

A LIE IN THE CONSTITUTION

Published In The Guardian Newspaper, Friday April 22, 1988

I feel very sorry for the 1979 constitution of the Federal Republic of Nigeria; This was a constitution that was apparently doomed to fail because its declaratory solemn preamble was premised on a lie.

Read this: we the People of the Federal Republic of Nigeria, having firmly and solemnly resolved:

To live in unity and harmony as one indivisible Sovereign Nation under God dedicated to the promotion of inter-African solidarity world peace international co-operation and understanding.

AND TO PROVIDE for a constitution for the purpose of promoting good governmentand consolidating the unity of our people:

DO HEREBY MAKE ENACT & GIVE TO OURSELVES the following constitution:" While the earlier paragraphs of the preamble solemnly declared goals and aims, the last paragraph with the preamble to the "Constitution of the Federal Republic of Nigeria (ENACTMENT) Decree 1978," which stated that" "Whereas the Constituent Assembly established by the Constituent Assembly Decree 1977..... has deliberated upon the draft Constitution drawn up by the Constitution Drafting Committee and presented the result of its deliberation to the Supreme Military Council and the Supreme Military Council has approved the same, subject to such changes as it has deemed necessary....."

This was the Decree that gave the 1979 Constitution the force of Law and its preamble clearly showed that what became the constitution was an edited version of the peoples wish as expressed through their duly elected representatives in the constituent assembly. In this Constituent Assembly the Supreme Military Council was represented by more than 22 (twenty two) members including a chairman and deputy chairman. Yet the Government could not resist the temptation to doctor the document, thus by that doctoring they tainted the Constitution with a lie in the last paragraph on the preamble, because the doctored document was no longer what the people wanted to give to themselves. It begs the question to try and justify the changes made by the SMC as being in the "public interest" because the Constitution in its original form, was meant to be what we have decided to give to "ourselves".

It behoves us to look back and take the benefit of the 20/20 vision which hindsight offers as we prepare for the 3rd Republic, particularly to guard against measures which will undermine the credibility of the Legal Instruments establishing the 3rd Republic.

The President has flown the Kite about disqualifying certain citizens of this nation from getting involved in the electoral process on the grounds of their being radicals or extremists. As a matter of fact most constitutions and laws have disabling provisions which aim to ensure that unfit persons are not allowed to hold offices. The kind of unfit persons usually borne in contemplation; are certified insanes; convicts and ex-convicts; persons removed etc. of course certain category of persons may also be disqualified as in the case of former politicians, serving and retired army officers and civil servants, there are pros and cons to these forms of disqualification, it is not this writers intention to examine these.

But where a man is banned from taking part in the democratic process for the mere fact that he purports to profess a cant, political or an ideological view that is not at par with that of the government of the day, then there is need to cry out loud in protest, particularly if the man has neither covertly no overtly undermined the Nation in anyway other than patriotic criticism of government policy. In fact the issue of banning radicals and extremists is too ominous and amorphous for several reasons, first who gives the tags and labels?

Secondly what is radicalism and extremism? Thirdly towards or against what is the radicalism? The queries are endless, but definitely if one Nigerian citizen is banned on grounds of his being a radical or extremist, then I fear that such move will presage an intolerance akin only to Mccarthism and Hitlers zenophobia for all that was Catholic, Marxist and Jewish.

The Federal Government should borrow a good leaf from the Constituent Assembly Decree of 1977, which I have read and in my view disables those who ought to be disabled from being members of an elected Constituent Assembly, of course the disqualified list may be expanded to include any other person but certainly not the so called radical or extremist whom in spite of my committed search I have not been able to find. Any move to limited the number of which the people can choose their representatives will turn the election into a pseudo farce even if the candidate (radical) would not have gotten his wife's vote.

Indeed the fun in democracy is watching those who have no firm roots fall by the wayside. Many are called but few are chosen. And since it is conceded that majority of

Nigerians are neither radicals nor extremist, it means that in a free and fair election the minority so called radicals and their extremist cohort won't stand a chance.

Lest we avoid inserting another lie in the constitution establishing the imminent 3rd Republic it is important for the government to guard against too much direct interference in the conduct and activities of autonomous bodies handling premier constitutional matters, since the government invariably appoints its own representatives to the Constituent Assembly, the government must ensure that its representatives in such bodies are of such strong character and charisma as to be capable of influencing and swaying the other members by the sheer strength and power of their arguments. The Government fails when its representatives do not have the respect of other members, a respect based on the individual's merit and intellect in the eyes of his peers. Wanted!! Strong Intelligent men to represent the Government, let the search start now.

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