

## **TRUTH, PEACE AND RECONCILIATION**

### **MEMORANDUM TO ALHAJI ABUBAKAR MALAMI, SAN, ATTORNEY-GENERAL OF THE FEDERAL REPUBLIC OF NIGERIA AND HONORARY LEADER OF THE BAR**

Greetings in the name of our Lord, Jesus Christ Amen

The impression one gets from the happenings in Nigeria, is that the Caliphate whose growth and expansion was halted in 1903, by the British, led by Lugard re-surfaced in 1960 after independence. The narrative suggests that Nigeria or, at least Northern Nigeria, was returned to the caliphate after Independence in 1960. To be able to resume control of the country, the Caliphate had to embark on Jihads (Stealth and conventional). Sudan where the British had a colonial political service provided a model on how to govern a country comprising Arab/Negroid Muslim and African/Negro Christians, first by British and now the caliphate. Sudan has since been divided into two with the Christian South, parting ways with the Muslim North.

The two countries Sudan and Nigeria under the British had similarities. While Northern Sudan was better educated than the South, in Nigeria, it was the other way round – the South had an advanced western education especially in the Legal Profession over the North, yet the impression is created that the South has limited manpower to fill very many posts in the Judiciary, the Intelligence and Security Services. This has created not only bad blood but a divided country. This memorandum is to solicit the assistance of two Muslim brother lawyers in position of authority to set in motion a machinery for a Truth, Peace and Reconciliation Commission as the best instrument for unity, peace and reconciliation.

In Sudan, one of its Attorney's General, Hassan al-Turabi was the leading intellectual figure behind the recrudescence of militant Islam. In Nigeria, Professor Yadudu was the de facto Attorney General of the Federation in the perception of Lawyers during General Abacha's rule following his appointment as Legal Adviser to Abacha. Mallam Abubakar Malami and Professor Yadudu are in a position to play the same role in Nigeria as Hassan al Turabi did in Sudan, in the case of Nigeria to dismantle fanaticism. The two lawyers are invited to provide a better option than Sudan on peace, unity and reconciliation for Nigerians.

## **The Writer**

The writer prides himself as the “First Made in Nigeria” SAN, No. 53 on the list of Senior Advocates. He had all his education here in Nigeria; LLB at the University of Lagos and BL Victoria Island. He believes that before him, all lawyers who were registered were all trained abroad, the fact of his “first” confers on him the moral authority to advise others after him professionally. He was called to the Inner Bar in 1986 with Chief (Prince) Bola Ajibola, SAN No. 49, a Muslim who was the Attorney-General of the Federation (AGF) at the time, Professor Akinola Adaramaja, SAN No. 50, who taught him at the University of Lagos (1964 – 68). Chimezie Ikeazor, SAN No. 51 whose father as Provincial Police Officer (PPO) Bewa, recruited him as a Cadet Sub-Inspector of Police in 1959 and Chief Debo Akande, SAN No. 52, who was Secretary of the Nigerian Bar Association. At the time of writing – 4<sup>th</sup> November 2017, only Prince Bola Ajibola, SAN and the writer are alive. In a few months, he will be 80 years and very much in the departure lounge. His duty as a Senior Counsel include advising those junior to him especially one holding the exalted position of Attorney-General of the Federation and Leader of the Bar on matters concerning the traditions and duties that should govern a lawyer throughout his career especially when Nigeria is grappling with two conflicting ideologies of **Liberal Democracy** and **Sharia** that has eroded the Common Law ethics of the legal profession. The writer has no apology for being a Common Law lawyer and nothing less.

Other reasons for this memorandum include the fact that as the Chairman of the National Christian Elders’ Forum, a committee of the Christian Association of Nigeria (CAN), he is of the view that Christianity is a religion that **celebrates death** and sublime injunctions such as the love of an enemy etc. As AGF Malami SAN, Professor Yadudu, and the writer take their religions – Islam and Christianity seriously, it is necessary that we join hands together with other Senior Advocates (indeed all lawyers and men and women of good will) to save our dear country Nigeria from dis-integration. The writer submits that if there is no justice in the land, there can be no justice in our courts especially when justice under Liberal Democracy is at variance with justice under Sharia.

## **Historical Perspectives**

There is, however; a difference between AGF Malami, Professor Yadudu and Solomon Asemota. Malami and Yadudu are descendants of Negroid Arabs, Hausa/Fulani while the

writer is a Negro from the ancient Negro city of Benin City, whose Empire preceded the Fulani Caliphate by over five hundred years. The Fulani found favour with the British colonialists in very many ways as herein expressed by Lord Lugard: "I believe myself that the future of the virile races of this Protectorate lies largely in the regeneration of the Fulani. Their ceremonial, their coloured skins; their mode of life and habits of thought, appeal more to the native population than the prosaic business-like habits of the Anglo-Saxon can ever do. --- **My desire to utilize the Fulani as rulers has been described in a former report and has met with the approval of the Secretary of State.** They are unfit at present to exercise power except under supervision; nor do I hope for any great success in the present generation, but I hope and believe that with careful guidance, their sons and grandsons will form invaluable rulers under British supervision, and that their superior intelligence can be developed as a useful asset in our administration ..."<sup>1</sup> To suggest that the Fulani appealed more to the "native population" is to carry racism too far. However one can appreciate and understand Lugard and White Hall's attachment to Islam and Sudan, at a time (1914), racism was important in human relationship in most parts of the world. Lugard wrote "**these tribes (South) are of purer Negro stock than the Hausas and other Negroids of the North.**"<sup>2</sup> It is thus clear that Nigeria is made up of two races – the Negroes and the Negroids.

