and control of the sale of liquor.

.2. The functions of a local government council shall include participation of such council in the Government of, a State as respects the following matters - (a) the provision and maintenance of primary, adult and vocational education; (b) the development of agriculture and natural resources, other than the exploitation of minerals; (c) the provision and maintenance of health services; and (d) such other functions as may be conferred on a local government council by the House of Assembly of the State.

Powers and Control over Public Funds80. (1) All revenues or other moneys raised or received by the Federation (not being revenues or other moneys payable under this Constitution or any Act of the National Assembly into any other public fund of the Federation established for a specific purpose) shall be paid into and form one Consolidated Revenue Fund of the Federation. (2) No moneys shall be withdrawn from the Consolidated Revenue Fund of the Federation except to meet expenditure that is charged upon the fund by this Constitution or where the issue of those moneys has been authorised by an Appropriation Act, Supplementary Appropriation Act or an Act passed in pursuance of section 81 of this Constitution. (3) No moneys shall be withdrawn from any public fund of the Federation, other than the Consolidated Revenue Fund of the Federation, unless the issue of those moneys has been authorised by an Act of the National Assembly. (4) No moneys shall be withdrawn from the Consolidated Revenue Fund or any other public fund of the Federation, except in the manner prescribed by the National Assembly.81. (1) The President shall cause to be prepared and laid before each House of the National Assembly at any time in each financial year estimates of the revenues and expenditure of the Federation for the next following financial year. (2) The heads of expenditure contained in the estimates (other than expenditure charged upon the Consolidated Revenue Fund of the Federation by this Constitution) shall be included in a bill, to be known as an Appropriation Bill, providing for the issue from the Consolidated Revenue Fund of the sums necessary to meet expenditure and the appropriation of those sums for the purposes specified therein. (3) Any amount standing to the credit of the judiciary in the Consolidated Revenue Fund of the Federation shall be paid directly to the National Judicial Council for disbursement to the heads of the courts established for the Federation and the State under section 6 of this Constitution. (4) If in respect of any financial year it is found that - (a) the amount appropriated by the Appropriation Act for any purpose is insufficient; or (b) a need has arisen for expenditure for a purpose for which no amount has been appropriated by the Act, a supplementary estimate showing the sums required shall be laid before each House of the National Assembly and the heads of any such expenditure shall be included in a Supplementary Appropriation Bill.82. If the Appropriation Bill in respect of any financial year has not been passed into law by the beginning of the financial year, the President may authorise the withdrawal of moneys in the Consolidated Revenue Fund of the Federation for the purpose of meeting expenditure necessary to carry on the services of the Government of the Federation for a period not exceeding six months or until the coming into operation of the Appropriate Act, whichever is the earlier: Provided that the withdrawal in
respect of any such period shall not exceed the amount authorised to be withdrawn from the Consolidated Revenue Fund of the Federation under the provisions of the Appropriation Act passed by the National Assembly for the corresponding period in the immediately preceding financial year, being an amount proportionate to the total amount so authorised for the immediately preceding financial year.83.(1) The National Assembly may by law make provisions for the establishment of a Contingencies Fund for the Federation and for authorising the President, if satisfied that there has arisen an urgent and unforeseen need for expenditure for which no other provision exists, to make advances from the Fund to meet the need.(2) Where any advance is made in accordance with the provisions of this section, a Supplementary Estimate shall be presented and a Supplementary Appropriation Bill shall be introduced as soon as possible for the purpose of replacing the amount so advanced.84.(1) There shall be paid to the holders of the offices mentioned in this section such remuneration, salaries and allowances as maybe prescribed by the National Assembly, but not exceeding the amount as shall have been determined by the Revenue Mobilisation Allocation and Fiscal Commission.(2) The remuneration, salaries and allowances payable to the holders of the offices so mentioned shall be a charge upon the Consolidated Revenue Fund of the Federation.(3) The remuneration and salaries payable to the holders of the said offices and their conditions of service, other than allowances, shall not be altered to their disadvantage after their appointment.(4) The offices aforesaid are the offices of President, Vice-President, Chief Justice of Nigeria, Justice of the Supreme Court, President of the Court of Appeal, Justice of the Court of Appeal, Chief Judge of the Federal High Court, Judge of the Federal High Court, Chief Judge and Judge of the High Court of the Federal Capital Territory, Abuja, Chief Judge of a State, Judge of the High Court of a State, Grand Kadi of the Sharia Court of Appeal of the Federal Capital Territory, Abuja, President and Judge of the Customary Court of Appeal of the Federal Capital Territory, Abuja, Grand Kadi and Kadi of the Sharia Court of Appeal of a State, President and Judge of the Customary Court of Appeal of a State, the Auditor-General for the Federation and the Chairmen and members of the following executive bodies, namely, the Code of Conduct Bureau, the Federal Civil Service Commission, the Independent National Electoral Commission, the National Judicial Council, the Federal Judicial Service Commission, the Judicial Service Committee of the Federal Capital Territory, Abuja, the Federal Character Commission, the Code of Conduct Tribunal, the National Population Commission, the Revenue Mobilisation Allocation and Fiscal Commission, the Nigeria Police Council and the Police Service Commission.(5) Any person who has held office as President or Vice-President shall be entitled to pension for life at a rate equivalent to the annual salary of the incumbent President or Vice-President: Provided that such a person was not removed from office by the process of impeachment or for breach of any provisions of this Constitution.(6) Any pension granted by virtue of subsection (5) of this section shall be a charge upon the Consolidated Revenue Fund of the Federation.(7) The recurrent expenditure of judicial offices in the Federation (in addition to salaries and allowances of the judicial officers mentioned in subsection (4) of this section) shall be charge upon the Consolidated Revenue Fund of the Federation.