Lugard continued, "from a very early date the influence of Islam had made itself felt in the North, and the religious revival of the early years of the nineteenth century had formed the motive for the Fulani conquests, which swept the country from Sokoto in the north-west to Yola, 1,000 miles to the East, and from the Sahara to the confines of the Equatorial Belt. The social and religious organization of the Koran supplemented, and combined with, the pre-existing, and probably advanced form of tribal administration handed down from the powerful Songhay Empire, which had extended from Chad to Timbuktu. The courts were served by **judges erudite in Moslem law** and fearless in its impartial application. The system of taxation was highly developed, and the form of Administration highly centralized. A rapid deterioration had, however, followed the decay of the religious zeal which had prompted the Fulani Jihad, and at the time when the Administration was assumed by the Impartial Government in 1900, the Fulani Emirates formed a series of

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<sup>1</sup>Lugard: Colonial Report, Northern Nigeria 1902, pg. 26, para. 36

<sup>2</sup> Lugard and the Amalgamation of Nigeria: A Documentary Record A.H.M. Kirk-Greene pg. 56

separate despotisms, marked by the worst forms of wholesale slave-raiding, spoliation of the peasantry, inhuman cruelty and debased justice.”<sup>3</sup>

It is pertinent to point out that it will be very difficult for one not to question the fact as to whether with the present realities of Boko Haram and Fulani herdsmen, the supervision of the British has molded the Fulani with “superior intelligence” into useful assets to Nigeria. Lugard was reported to have even declared in 1902 on land issue: that **“the Fulani hold their suzerainty by right of recent conquest ... and I can myself see no injustice in the transfer of the suzerainty thus acquired to the British Government by the same right of conquest. This suzerainty involves the ultimate title to all land, the right to appoint Emirs and all officers of state, the right of legislation and of taxation.”**<sup>4</sup> Thus the British and the Fulani are in competition with respect to the colonization of the North, if not the whole of Nigeria.

In 1897, there was the Benin punitive expedition “While the Yoruba by and large chose the strategy of submission, the rulers of the kingdom of Benin and some of the rulers of the states of the Niger Delta chose that of confrontation. Though Benin had signed a treaty of protection with the British in 1892, she, nonetheless, guarded her sovereignty with determination. This, of course, would not be tolerated in that age and using the killing of the British acting consul-general and five other Englishmen on their way to Benin as an excuse, the British launched a **punitive expedition** of 1500 men against Benin in 1897. Though the Oba himself would have liked to submit, a majority of his chiefs raised an army to beat back the invasion. They were, however, defeated and the capital was looted of its precious bronze treasures and then burnt.”<sup>5</sup> The above reflects the difference in the eyes of the British, between a Fulani and a Benin, one is Negroid and the other Negro, while the standard of conquered Caliphate was returned to Sokoto, not one of the looted artifacts of Benin has been officially returned.

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<sup>3</sup> Lugard and the Amalgamation of Nigeria: A Documentary Record A.H.M. Kirk-Greene pg. 56

<sup>4</sup> History and the Law of the Constitution of Nigeria Hon, Sir Udo Udoma, Margery Perham – Native Administration in Nigeria (1937) , op.cit., p.43

<sup>5</sup> General History of Africa Vol. VII: Africa under Colonial Domination 1880 – 1935 editor A. Adu Boahen pg. 135

## Edo demands return of stolen Artefacts

In the Daily Sun of November 1, 2017, it was reported that the “Edo State Governor, Mr. Godwin Obaseki disclosed that his administration has commenced engagements with relevant stakeholders to ensure the return of stolen Benin artefacts. Obaseki disclosed this when he received the publishers of Frankfurter Allgemeine Zeitung of Germany, a Frankfurt General Newspaper, working on a documentary to drum support for the return of the looted Benin artefacts, at Government House in Benin City on Monday. The governor described the stolen artefacts as the cultural and social symbols of the Benin people and assured that the partnership with the National Commission for Museums and Monuments (NCMM) and the Benin Palace to secure the return of the artefacts would yield the desired result. “We want our property back and the artefacts represent our culture and social system, our history and political structure,” he said and added that his administration was working on a tourism master plan to boost tourism development in the state.”<sup>6</sup>

The Benins were regarded by Lugard as only a shade better than the Ibos of the Niger in the South who, for the most part, were held in thrall by Fetish worship and the hideous ordeals of witchcraft, human sacrifice, and twin murder. Lugard wrote: “the great Ibo race to the East of the Niger, numbering some 3 millions, and their **cognate tribes** had not developed beyond the stage of primitive savagery. In the West, the Kingdom of Benin-like its counterpart in Dahomey-had up to 1897, groaned under a despotism which reveled in holocausts of human victims for its fetish rites. Further West, the Yorubas, Egbas and Jebus, had evolved a fairly advanced system of Government under recognized rulers.”<sup>7</sup>

Professor Omo Omoruyi wrote: “Sir James Robertson, the last Governor General of Nigeria’s appointment was by design. He spent his productive years as a British Foreign/Colonial Officer promoting Arab Muslim control of the Sudan and worked hard to do the same thing in Nigeria. He fell in love with the North as soon as he arrived Nigeria and he **“was struck by the similarity between Northern Provinces adjoining the Sahara and the Central Sudan”** and observed that “the people around Kano were similar to the Sudanese” and he made sure that the colonial Governors in the North were

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<sup>6</sup> Daily Sun Wednesday, November 1, 2017 Edo demands return of stolen Artefacts pg. 40

<sup>7</sup> Lugard and the Amalgamation of Nigeria: A Documentary Record A.H.M. Kirk-Greene pg. 56

those who had Arabic/Islamic experience.”<sup>8</sup> To appreciate the Sudan/Nigeria and the British/Fulani connection, one has to refer to Sir Ahmadu Bello, in his autobiography who wrote: “about twenty miles upstream of Sokoto and on the north bank-that is, on the opposite side of the river from Sokoto-is the little town of Rabah. It was here that I was born in 1910. My father was the District Head. There are forty-eight District Heads in Sokoto Emirate and he was one of them ‘only seven years had passed since the British drove out the Sultan Atahiru from his own capital, chased him across Nigeria and eventually caught up with him and his devoted followers on the borders of Bomu. Here he made a last stand; on a deserted hillside, and died fighting, far from his people and his home. **His standard was found near his body.** It was folded up and taken to England. Only this year, after Independence, was it brought back and formally restored to the present Sultan at a distinguished ceremony. It had been very well preserved and was given back in a large and handsome frame.”<sup>9</sup> That the English took the standard of the Sultan Atahiru and returned same after independence in 1960, suggest special bond which is not shared by other tribes, especially the Benins whose Oba was not only defeated but also departed and had his palace looted. This symbolism is not lost on us in the treatment of the Fulani as colonial subject which is partly responsible for present day Nigeria “racism” of the Fulani.

One therefore is safe to draw the conclusion that the British, at this distinguished ceremony in Sokoto, handed back to the “North” and some say, the whole of Nigeria to the Fulani Caliphate, which explains the prevailing emphasis on the **North** as one entity even though the **South** is referred to only in terms of present day reality as South-South, South-East and South-West. These symbolisms are not lost on the history of Nigeria. There is however the need for better understanding of the fact that the Attorney General Malami and Professor Yadudu belong to the Willink’s “tribe” of Hausa Fulani which he (Willink) defined as follows: “many witnesses have referred to their fears of **Fulani-Hausa** domination, and though the meaning of this phrase was not always expressed in terms, or even consciously analyzed by those who used it, **it clearly implies a system of rule and of society of which an important ingredient is the operation of Muslim Law.** Some witnesses have specifically referred to this system of law as an object of

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<sup>8</sup>The Tales of June 12: The Betrayal of the Democratic Rights of Nigerians (1993) Professor Omo Omoruyi pg. 306

<sup>9</sup> My Life Ahmadu Bello Sardauna of Sokoto pgs. 1 – 2

fear.”<sup>10</sup> This explains why a Yoruba from Ogbomosho or an Etsako man from Edo State who convert to Islam is accepted as Hausa/Fulani. Unfortunately, Christianity has no Hausa/Fulani equivalent in Nigeria. The writer however belongs to one of the over 386 minority ethnic tribes outside the big three that make up Nigeria. The South that encompassed many tribes and religions, was split in 1937 into East and West. Sir John Macpherson was saddled with the responsibility of determining whether the North should be split into two or more regions. His answer was emphatic No.

### **The Macpherson Award**

In 1950, on 9th January, a conference of representatives from the whole of Nigeria met at Ibadan, and here a difference of opinion was revealed with the Northern delegates being particularly opposed to any change. In the end, it was agreed by 26 votes to 18 that these boundary disputes should be left to His Excellency the Governor, who was asked “to examine and make arrangements for their settlement as early as possible”.--- He judged that the "most Vociferous opinion in favor of change undoubtedly comes from people outside Ilorin Province", and finally decided that there should be no change in the inter-regional boundary. In conclusion, Sir John Macpherson asked those concerned to remember that the boundary in question was not a boundary between two foreign states but between two Regions which are integral parts of a single country, and hoped that there would be no further controversial discussion of this matter.”<sup>11</sup> To this day November 2017, the boundary of the North is regarded by Arewa (North) as a boundary between two foreign states with two conflicting ideologies of Liberal Democracy and Sharia.

### **A.H.M. Kirk-Greene**

Had Lugard, without sacrificing his belief in the oil-and-water incompatibility of the two, gone further by refining Morel’s scheme for dividing the country into geographical groups of provinces, or had he looked sympathetically on his Lieutenant-Governor Temple’s proposal for splitting Nigeria into seven provinces, or had the Willink Commission of 1958 recommended the immediate creation of more states and damn the consequences of delayed independence, it is open to question whether the bloody events that have determined the need for this book would ever have come to pass.”<sup>12</sup>

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<sup>10</sup> Report of the Commission appointed to enquire into the fears of Minorities and the means of allaying them pg. 66

<sup>11</sup> Report of the Commission appointed to enquire into the fears of Minorities and the means of allaying them, Pg. 76

<sup>12</sup> Crisis and Conflict in Nigeria Vol. Kirk-Greene, pgs. 7 - 8

## Education in the North and the South

Lugard wrote: “of the many problems which Amalgamation presented there was none comparable in importance and in urgency with that of education. The problem differs so profoundly in the North and South not merely in its history and the stage which had been reached, but in some respects in its very nature, that it is desirable to review briefly the conditions of each Administration separately.” The nature was very much the difference between Western and Koranic education.

### South

Lugard continued “in Southern Nigeria, of which the coast area had been open to European influence for upwards of half a century, there were (as might be expected) a very large number of schools, by the agency of which a great part of the coast population had attained a degree of education varying from a few barristers and doctors who had qualified in England, to the less than half educated school boys who, with a smattering of English and arithmetic, seek admission to the lower ranks of the clerical and other services. In 1913, the average attendance at Government schools in the South was about 4,600 and in assisted mission schools about 12,500. To these must be added a number of pupils vaguely estimated at from 20,000 to 30,000 in unassisted schools, which were under no control or inspection by Government, but of whose very numbers or existence the Government had no precise information.”<sup>13</sup> Thus by 1914, the South had a number of Barristers and other professionals. This is an historic fact.

### North

Lugard wrote: “it was as I have related elsewhere, only in 1903 that the Moslem States in the North were conquered, and access to them became possible. The task of organizing an Administration absorbed all the energies of the small staff, **while the natural suspicion and dislike with which the Christian Government was at first regarded by the Moslems rendered it inadvisable, even if it had been possible, to embark on any educational efforts at first.** The earliest attempts to formulate a policy were made in 1905, but it was not till 1909 that Mr. Hans Vischer was able to form a small class of pupils at Kano, whose ages varied from 6 to 60. **They were mostly sons of chiefs and men of influence, who had been brought from various provinces under pressure**

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<sup>13</sup> Lugard and the Amalgamation of Nigeria: A Documentary Record A.H.M. Kirk-Greene pg. 146



**by Government.** --- Towards the close of 1913, I was to create two new schools (at Sokoto and Katsina), so that when Amalgamation took place there were, in all **three** Government schools, with an average attendance of 354 pupils, all in the Moslem area. Meanwhile, many different missions had arrived to reinforce the efforts of the Church Missionary Society. They had opened altogether 43 schools, with a total attendance of about of the same as that of the Government schools, and were almost entirely confined to the non-Moslem districts. --- Government did not interfere in the indigenous Koranic schools, in which reading and writing in the Arabic and Ajemi character, and memorizing passages from the Koran formed the curriculum. They were estimated at some 25,000 with over a quarter of a million pupils. These Koranic schools had produced a literary class known as 'Mallamai', learned in Arabic and the teachings of the Koran and commentaries, from whose ranks the officers of the Native Administration, the judges of the Native Courts, and the exponents of the creed of Islam were drawn. They are a very influential class, some of them very well read in Arabic literature and law, and deeply imbued with the love of learning."<sup>14</sup>