CHAPTER II FUNDAMENTAL OBJECTIVES AND DIRECTIVE PRINCIPLES OF STATE POLICY

(13) It shall be the duty and responsibility of all organs of government, and of all authorities and persons, exercising legislative, executive or judicial powers, to conform to, observe and apply the provisions of this Chapter of this Constitution.14-(1)

The Federal Republic of Nigeria shall be a State based on the principles of democracy and social justice. (2) It is hereby, accordingly, declared that: (a) sovereignty belongs to the people of Nigeria from whom government through this Constitution derives all its powers and authority; (b) the security and welfare of the people shall be the primary purpose of
government: and (c) the participation by the people in their government shall be ensured in accordance with the provisions of this Constitution. (3) The composition of the Government of the Federation or any of its agencies and the conduct of its affairs shall be carried out in such a manner as to reflect the federal character of Nigeria and the need to promote national unity, and also to command national loyalty, thereby ensuring that there shall be no predominance of persons from a few State or from a few ethnic or other sectional groups in that Government or in any of its agencies. (4) The composition of the Government of a State, a local government council, or any of the agencies of such Government or council, and the conduct of the affairs of the Government or council or such agencies shall be carried out in such manner as to recognise the diversity of the people within its area of authority and the need to promote a sense of belonging and loyalty among all the people of the Federation.

(1) The motto of the Federal Republic of Nigeria shall be Unity and Faith, Peace and Progress. (2) Accordingly, national integration shall be actively encouraged, whilst discrimination on the grounds of place of origin, sex, religion, status, ethnic or linguistic association or ties shall be prohibited. (3) For the purpose of promoting national integration, it shall be the duty of the State to: (a) provide adequate facilities for and encourage free mobility of people, goods and services throughout the Federation. (b) secure full residence rights for every citizen in all parts of the Federation. (c) encourage inter-marriage among persons from different places of origin, or of different religious, ethnic or linguistic association or ties; and (d) promote or encourage the formation of associations that cut across ethnic, linguistic, religious and or other sectional barriers. (4) The State shall foster a feeling of belonging and of involvement among the various people of the Federation, to the end that loyalty to the nation shall override sectional loyalties. (5) The State shall abolish all corrupt practices and abuse of power.

(1) The State shall, within the context of the ideals and objectives for which provisions are made in this Constitution: (a) harness the resources of the nation and promote national prosperity and an efficient, a dynamic and self-reliant economy; (b) control the national economy in such manner as to secure the maximum welfare, freedom and happiness of every citizen on the basis of social justice and equality of status and opportunity; (c) without prejudice to its right to operate or participate in areas of the economy, other than the major sectors of the economy, manage and operate the major sectors of the economy; (d) without prejudice to the right of any person to participate in areas of the economy within the major sector of the economy, protect the right of every citizen to engage in any economic activities outside the major sectors of the economy. (2) The State shall direct its policy towards ensuring: (a) the promotion of a planned and balanced economic development; (b) that the material resources of the nation are harnessed and distributed as best as possible to serve the common good; (c) that the economic system is not operated in such a manner as to permit the concentration of wealth or the means of production and exchange in the hands of few individuals or of a group; and (d) that suitable and adequate shelter, suitable and adequate food, reasonable national minimum living wage, old age care and pensions, and unemployment, sick benefits and welfare of the disabled are provided for all citizens. (3) A body shall be set up by an Act of the National Assembly which shall have power: (a) to review, from time to time, the ownership and control of business enterprises operating in Nigeria and make recommendations to the President on same; and (b) to administer any law for the regulation of the ownership and control of such enterprises. (4) For the purposes of subsection (1) of this section - 17 (a) the reference to the "major sectors of the economy" shall be construed as a reference to such economic activities as may, from time to time, be declared by a resolution of each House of the National Assembly to be managed and operated exclusively by the Government of the Federation, and until a resolution to the contrary is made by the National Assembly, economic activities being operated exclusively by the Government of the Federation on the date immediately preceding the day when this section comes into force, whether directly or through the agencies of a statutory or other corporation or company, shall be deemed to be major sectors of the economy; (b) "economic activities" includes activities directly concerned with the production, distribution and exchange of weather or of goods and services; and (c) "participate" includes the rendering of services and supplying of goods. (1) The State social order is founded on ideals of Freedom, Equality and Justice. (2) In furtherance of the social order - (a) every citizen shall have equality of rights, obligations and opportunities before the
(b) the sanctity of the human person shall be recognized and human dignity shall be maintained and enhanced; (c) governmental actions shall be humane; (d) exploitation of human or natural resources in any form whatsoever for reasons, other than the good of the community, shall be prevented; and (e) the independence, impartiality and integrity of courts of law, and easy accessibility thereto shall be secured and maintained.