To suggest that the British suppressed Koranic education in the North to give Christianity or the South an advantage, is not only false but also unfair to the British who "at the time of the conquest of the Mohammedan Emirates in 1903, declared that the British Government would not interfere with the religion of the people, and '**every man should be free to worship God as he chose**'. The Emirs, though they have not been very consistent in the matter, no doubt view, with dislike and distrust, the efforts of Europeans to convert their people to Christianity, the more so that the administrative and judicial systems, and the social life of the people is, to such a large extent based on the teaching of the Koran, and so intimately associated with religion, that the Emirs not unnaturally fear a weakening of their authority and a breakup of the social system if their religion is undermined. The Government, in these circumstances, has considered it right to be guided by the wishes of the Emirs and their councilors, who have given such abundant and striking proofs of their loyalty during the War, in which their co-religionist, Turkey, is opposed to us. While cordially recognizing mission activity in Pagan areas, **the Government has desired to discourage propaganda in Moslem districts.**"<sup>15</sup> It is that

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<sup>14</sup> Lugard and the Amalgamation of Nigeria: A Documentary Record A.H.M. Kirk-Greene pgs. 148 - 149

<sup>15</sup> Lugard and the Amalgamation of Nigeria: A Documentary Record A.H.M. Kirk-Greene pg. 160

'every man should be free to worship God as he chose' that makes Nigeria a secular State not as it is being peddled that "secular" means "No God".

The above fact on Education between South and North was also acknowledged by Ahmadu Bello in his autobiography when he wrote "many people did not want to lose their children's help just when they were starting to be useful on the farm. This applied even more to girls' education. These factors are still to be found and have to be fought against: very different is the position in the South where there is great competition to get into the schools and that in spite of the fees that have to be paid. **In the North, education has always been free.** There was a small nominal fee for the Middle School, but in practice hardly anyone paid it and every conceivable excuse was presented for not doing so. Where there was no chance of getting the fee paid, the pupil was held to be a Native Administration 'scholar'. In spite of this, very generous treatment, **it was difficult to get pupils for the schools until recently.** Now things are beginning to change, and people even in remote villages, are beginning to see that there is an advantage in this new development. In some ways, the North was fortunate in its slow start for we have been able to absorb almost all our educated people and there has been no unemployed class of intelligentsia."<sup>16</sup> One cannot therefore understand the imbalance in the appointment of Northerners and Southerners especially in the Security and Intelligence departments of Government in present day Nigeria.

### **The Legal Profession in Nigeria**

As indicated above, the South had Western education before the North: "William Henry Savage became a lawyer in 1821, Sapara Williams and Joseph Edgerton Shyngle became lawyers in 1888, Rotimi Alade, 1892, Kitoye Ajasa, 1893 and Eric Olaolu Moore, 1903"<sup>17</sup> The first lawyer from the Northern Region of Nigeria, a Northern Yoruba, is Chief Abdulganiyu Folorunsho Abdulrazaq, SAN who was called to the Bar in 1955, with registration No. 460, which meant that over 400 Nigerians had been registered before Chief Abdulrazaq. Between 1821 or 1880 to date 2017, it will be wrong to suggest that the South halted their educational pursuits thereby allowing the North, not only to overtake it but to the extent that the South is "unable" to find suitable candidates to be appointed

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<sup>16</sup> My Life Ahmadu Bello Sardauna of Sokoto pg. 24

<sup>17</sup> Nigeria: Political Power Imbalance: The bane and chain of Nigeria's development Sir Olaniwun Ajayi pg. 67

to leadership positions in key sectors including the Judiciary, NNPC and the Security and Intelligence Agencies in the country.

### **Katsina College**

Katsina State is the seat of famous Katsina College that was opened in 1922 for the purpose of carrying “the torch of learning and knowledge to all parts of the Muhammadan Emirate in order to enlighten the ignorance of their countrymen”<sup>18</sup> Today, Katsina has produced two Presidents - Umaru Yar’Adua and Muhammadu Buhari because of the advantage of early education in the North. The impression created is that while Katsina grew in education, the South shrunk in its educational pursuit and could not therefore produce sufficient manpower for posts in the Federal Government which the North “reluctantly” had to fill. This, of course, is an incorrect assessment; this imbalance became manifest as a result of Federal Character. It is however the writer’s deepest conviction that as far as the institutional progress of a people (Nigeria) is concerned, its salvation lies in the hands of professionals, in addition to specialization, experience and age. Replacing quality materials with younger and less experienced professionals contributed to the reason why Nigeria is lagging behind its “peers” such as India, Brazil, Singapore, Malaysia etc. The attempt to justify the elimination of well tested professionals as was done in the purges of 1975 – 1979, has proved to be counter-productive and facilitated the brain drain of intellectuals and professionals from Nigeria.

### **Other objects of this Memorandum**

In addition to dealing with issues, opinions, views and suggestions, the writer had the fortune or misfortune of having personal issues with both Mallam Abubakar Malami, SAN and Professor Yadudu that require disclosure without malice as non-disclosure may be misconstrued.

Professor Yadudu and the writer were members of the Constitutional Drafting Committee 1987/88 and the Constituent Assembly 1988/89 that produced the 1989 Constitution which was never passed into law. Had the then military President, Ibrahim Babangida promulgated a decree which was within his power to do, the 1989 Constitution would have come into effect. However with the benefit of hindsight and the effluxion of time, it

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<sup>18</sup> My Life Ahmadu Bello Sardauna of Sokoto pg. 28

is safe to suggest that the Sharia content in that Constitution was limited which, in the writer's view, prevented the Military President Babangida from issuing a decree, especially when no reason was proffered by the Government on why the Constitution was not promulgated into law.

### **Justice A. N. Aniagolu Rtd JSC**

Justice Anthony N. Aniagolu as the Chairman of the Constitution Review Committee and the Constituent Assembly 1988/89 wrote in his book "some Nigerians were eagerly waiting for the earthquake that would occur when the final Constitution would emerge from the AFRC and when the Sharia clauses would be made public. The Babangida administration had done well not to have pursued the course of either of the two extremes, namely (i) to expunge the Sharia from the Constitution or (ii) to include the **extreme demands** of the Muslims in the Constitution. The solution adopted was (i) to retain the Sharia in the Constitution; and (ii) to expunge the obnoxious extreme demands of Muslim fundamentalists and making Sharia applicable only to Muslims. Thus, we arrived at a modus vivendi resulting in the peaceful reception of the promulgated 1999 Constitution. **And that is how all problems in Nigeria should be tackled and settled by dialogue and consensus arrived at by 'give and take and no rigid positions.** General Babangida enthusiastically receives and generously listens to advice, and this goes to his credit, for the ultimate good of this country. The Sharia issue is a case in point."<sup>19</sup> The final Constitution never emerged because the writer submits it did not include the extreme demands of the fanatics in the said Constitution. The 1999 Constitution improved on the Sharia components of the 1989 Draft Constitution.

### **Professor Awwal Yadudu**

In a letter inviting Professor Yadudu to co-promote a meeting with the theme **Conversation on Piecemeal Third World War and Dual Ideology of Nigeria, Professor A. Yadudu & Solomon Asemota SAN**, the writer of this memorandum wrote on behalf of National Christian Elders' Forum (NCEF) which reads in part, "the fear of NCEF" is that the Islamist ideology has crept into Nigeria and resulted in the establishment of an "**invisible government**" composed mainly of fanatics. "The body language of Mr. President however suggests that only Muslims especially Fulanis, are

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<sup>19</sup>The Making of the 1989 Constitution of Nigeria A. N. Aniagolu pg. 275

capable of implementing Section 14(b) of the Constitution on Security and seems to explain why the National Security Adviser (NSA), Director-General Directorate of State Security (DSS), the Minister of Defence and Minister of Interior both without Ministers of State are Muslims. The NCEF is very uncomfortable with this arrangement, the inference being that Christians who constitute over 50% of the population are only relevant with respect to welfare but not security. --- We recall your write up for the meeting of Concerned Nigerians in 2002 or thereabout which was aborted following the fanatics threat on late Justice Bello's life. In his write up, Justice Bello said, **"there is yet another constitutional obstacle to the full application of Sharia law as has been advocated. Section 38 (1) of the constitution ensures for every person the right to freedom of thought, conscience and religion including freedom to change his religion or belief, whereas under Sharia, ridda (change of religion) is a capital offence. Consequently, the offence of ridda is inconsistent with Section 38(1) and by virtue of Section 1 is unconstitutional."** The information that came to some of us was that fanatics broke into his home in Kaduna and threatened him with death should he repeat the above statement again in public. For this reason, the meeting of Concerned Nigerians was cancelled. In the circumstances of Boko Haram, ISIS and "Piecemeal Third World War", we believe we should **re-convene** the Committee of Concerned Citizens and even as a number of those previously invited have passed on, a new list can be compiled. This is important because some of us Christians suspect that the present military campaign against Boko Haram is insufficient to unite the country. **The solution is that Nigeria needs to establish a Truth and Reconciliation Commission or an Organization or Institution with similar objective to reconcile the geographic North and South, Christians and Muslims, Minority and Majority, and, above all and perhaps most important, to reconcile African, Arab and Western cultures, what some call our triple heritage.**"<sup>20</sup>

Professor Yadudu in his reply wrote "Learned Senior, I have carefully read what I consider to be the concept paper that you forwarded with your message. **I am afraid I cannot dignify this one-sided and prejudiced narrative account of what is happening in Nigeria and the world over by participating in any such conversation.** You may recall that the Concerned Citizens' initiative wasn't at the instance of, permit me to

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<sup>20</sup> Conversation on Piecemeal Third World War and Dual Ideology of Nigeria Professor A. Yadudu & Solomon Asemota SAN 2015

observe, a confessional or ethnic groups but by senior citizens whose non-partisan views were well recognized and respected by all and sundry. I felt honored to be invited to be part of that initiative. I remain available to be engaged with similar endeavor. I am sorry if I disappoint you with this response which essentially is to decline to be part of your conversation. Thanks. Awwal. Sent from my iPad” and the writer replied “Dear Professor, Thank you very much for your e-mail and I respect your decision not to participate in our Christian Elders’ conversation themed: **Piecemeal: Third World War and Dual Ideology of Nigeria**. However, I will keep you informed of the progress of the re-convening of **Concerned Citizens**. Regards, Solomon Asemota SAN.” [Emphasis supplied] It is still not too late to gather senior citizens (including those with non-partisan views) to formulate a policy on the Nigerian question especially when President Buhari in Turkey was reported to have said that “he was shocked by the claim made by Boko Haram on the amount of supply they receive from the Islamic State of Iraq and Syria (ISIS)”. The writer cannot however but agree with President Recep Tayyip Erdogan that “there is no difference between Boko Haram, Fethullah Terrorist Organization or Daesh (ISIS), which have all killed and inflicted pain and hardship on innocent people.”<sup>21</sup> This memorandum is also an invitation to similar endeavor. Truth, Peace and Reconciliation.