(3) The State shall direct its policy towards ensuring that - (a) all citizens, without discrimination on any group whatsoever, have the opportunity for securing adequate means of livelihood as well as adequate opportunity to secure suitable employment; (b) conditions of work are just and humane, and that there are adequate facilities for leisure and for social, religious and cultural life; (c) the health, safety and welfare of all persons in employment are safeguarded and not endangered or abused; (d) there are adequate medical and health facilities for all persons; (e) there is equal pay for equal work without discrimination on account of sex, or on any other ground whatsoever; (f) children, young persons and the age are protected against any exploitation whatsoever, and against moral and material neglect; (g) provision is made for public assistance in deserving cases or other conditions of need; and (h) the evolution and promotion of family life is encouraged.

Educational objectives

(1) Government shall direct its policy towards ensuring that there are equal and adequate educational opportunities at all levels.

(2) Government shall promote science and technology.

(3) Government shall strive to eradicate illiteracy; and to this end Government shall as and when practicable provide - (a) free, compulsory and universal primary education; (b) free secondary education; (c) free university education; and (d) free adult literacy programme.

The foreign policy objectives shall be - (a) promotion and protection of the national interest; (b) promotion of African integration and support for African unity; (c) promotion of international co-operation for the consolidation of universal peace and mutual respect among all nations and elimination of discrimination in all its manifestations; (d) respect for international law and treaty obligations as well as the seeking of settlement of international disputes by negotiation, mediation, conciliation, arbitration and adjudication; and (e) promotion of a just world economic order.

The State shall protect and improve the environment and safeguard the water, air and land, forest and wild life of Nigeria.

The State shall - (a) protect, preserve and promote the Nigerian cultures which enhance human dignity and are consistent with the fundamental objectives as provided in this Chapter; and (b) encourage development of technological and scientific studies which enhance cultural values.

The press, radio, television and other agencies of the mass media shall at all times be free to uphold the fundamental objectives contained in this Chapter and uphold the responsibility and accountability of the Government to the people.

The national ethics shall be Discipline, Integrity, Dignity of Labour, Social, Justice, Religious Tolerance, Self-reliance and Patriotism.

Duties of the citizen

It shall be the duty of every citizen to - (a) abide by this Constitution, respect its ideals and its institutions, the National Flag, the National Anthem, the National Pledge, and legitimate authorities; (b) help to enhance the power, prestige and good name of Nigeria, defend Nigeria and render such national service as may be required; (c) respect the dignity of other citizens and the rights and legitimate interests of others and live in unity and harmony and in the spirit of common brotherhood; (d) make positive and useful contribution to the advancement, progress and well-being of the community where he resides; (e) render assistance to appropriate and lawful agencies in the maintenance of law and order; and (f) declare his income honestly to appropriate and lawful agencies and pay his tax promptly.

Political Parties

Aims and objects.

The programme as well as the aims and objects of a political party shall conform with the provisions of Chapter II of this Constitution.

Section 4 SECOND SCHEDULE LEGISLATIVE POWERS PART I EXCLUSIVE

LEGISLATIVE LIST Item 60. The establishment and regulation of authorities for the Federation or any part thereof - (a) to promote and enforce the observance of the Fundamental Objectives and Directive Principles contained in this Constitution;

OATH OF OFFICE OF PRESIDENTI................................... do solemnly swear/affirm that I will be faithful and bear true allegiance to the Federal Republic of Nigeria; that as President of the
Federal Republic of Nigeria, I will discharge my duties to the best of my ability, faithfully and in accordance with the Constitution of the Federal Republic of Nigeria and the law, and always in the interest of the sovereignty, integrity, solidarity, well-being and prosperity of the Federal Republic of Nigeria; that I will strive to preserve the Fundamental Objectives and Directive Principles of State Policy contained in the Constitution of the Federal Republic of Nigeria; that I will not allow my personal interest to influence my official conduct or my official decisions; that I will to the best of my ability preserve, protect and defend the Constitution of the Federal Republic of Nigeria; that I will abide by the Code of Conduct contained in the Fifth Schedule to the Constitution of the Federal Republic of Nigeria; that I will strive to preserve the Fundamental Objectives and Directive Principles of State Policy contained in the Constitution of the Federal Republic of Nigeria; and that I will devote myself to the service and well-being of the people of Nigeria. So help me God.

OATH OF OFFICE OF GOVERNOR OF A STATE
I.................................. do solemnly swear/affirm that I will be faithful and bear true allegiance to the Federal Republic of Nigeria; that as the Governor of ................. State, I will discharge my duties to the best of my ability, faithfully and in accordance with the Constitution of the Federal Republic of Nigeria and the law, and always in the interest of the sovereignty, integrity, solidarity, well-being and prosperity of the Federal Republic of Nigeria; that I will not allow my personal interest to influence my official conduct or my official decisions; that I will to the best of my ability preserve, protect and defend the Constitution of the Federal Republic of Nigeria; that I will abide by the Code of Conduct contained in the Fifth Schedule to the Constitution of the Federal Republic of Nigeria; that I will exercise the authority vested in me as Governor so as not to impede or prejudice the authority lawfully vested in the President of the Federal Republic of Nigeria and so as not to endanger the continuance of Federal Government in Nigeria; that I will not allow my personal interest to influence my official conduct or my official decisions; that I will to the best of my ability preserve, protect and defend the Constitution of the Federal Republic of Nigeria; that I will abide by the Code of Conduct contained in the Fifth Schedule to the Constitution of the Federal Republic of Nigeria; that in all circumstances, I will do right to all manner of people, according to law, without fear or favour, affection or ill-will; that I will not directly or indirectly communicate or reveal to any person any matter which shall be brought under my consideration or shall become known to me as Governor of.................... State, except as may be required for the due discharge of my duties as Governor; and that I will devote myself to the service and well-being of the people of Nigeria. So help me God.