### **Mallam Abubakar Malami, SAN**

The writer read in the Vanguard of October 13, 2015, the publication the CV of a Ministerial nominee (then) Abubakar Malami (SAN). It was very clear from the publication that the then candidate Malami was essentially a Sharia Lawyer having attended the College of Arts and Arabic Studies and the College of Legal and Islamic Studies 1979 – 1992 (a total of 12 years). As most of us lawyers in Nigeria are **Common Law** lawyers, the writer had to forward Malami’s CV as published, (Vanguard of October 13, 2015 page 36), with this comment to the NBA President, “Greetings, with the above type of CV, Common Law lawyers like you and the writer have a problem. Sharia is incompatible with liberal democracy”. It was intended that the then NBA President, Augustine O. Alegeh, SAN would draw Malami’s attention to the apprehension which most of us **common law lawyers** had and the writer has no doubt that Alegeh, SAN did. True to type as sharia lawyer, after being appointed AGF, he authorized mid-night searches of the houses of some Judges which a Common Law lawyer would never do. He

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<sup>21</sup> ISIS supply: I’m shocked by Boko Haram’s claims —Buhari, Nigerian Tribune Friday, 20 October, 2017 pg 8

also withdrew the fiat his predecessor gave to the writer in Charge No: FHC/ABJ/CR/54/2011: Federal Republic of Nigeria vs. IPCO Nigeria Ltd. The AGF is entitled, in Law, to withdraw the fiat but the writer expected that he would have sought for a discussion with the writer on the issues involved. However, this is the time for reconciliation not recrimination within professions and the country at large.

### **Colonial Nigeria and Colonial Sudan**

It is necessary to consider and appreciate, why Sudan has influenced administration, the way of life and thinking of Nigerian Muslims and the fact that this influence began well before amalgamation and continued during colonialism and well after independence. Today, Sudan has broken into two countries the Muslim North and Christian South. To prevent this from happening to Nigeria, there is need to appreciate the influence of colonialism and Islam propounded in Sudan and applicable to both countries. "To understand the culture of imperialism from the point of view of the people who actually ran the British Empire, **the Sudan Political Service** is as good a place as any to start. The SPS was instituted in 1901, and a regular system of recruiting young university graduates was in place by 1905. These recruits, unusually for the time, were chosen on the basis not of examinations but a series of interviews. It was the duty of the Sudanese government agent in London to sift through hundreds of applications forms and letters of recommendation, and then invite a short list of candidates to the selection board in London. The Sudan Political Service was regarded as the **elite of the Africa Service**, and enjoyed a prestige comparable with the Indian Civil Service. Service in Sudan was very much about character and not merely brains; Sudan was where the '**best of the imperial breed**' could exercise an unlimited sway over natives. They were not the mere '**by-producers of the race**', but 'excellent specimens of our (British) academic and athletic culture'. Of the fifty-six recruits taken on between 1902 and 1914, twenty-seven had a Blue from Oxford or Cambridge."<sup>22</sup> Thus the Sudan political service was not only a '**role model**' but also a training ground for colonial officers drawn from the best of British colleges and universities." While Lugard did not attend Oxford or Cambridge University, he attended Sandhurst Military Academy and was recruited into the Colonial Service. Sir James Robertson the last Governor General of Nigeria attended both Military Academy in Sandhurst and Oxford University" and served in Sudan.

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<sup>22</sup> Ghosts of Empire Kwasi Kwarteng pgs. 237 - 238

“A degree in Classics or History from either Oxford or Cambridge was highly valued. Even in 1952, in the final year of recruitment, every successful candidate was a graduate of Cambridge University. Sudan itself covered a vast area, there were poor communications and the young recruit was to spread the reams of paperwork with which other civil servants had to grapple. Once chosen, the successful candidate would be on probation for two years, until examinations in **Arabic** and **Law** were passed. Indeed, the ability to play polo became so important in Darfur that it often dictated who was to be transferred there. In Khartoum, there were the balls at the Grand Hotel and the garden parties at the Governor’s palace, and there were two clubs, the Sudan Club and the Khartoum Club, membership of which was determined by income and status.”<sup>23</sup> The writer had the privilege of visiting Sudan in 1968 with the then Inspector General of Police, Alhaji Kam Salem to appreciate firsthand the special position of Sudan as an elite service. As guests of the Nigerian Ambassador, the connection and influence of Sudan over Nigeria was discussed freely. At that time, the population of Nigerians in Sudan was said to be over 3 million. The Ambassador was quite open even though he was a Northerner and a Muslim, the writer was not seen as a “spy”. One is not too sure if a Christian was ever made an Ambassador to Sudan.

Kwasi Kwarteng continued, “that is how the scene looked in 1930s, but, behind the façade of tranquil, unquestioned British supremacy, there lurked the menace of religious fanaticism. The British always had the **Sudan Defence Force in the background, a highly mobile and well-equipped force for ‘frontier protection and military operations’**. The Sudan was the ‘**home of fanaticism**’ and had always been called the ‘**Land of the Dervishes**’. Sudanese religious enthusiasm had been particularly vexing to Wingate at the beginning of the twentieth century, and he had done all he could to assuage the religious sensitivities of the Muslim population.”<sup>24</sup> [Emphasis supplied] One wonders whether this explains the Military and Para-Military build-up in Nigeria now being undertaken by the Minister of Interior or is the buildup mere coincidences as states do not have a Police formation of their own for their internal security. “**To appease the Muslims of the north, Christian missionaries had been forbidden in that region, while the government had itself undertaken the building of mosques.** ‘The policy of the Sudan Government’, boasted the official Foreign Office handbook of 1919, had always

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<sup>23</sup> Ghosts of Empire Kwasi Kwarteng pgs. 238 - 243

<sup>24</sup> Ghosts of Empire Kwasi Kwarteng pgs. 243 - 244



been, 'and remains, that of **encouraging Islam in all its legitimate modes of expression**. --- During the First World War, Britain became deeply concerned about the prospects of Muslim nations following the Turkish Sultan – who, as caliph in Constantinople, was the designated head of the Islamic world – in siding with the German Kaiser.”<sup>25</sup> The same policy of Christian communities being prevented from proselytizing in Muslim areas was also adopted in Nigeria, Lugard also said that the special treatment of the Emirs was a reward for loyalty. It will be unfair to the British however for anybody in Nigeria to suggest that the growth of Christianity in Nigeria was influenced by the British government. This rather is attributed to the missionaries.