Powers and Control over Public Funds
80.(1) All revenues or other moneys raised or received by the Federation (not being revenues or other moneys payable under this Constitution or any Act of the National Assembly into any other public fund of the Federation established for a specific purpose) shall be paid into and form one Consolidated Revenue Fund of the Federation.

81.(1) The President shall cause to be prepared and laid before each House of the National Assembly at any time in each financial year estimates of the revenues and expenditure of the Federation for the next following financial year.

(2) The heads of expenditure contained in the estimates (other than expenditure charged upon the Consolidated Revenue Fund of the Federation by this Constitution) shall be included in a bill, to be known as an Appropriation Bill, providing for the issue from the Consolidated Revenue Fund of the sums necessary to meet that expenditure and the appropriation of those sums for the purposes specified therein. (3) Any amount standing to the credit of the judiciary in the Consolidated Revenue Fund of the Federation shall be paid...
directly to the National Judicial Council for disbursement to the heads of the courts established for the Federation and the State under section 6 of this Constitution.(4) If in respect of any financial year it is found that - (a) the amount appropriated by the Appropriation Act for any purpose is insufficient; or (b) a need has arisen for expenditure for a purpose for which no amount has been appropriated by the Act, a supplementary estimate showing the sums required shall be laid before each House of the National Assembly and the heads of any such expenditure shall be included in a Supplementary Appropriation Bill. 82. If the Appropriation Bill in respect of any financial year has not been passed into law by the beginning of the financial year, the President may authorise the withdrawal of moneys in the Consolidated Revenue Fund of the Federation for the purpose of meeting expenditure necessary to carry on the services of the Government of the Federation for a period not exceeding months or until the coming into operation of the Appropriation Act, whichever is the earlier: Provided that the withdrawal in respect of any such period shall not exceed the amount authorised to be withdrawn from the Consolidated Revenue Fund of the Federation under the provisions of the Appropriation Act passed by the National Assembly for the corresponding period in the immediately preceding financial year, being an amount proportionate to the total amount so authorised for the immediately preceding financial year.83.(1) The National Assembly may by law make provisions for the establishment of a Contingencies Fund for the Federation and for authorising the President, if satisfied that there has arisen an urgent and unforeseen need for expenditure for which no other provision exists, to make advances from the Fund to meet the need.(2) Where any advance is made in accordance with the provisions of this section, a Supplementary Estimate shall be presented and a Supplementary Appropriation Bill shall be introduced as soon as possible for the purpose of replacing the amount so advanced.84.(1) There shall be paid to the holders of the offices mentioned in this section such remuneration, salaries and allowances as may be prescribed by the National Assembly, but not exceeding the amount as shall have been determined by the Revenue Mobilisation Allocation and Fiscal Commission.(2) The remuneration, salaries and allowances payable to the holders of the offices so mentioned shall be a charge upon the Consolidated Revenue Fund of the Federation.(3) The remuneration and salaries payable to the holders of the said offices and their conditions of service, other than allowances, shall not be altered to their disadvantage after their appointment.(4) The offices aforesaid are the offices of President, Vice-President, Chief Justice of Nigeria, Justice of the Supreme Court, President of the Court of Appeal, Justice of the Court of Appeal, Chief Judge of the Federal High Court, Judge of the Federal High Court, Chief Judge and Judge of the High Court of the Federal Capital Territory, Abuja, Chief Judge of a State, Judge of the High Court of a State, Grand Kadi of the Shari'a Court of Appeal of the Federal Capital Territory, Abuja, President and Judge of the Customary Court of Appeal of the Federal Capital Territory, Abuja, Grand Kadi and Kadi of the Shari'a Court of Appeal of a State, President and Judge of the Customary Court of Appeal of a State, the Auditor-General for the Federation and the Chairman and members of the following executive bodies, namely, the Code of Conduct Bureau, the Federal Civil Service Commission, the Independent National Electoral Commission, the National Judicial Council, the Federal Judicial Service Commission, the Judicial Service Committee of the Federal Capital Territory, Abuja, the Federal Character Commission, the Code of Conduct Tribunal, the National Population Commission, the Revenue Mobilisation Allocation and Fiscal Commission, the Nigeria Police Council and the Police Service Commission.(5) Any person who has held office as