### **Sudan Connection and influence on Nigerians**

Lugard in his report wrote: “with the kind assistance of Sir R. Wingate, the experiment is being made of bringing two or three teachers from Gordon College for the Arabic-speaking population of Bornu. They will come direct overland, and the Resident, Mr. Palmer, has himself proceeded to Khartoum to test the route. The Shuwa Arabs of Bornu are a particularly intelligent race, and if the experiment succeeds they may later provide teachers for other schools, and pupils for the Technical Institute.”<sup>26</sup> This shows the early connections between Sudan and Nigeria. Sheikh Gumi, on the other hand, wrote explaining why he was sent to Sudan rather than Egypt for his further studies. He wrote: “the reasons why the government chose the Sudan in order to counter the Egyptian offer were obvious. Not only did the Sudan have more in common with us culturally, but it was also effectively under British control. Nationalist and religious politics were generally subdued and in no way violent. It was, therefore, considered safe enough for us to go there rather than plunge into the midst of the anti-European turmoil boiling in Egyptian campuses.”<sup>27</sup> He also relayed his experiences and landing in Khartoum in 1953 as students including Shehu Galadanci and five others: “we arrived at Khartoum to meet the Sudan firmly under the grip of the colonial masters. In real terms, its physical development was not significantly better than ours at home, although the differences potentially were apparent. **What struck us particularly as we came to know the place better was the large population of Hausa speakers**. It was believed that there were nearly a million West Africans in the Sudan, the majority of whom spoke Hausa. Some were temporary

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<sup>25</sup> Ghosts of Empire Kwasi Kwarteng pg. 244

<sup>26</sup> Lugard and the Amalgamation of Nigeria: A Documentary Record A.H.M. Kirk-Greene pg. 157

<sup>27</sup> Where I Stand Sheikh Abubakar Gumi pg 65

settlers who had come on foot and wanted to stay for a short time and earn enough money either to complete their pilgrimage to Mecca or return home. Among these, only a few settled there eventually and found their own homes. There were others, however, with a more sedentary history, who arrived in exile with Sultan Muhammad Atiku Mai Wurno, in the wake of the colonial conquests of Frederick Lugard. Altogether, the Hausa speakers lived around Khartoum and other places, mainly in the Gezira area.”<sup>28</sup> He went further to say “looking back at it, one can say that in a way **all of us had been individually affected by our stay in the Sudan. Personally, I count the time as the first close training I had in Arab life and culture.** I was able to understand the Arab social world and situate it within the context of my Islamic reading.”<sup>29</sup> [Emphasis supplied]

### **British Preference**

The British government **deliberately** and **intentionally** laid the foundation for the crisis that has been rocking the nation since 1960. Before independence, the clarion call in the Colonial Office was, “we must not let the North down”. **By the North, the British refer to the Muslim North, and in particular, the Fulani.** (Nevertheless, to counter Fanaticism , Willinks, QC, provided Human Rights provision in the Independence Constitution of 1960 which have remained part of our Constitution till date. This implies that the British themselves are aware of the brutality of the fanatics.) Oliver Lyttleton, the Secretary of State for the Colonies wrote on 17<sup>th</sup> August, 1953 “... we cannot let the North down. They are more than half the population, more attached to the British and trustful of the colonial service than the other two. The successor of Lyttleton, Alan Tindale Lennox-Boyd, stated on 17 November, 1954, “my main concern, like yours, at the moment is about the attitude of the North. My predecessor made it abundantly clear at both the London and Lagos Conferences that Her Majesty’s Government would not, (repeat not) let the North down.”

In its ungodly determination to appoint the fanatics as neo-colonialists over the other federating units in Nigeria, the British government violated every tenet of decency and fairness when it declared, in the minutes of London Conference prepared by M.E. Allen, assistant Undersecretary Commonwealth Office and A.W. Snelling, assistant

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<sup>28</sup> Where I Stand Sheikh Abubakar Gumi pg 66

<sup>29</sup> Where I Stand Sheikh Abubakar Gumi pg 67

Undersecretary of State, on 21<sup>st</sup> October, 1958, that: “nevertheless, so far as the United Kingdom is concerned, it would appear that in the last resort, we must make sure that the Government of Nigeria is strong even if, possibly, **undemocratic or unjust**” This unfortunate statement was repeated in 1962 at a meeting held by R.S. Hudson, E. R. Hammer and C.A.G. Wallis, all of the Colonial Office that: “... **So far as the United Kingdom is concerned, it must make sure that the government of Nigeria is strong, even if possible, undemocratic or unjust.**”<sup>30</sup>

On this **tripod of injustice, inequality, and unfairness**, Britain placed Nigeria. The census figures were falsified by the British in favor of the (fanatic) North, the election was rigged in favor of the (fanatic) North; even the Police Force was skewed to acquiesce to the demand of the (fanatic) North. Against all norms of fairness and equity, the British refused to carve out a Middle Belt Region in the North while the South was divided in 1939 to East and West and later, further divided by Balewa through the establishment of the Mid-West Region in 1963.

The British favored the Fulani as their successor and used unethical methods to achieve this objective. Thus other Nigerians became two-time colonial subject, first under the British 1914 – 1960 and thereafter colonial subject of the Fulani – 1960 till date. The only other choice available to others is to refuse to act as colonial subject of the Caliphate by refusing to be governed outside the Constitution such as Sharia.

In 1999, Professor Omo-Omoruyi wrote “Sir Christopher (the then High Commissioner) reminded me that the British Government's first choice for the rulership of Nigeria would certainly have been a Northerner and would definitely not have been Chief MKO Abiola who they knew very little about. But he was very clear and adamant that arising from the process which he and his officials saw from the nominations at Jos (SDP) and Port Harcourt (NRC) to the election day which was observed by over 20 British citizens, he had no doubt that the North had been fairly dealt with and that power was peacefully and legitimately slipping away from their hands. I then asked what he did with the Northern Emirs when he met them. He confessed that they were adamant. **It was clear to him, he**

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<sup>3030</sup> Nigeria: Political Power Imbalance, The bane and chain down of Nigeria's progress and development Sir Olaniwun Ajayi pgs. 56 - 59

**opined, that they would not accept the results of an election which reduced them to an opposition.** The British High Commissioner then asked me if there was anything that could be done to assuage the fears of the Emirs, promising to mediate if needed. It was at this stage that we started to think together of the post-election arrangement that could be forced on the SDP candidate. Chief Abiola, by the Federal Military Government as a condition for concluding the election and declaring him the winner. [Emphasis supplied]