President or Vice-President shall be entitled to pension for life at a rate equivalent to the annual salary of the incumbent President or Vice-President: Provided that such a person was not removed from office by the process of impeachment or for breach of any provisions of this Constitution. (6) Any pension granted by virtue of subsection (5) of this section shall be a charge upon the Consolidated Revenue Fund of the Federation. (7) The recurrent expenditure of judicial offices in the Federation (in addition to salaries and allowances of the judicial officers mentioned in subsection (4) of this section) shall be charge upon the Consolidated Revenue Fund of the Federation.85.(1) There shall be an Auditor-General for the Federation who shall be appointed in accordance with the provisions of section86 of this Constitution. (2) The public
accounts of the Federation and of all offices and courts of the Federation shall be audited and reported on to the Auditor-General who shall submit his reports to the National Assembly; and for that purpose, the Auditor-General or any person authorised by him in that behalf shall have access to all the books, records, returns and other documents relating to those accounts.(3) Nothing in subsection (2) of this section shall be construed as authorising the Auditor-General to audit the accounts of or appoint auditors for government statutory corporations, commissions, authorities, agencies, including all persons and bodies established by an Act of the National Assembly, but the Auditor-General shall -(a) provide such bodies with -(i) a list of auditors qualified to be appointed by them as external auditors and from which the bodies shall appoint their external auditors, and(ii) guidelines on the level of fees to be paid to external auditors; and(b) comment on their annual accounts and auditor's reports thereon.(4) The Auditor-General shall have power to conduct checks of all government statutory corporations, commissions, authorities, agencies, including all persons and bodies established by an Act of the National Assembly.(5) The Auditor-General shall, within ninety days of receipt of the Accountant-General's financial statement, submit his reports under this section to each House of the National Assembly and each House shall cause the reports to be considered by a committee of the House of the National Assembly responsible for public accounts.(6) In the exercise of his functions under this Constitution, the Auditor-General shall not be subject to the direction or control of any other authority or person.86.(1) The Auditor-General for the Federation shall be appointed by the President on the recommendation of the Federal Civil Service Commission subject to confirmation by the Senate.(2) The power to appoint persons to act in the office of the Auditor-General shall vest in the President.(3) Except with the sanction of a resolution of the Senate, no person shall act in the office of the Auditor-General for a period exceeding six months.87.(1) A person holding the office of the Auditor-General for the Federation shall be removed from office by the President acting on an address supported by two-thirds majority of the Senate praying that he be so removed for inability to discharge the functions of his-office (whether arising from infirmity of mind or body or any other cause) or for misconduct.(2) The Auditor-General shall not be removed from office before such retiring age as may be prescribed by law, save in accordance with the provisions of this section.88.(1) Subject to the provisions of this Constitution, each House of the National Assembly shall have power by resolution published in its journal or in the Official Gazette of the Government of the Federation to direct or cause to be directed investigation into -(a) any matter or thing with respect to which it has power to make laws, and(b) the conduct of affairs of any person, authority, ministry or government department charged, or intended to be charged, with the duty of or responsibility for -(i) executing or administering laws enacted by National Assembly, and(ii) disbursing or administering moneys appropriated or to be appropriated by the National Assembly.(2) The powers conferred on the National Assembly under the provisions of this section are exercisable only for the purpose of enabling it to -(a) make laws with respect to any matter within its legislative competence and correct any defects in existing laws; and(b) expose corruption, inefficiency or waste in the execution or administration of laws within its legislative competence and in the disbursement or administration of funds appropriated by it.89.(1) For the purposes of any investigation under section 88 of this Constitutional and subject to the provisions thereof, the Senate or the House of Representatives or a committee appointed in accordance with section 62 of this Constitution shall have power to -(a) procure all such evidence, written or oral, direct or circumstantial, as it may think necessary or desirable, and examine all persons as witnesses whose evidence may be material or relevant to the subject matter; 35(b) require such evidence to be given on oath; and(c) summon any person in Nigeria to give evidence at any place or produce any document or other thing in his possession or under his control, and examine him as a witness and require him to produce any document or other thing in his possession or under his control, subject to all just exceptions; and(d) issue a warrant to compel the attendance of any person who, after having been summoned to attend, fails, refuses or neglects to do so and does not excuse such failure, refusal or neglect to obey the summons, and also to impose such fine as may be prescribed for any such failure, refused or
neglect; and any fine so imposed shall be recoverable in the same manner as a fine imposed by a
court of law.(2) A summons or warrant issued under this section may be served or executed by
any member of the Nigeria Police Force or by any person authorised in that behalf by the
President of the Senate or the Speaker of the House of Representatives, as the case may require.

Part II HOUSE OF ASSEMBLY OF A STATE - Powers and Control over Public Funds

120.(1) All revenues or other moneys raised or received by a State (not being revenues or other moneys
payable under this Constitution or any Law of a House of Assembly into any other public fund
of the State established for a specific purpose) shall be paid into and form one Consolidated
Revenue Fund of the State.(2) No moneys shall be withdrawn from the Consolidated Revenue
Fund of the State except to meet expenditure that is charged upon the Fund by this Constitution
or where the issue of those moneys has been authorised by an Appropriation Law,
Supplementary Appropriation Law or Law passed in pursuance of section 121 of this
Constitution.(3) No moneys shall be withdrawn from any public fund of the State, other than
the Consolidated Revenue Fund of the State, unless the issue of those moneys has been
authorised by a Law of the House of Assembly of the State.(4) No moneys shall be withdrawn
from the Consolidated Revenue Fund of the State or any other public fund of the State except in
the manner prescribed by the House of Assembly.121.(1) The Governor shall cause to be
prepared and laid before the House of Assembly at any time before the commencement of each
financial year estimates of the revenues and expenditure of the State for the next following
financial year.(2) The heads of expenditure contained in the estimates, other than expenditure
charged upon the Consolidated Revenue Fund of the State by this Constitution, shall be
included in a bill, to be known as an Appropriation Bill, providing for the issue from the
Consolidated Revenue Fund of the State of the sums necessary to meet that expenditure and the
appropriation of those sums for the purposes specified therein.(3) Any amount standing to the
credit of the judiciary in the Consolidated Revenue Fund of the State shall be paid directly to
the heads of the courts concerned.(4) If in respect of any financial year, it is found that -
(a) the amount appropriated by the Appropriation Law for any purpose is insufficient; or
(b) a need has arisen for expenditure for a purpose for which no amount has been appropriated by the
Law, a supplementary estimate showing the sums required shall be laid before the House of
Assembly and the heads of any such expenditure shall be included in a Supplementary
Appropriation Bill.

122. If the Appropriation Bill in respect of any financial year has not been passed into Law by
the beginning of the financial year, the Governor may authorise the withdrawal of moneys from
the Consolidated Revenue Fund of the State for the purpose of meeting expenditure necessary
to carry on the services of the government for a period not exceeding six months or until the
coming into operation of the Law, whichever is the earlier: Provided that the withdrawal in
respect of any such period shall not exceed the amount authorised to be withdrawn from the
Consolidated Revenue Fund of the State under the provisions of the Appropriation Law passed
by the House of Assembly for the corresponding period in the immediately preceding financial
year, being an amount proportionate to the total amount so authorised for the immediately
preceding financial year.123.(1) A House of Assembly may by Law make provisions for the
establishment of a Contingencies Fund for the State and for authorising the Governor, if
satisfied that there has arisen an urgent and unforeseen need for expenditure for which no other
provision exists, to make advances from the Fund to meet that need.(2) Where any advance is
made in accordance with the provisions of this section, a Supplementary Estimate shall be
presented and a Supplementary Appropriation Bill shall be introduced as soon as possible for
the purpose of replacing the amount so advanced.124.(1) There shall be paid to the holders of
the offices mentioned in this section such remuneration and salaries as may be prescribed by a
House of Assembly, but not exceeding the amount as shall have been determined by the
Revenue Mobilisation Allocation and Fiscal Commission.(2) The remuneration, salaries and
allowances payable to the holders of the offices so mentioned shall be charged upon the
Consolidated Revenue Fund of the State.(3) The remuneration and salaries payable to the
holders of the said offices and their conditions of service, other than allowances, shall not be altered to their disadvantage after their appointment.(4) The offices aforesaid are the offices of Governor, Deputy Governor, Auditor-General for a State and the Chairman and members of the following bodies, that is to say, the State Civil Service Commission, the State Independent Electoral Commission and the State Judicial Service Commission.(5) Provisions may be made by a Law of a House of Assembly for the grant of a pension or gratuity to or in respect of a person who had held office as Governor or Deputy Governor and was not removed from office as a result of impeachment; and any pension granted by virtue of any provisions made in pursuance of this subsection shall be a charge upon the Consolidated Revenue Fund of the State.125.(1) There shall be an Auditor-General for each State who shall be appointed in accordance with the provisions of section 126 of this Constitution.(2) The public accounts of a State and of all offices and courts of the State shall be audited by the Auditor-General for the State who shall submit his reports to the House of Assembly of the State concerned, and for that purpose the Auditor-General or any person authorised by him in that behalf shall have access to all the books, records, returns and other documents relating to those accounts.(3) Nothing in subsection (2) of this section shall be construed as authorising the Auditor-General to audit the accounts of or appoint auditors for government statutory corporations, commissions, authorities, agencies, including all persons and bodies established by Law by the Auditor-General shall - (a) provide such bodies with - (i) a list of auditors qualified to be appointed by them as external auditors and from which the bodies shall appoint their external auditors, and (ii) a guideline on the level of fees to be paid to external auditors; and (b) comment on their annual accounts and auditor's report thereon.(4) The Auditor-General for the State shall have power to conduct periodic checks of all government statutory corporations, commissions, authorities, agencies, including all persons and bodies established by a law of the House of Assembly of the State.(5) The Auditor-General for a State shall, within ninety days of receipt of the Accountant-General's financial statement and annual accounts of the State, submit his report to the House of Assembly of the State and the House shall cause the report to be considered by a committee of the House responsible for public accounts.(6) In the exercise of his functions under this Constitution, the Auditor-General for a State shall not be subject to the direction or control of any other authority or person.126.(1) The Auditor-General for a State shall be appointed by the Governor of the State on the recommendation of the State Civil Service Commission subject to confirmation by the House of Assembly of the State. (2) The power to appoint persons to act in the office of the Auditor-General for a State shall vest in the Governor. 42(3) Except with the sanction of a resolution of the House of Assembly of a State, no person shall act in the office of the Auditor-General for a State for a period exceeding six months.127.(1) A person holding the office of Auditor-General under section 126 (1) of this Constitution shall be removed from office by the Governor of the State acting on an address supported by two-thirds majority of the House of Assembly praying that he be so removed for inability to discharge the functions of his office (whether arising from infirmity of mind or body or any other cause) or for misconduct. (2) An Auditor-General shall not been removed from office before such retiring age as may be prescribed by Law, save in accordance with the provisions of this section.128.(1) Subject to the provisions of this Constitution, a House of Assembly shall have power by resolution published in its journal or in the Office Gazette of the Government of the State to direct or cause to be directed an inquiry or investigation into - (a) any matter or thing with respect to which it has power to make laws; and (b) the conduct of affairs of any person, authority, ministry or government department charged, or intended to be charged, with the duty of or responsibility for - (i) executing or administering laws enacted by that House of Assembly, and (ii) disbursing or administering moneys appropriated or to be appropriated by such House. (2) The powers conferred on a House of Assembly under the provisions of this section are exercisable only for the purpose of enabling the House to - (a) make laws with respect to any matter within its legislative competence and correct any defects in existing laws; and (b) expose corruption, inefficiency of waste in the execution or administration of laws within its legislative competence and in the disbursement or administration of funds appropriated by it.129.(1) For the purposes of any investigation under section 128 of this Constitution, and subject to the provisions thereof, a House of Assembly or a committee
appointed in accordance with section 103 of this Constitution shall have power to -(a) procure all such evidence, written or oral, direct or circumstantial, as it may think necessary or desirable, and examine all persons as witnesses whose evidence may be material or relevant to the subject matter;(b) require such evidence to be given on oath;(c) summon any person in Nigeria to give evidence at any place or produce any document or other thing in his possession or under his control, and examine him as a witness and require him to produce any document or other thing in his possession or under his control, subject to all just exceptions; and(d) issue a warrant to compel the attendance of any person who, after having been summoned to attend, fails, refuses or neglects to do so and does not excuse such failure, refusal or neglect to the satisfaction of the House of Assembly or the committee, and order him to pay all costs which may have been occasioned in compelling his attendance or by reason of his failure, refusal or neglect to obey the summons and also to impose such fine as may be prescribed for any such failure, refusal or neglect; and any fine so imposed shall be recoverable in the same manner as a fine imposed by a court of law.(2) A summons or warrant issued under this section may be served or executed by any member of the Nigeria Police Force or by any person authorised in that behalf by the Speaker of the House of Assembly of the State – Public Revenue

162.(1) The Federation shall maintain a special account to be called "the Federation Account" into which shall be paid all revenues collected by the Government of the Federation, except the proceeds from the personal income tax of the personnel of the armed forces of the Federation, the Nigeria Police Force, the Ministry or department of government charged with responsibility for Foreign Affairs and the residents of the Federal Capital Territory, Abuja.(2) The President, upon the receipt of advice from the Revenue Mobilisation Allocation and Fiscal Commission, shall table before the National Assembly proposals for revenue allocation from the Federation Account, and in determining the formula, the National Assembly shall take into account, the allocation principles especially those of population, equality of States, internal revenue generation, land mass, terrain as well as population density; Provided that the principle of derivation shall be constantly reflected in any approved formula as being not less than thirteen per cent of the revenue accruing to the Federation Account directly from any natural resources.(3) Any amount standing to the credit of the Federation Account shall be distributed among the Federal and State Governments and the local government councils in each State on such terms and in such manner as may be prescribed by the National Assembly.(4) Any amount standing to the credit of the States in the Federation Account shall be distributed among the States on such terms and in such manner as may be prescribed by the National Assembly.(5) The amount standing to the credit of local government councils in the Federation Account shall also be allocated to the State for the benefit of their local government councils on such terms and in such manner as may be prescribed by the National Assembly.(6) Each State shall maintain a special account to be called "State Joint Local Government Account" into which shall be paid all allocations to the local government councils of the State from the Federation Account and from the Government of the State.(7) Each State shall pay to local government councils in its area of jurisdiction such proportion of its total revenue on such terms and in such manner as may be prescribed by the National Assembly.(8) The amount standing to the credit of local government councils of a State shall be distributed among the local government councils of that State on such terms and in such manner as may be prescribed by the House of Assembly of the State.(9) Any amount standing to the credit of the judiciary in the Federation Account shall be paid directly to the National Judicial Council for disbursement to the heads of courts established for the Federation and the States under section 6 of this Constitution.(10) For the purpose of subsection (1) of this section, "revenue" means any income or return accruing to or derived by the Government of the Federation from any source and includes - 52(a) any receipt, however described, arising from the operation of any law;(b) any return, however described, arising from or in respect of any property held by the Government of the Federation;(c) any return by way of interest on loans and dividends in respect of shares or interest held by the Government of the Federation in any company or statutory body.163. Where under an Act of the National Assembly, tax or duty is imposed in respect of any of the matters specified in item D of Part II of the Second Schedule to this Constitution, the net
proceeds of such tax or duty shall be distributed among the States on the basis of derivation and accordingly - (a) where such tax or duty is collected by the Government of a State or other authority of the State, the net proceeds shall be treated as part of the Consolidated Revenue Fund of that State; (b) where such tax or duty is collected by the Government of the Federation or other authority of the Federation, there shall be paid to each State at such times as the National Assembly may prescribe a sum equal to the proportion of the net proceeds of such tax or duty that are derived from that State. 164. (1) The Federation may make grants to a State to supplement the revenue of that State in such sum and subject to such terms and conditions as may be prescribed by the National Assembly. (2) The Federation may make external grants to a foreign State or any international body in furtherance of the foreign policy objectives of Nigeria in such sum and subject to such terms and conditions as may be prescribed by the National Assembly. 165. Each State shall, in respect of each financial year, pay to the Federation an amount equal to such part of the expenditure incurred by the Federation during that financial year for the purpose of collection of taxes or duties which are wholly or partly payable to the State pursuant to the provisions of this Part of this Chapter or of any Act of the National Assembly as is proportionate to the share of the proceeds of those taxes or duties received by the State in respect of that financial year. 166. (1) Any payment that is required by this Part of this Chapter to be made by the Federation to a State may be set-off by the Federation in or towards payment of any sum that is due from that State to the Federation in respect of any loan made by the Federation to that State. (2) The right of set-off conferred by subsection (1) of this section shall be without prejudice to any other right of the Federation to obtain payment of any sum due to the Federation in respect of any loan. 167. Any payment that is required by this Part of this Chapter to be made by the Federation to a State shall be a charge upon the Consolidated Revenue Fund of the Federation and any payment that is so required to be made by a State to the Federation shall be a charge upon the Consolidated Revenue Fund of that State. 168. (1) Where any payment falls to be made under this Part of this Chapter, the amount payable shall be certified by the Auditor-General for the Federation; Provided that a provisional payment may be made before the Auditor-General has given his certificate. (2) The National Assembly may prescribe the time at and manner in which any payment falling to be made under this Part of this Chapter shall be effected and provide for the making of adjustments and provisional payment.

THIRD SCHEDULE PART I FEDERAL EXECUTIVE BODIES (ESTABLISHED BY SECTION 153.– Revenue Mobilisation Allocation and Fiscal Commission.

31. The Revenue Mobilisation Allocation and Fiscal Commission shall comprise the following members -(a) a Chairman; and (b) one member from, each State of the Federation and the Federal Capital Territory, Abuja who in the opinion of the President are persons of unquestionable integrity with requisite qualifications and experience. 32. The Commission shall have power to -(a) monitor the accruals to and disbursement of revenue from the Federation Account; (b) review, from time to time, the revenue allocation formulae and principles in, operation to ensure conformity with changing realities: Provided that any revenue formula which has been accepted by an Act, of the National Assembly shall remain in force for a period of not less that, five years from the date of commencement of the Act; (c) advise the Federal and State Governments on fiscal efficiency and methods by which their revenue can be increased; (d) determine the remuneration appropriate for political office holders, including the President, Vice-President, Governors, Deputy Governors, Ministers, Commissioners, Special Advisers, legislators and the holders of the offices mentioned in sections 84 and 124 of this Constitution; and (e) discharge such other functions as are conferred on the Commission by this Constitution or any Act of the National Assembly.

PART II section 4 CONCURRENT LEGISLATIVE LIST

Item Extent of Federal and Legislative Powers-
Electric power.

13. The National Assembly may make laws for the Federation or any part thereof with respect to:
(a) electricity and the establishment of electric power stations;
(b) the generation and transmission of electricity in or to any part of the Federation and from one State to another State;
(c) the regulation of the right of any person or authority to dam up or otherwise interfere with the flow of water from sources in any part of the Federation;
(d) the participation of the Federation in any arrangement with another country for the generation, transmission and distribution of electricity for any area partly within and partly outside the Federation;
(e) the promotion and establishment of a national grid system; and
(f) the regulation of the right of any person or authority to use, work or operate any plant, apparatus, equipment or work designed for the supply or use of electrical energy.

14. A House of Assembly may make laws for the State with respect to:
(a) electricity and the establishment in that State of electric power stations;
(b) the generation, transmission and distribution of electricity to areas not covered by a national grid system within that State; and
(c) the establishment within that State of any authority for the promotion and management of electric power stations established by the State.

15. In the foregoing provisions of this item, unless the context otherwise requires, the following expressions have the meanings respectively assigned to them:
- "distribution" means the supply of electricity from a sub-station to the ultimate consumer;
- "management" includes maintenance, repairs or replacement;
- "power station" means an assembly of plant or equipment for the creation or generation of electrical energy; and
- "transmission" means the supply of electricity from a power station to a sub-station or from one sub-station to another sub-station, and the reference to a "sub-station" herein is a reference to an assembly of plant, machinery or equipment for distribution of electricity.

Sections 66, 107, 172, 173, 209, 292 and 318

Kunle Oladejo

SECRETARY FOR LABOUR, DEMOCRATIC ALTERNATIVE, DA, Director General, International Centre for Grassroots Research and Development Initiative (InterCEGRADI), Executive Secretary, National Unemployed Labourers’ League (NULL), Secretary-General, Marxist League for Workers' Internationalism, MLWI