We agreed (i) that the results must first be announced officially, (ii) that the military must say who the winner was, and (iii) that the Transitional Council should commence the process of interacting with the incoming government. The British High Commissioner took copious notes and felt happy, believing that I would be able to get the military or the President to see the need for such an arrangement. I then recalled the fear of the Sultan of Sokoto which was passed to the President through me on May 19, 1993, less than a month before the June 12 election. The Sultan advised me then to tell the President to stop the process by postponing the election indefinitely if he could not cancel it altogether. He was distressed that the North had no candidate and that the North, for the first time was going to be humiliated. He pleaded with me to impress on the President that he should not allow that to happen to the North while he was still on the throne of his ancestors. He wanted me to pass on his deep concern to the President.”<sup>31</sup> This explains British preference and the fact that the North has to be in charge and anything less constitute humiliation of the Emirs and, in particular the Caliphate.

It will not be out of place to suggest that racial arrogance of Sudan has manifested itself in Nigeria through Sudan/Nigeria connections. On the other hand, it could be argued that the Emirs are opposed to democracy in favor of sharia emphasizing the fact that Democracy and Islam are incompatible - “any system of man-made law is considered illicit under Islamic law, for whose adherents Allah already has provided the only law permitted, sharia. **Islam and democracy can never co-exist in harmony.** “And if any fail to judge by the light of what Allah has revealed, they are no better than unbelievers.” (Q 5:47) “Sovereignty in Islam is the prerogative of Almighty Allah alone. He is the absolute arbiter of values and it is His will that determines good and evil, right and

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<sup>31</sup> The Tales of June 12: The Betrayal of the Democratic Rights of Nigerians (1993) Professor Omo Omoruyi pg. 126

wrong.” “The sharia cannot be amended to conform to changing human values and standards. Rather, it is the absolute norm to which all human values and conduct must conform.” (Muslim Brotherhood ‘spiritual leader’ Yousef al-Qaradawi)<sup>32</sup> This explains the unfortunate ideological conflict which one section of the country imposed on the whole country without our participation and their inability to appreciate that the problem in Nigeria is ideology not leadership.

### **Hassan al-Turabi one-time Attorney General of Sudan**

It is obvious that Nigeria was administered by the British colonial masters especially the man on the spot, Lugard, in the image of colonial Sudan. In the colonial era, Nigerians could be regarded as blind, primitive or developing, but this cannot be said of Nigeria or Nigerians of the 21<sup>st</sup> Century. Any Nigerian, who still believes that the Sudan model is good, is very much misinformed. It is therefore necessary to draw attention to the danger of looking at Nigeria from the prism of Sudan. What al-Turabi did for Sudan should be done to achieve the opposite result for Nigeria. AGF Malami, in this case, must be the arrow head for the dismantling of Islamist fundamentalism in Nigeria. In an interview with the UK Guardian, the powerful heir to the Saudi throne said that the ultra-conservative state had been “not normal” for the past 30 years, **blaming rigid doctrines** that have governed the society in a reaction to the Iranian revocation which successive leaders did not know how to deal with.<sup>33</sup> “Saudi Crown Prince, Mohammed bin Salman pledged on Tuesday, a return to a **moderate past** and looked forward to a technology-driven future. “We are returning to what we were before — a country of **moderate Islam that is open to all religions** and to the world,” he told the Future Investment Initiative (FII) conference in Riyadh. “We will not spend the next 30 years of our lives dealing with destructive ideas. We will destroy them today,” he added. --- “**Saudi Arabia leads the anti-Daesh coalition** as well as a sustained campaign against terror and its extremist ideology and the campaign has broken the back of terrorism,” he said. --- “**Saudi Arabia is a modern nation; Islam is a religion of moderation.** Islam is not against modernization, and we have seen the step of allowing Saudi women to drive ... all these steps have restored **Saudi Arabia’s standing as the leader of the moderate and**

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<sup>32</sup> Mohammed Hashim Kamali, Principles of Islamic Jurisprudence, 3d rev. ed., (Cambridge, UK: The Islamic Text Society, 2003), 8.

<sup>33</sup> UK Guardian October 24, 2017

**proud Muslim world where there is no room for extremism,”** he told Arab News.---  
"The question we must all ask ourselves is how the defeat on the battlefield of Daesh and other extremist groups can be sustained so that they never occur again. This is a bold move that will go a long way toward delegitimizing and preventing extremist ideologies from appearing and spreading," he said."<sup>34</sup> If this can happen in Saudi Arabia surely it can also happen in Nigeria. [Emphasis supplied]

Hassan al-Turabi as “the leading intellectual figure behind this recrudescence of militant Islam, was the man whom El-Nimeiri had appointed **Attorney General** in the 1970s. It was he who first invited a Saudi Islamic dissident, **Osama bin Laden**, to Sudan in 1990. As a student in 1960, he had wandered across America, even staying ‘with Red Indians and farmers’. Turabi now wanted to create an international community – the ummah – which would be based in the Sudan, and could then transform other countries in the region. The Sudan, in this highly ambitious scheme, would become the **intellectual centre of an Islamic reformation**. To further this plan, Turabi invited all Muslims, regardless of nationality, to the Sudan. He represented the moderate face of the Islamic revolution, while Prime Minister Bashir was portrayed as the military strongman.”<sup>35</sup> [Emphasis supplied] It is only natural as a Christian for the write to call on the AGF to moderate and join hands with well meaning Nigerians to save our country from collapse. Peace Truth and Reconciliation is a starting point.

### **Racial Arrogance**

“The doctrine the fanatics espoused in the Sudan was infused by a **racial arrogance**, which is foreign to Islamic fundamentalism. In the Islamic faith, adherence to Islam is of paramount importance, whereas issues of race and ethnicity are comparatively unimportant. **It was this relative tolerance which led to the rapid spread of the religion in Africa and Asia, from its earliest days in the seventh century to more recent times**. In the Sudan, the racial element was often regarded as being a key factor, even though intermarriage had made the distinction between Arab and African blurred to the point of being meaningless. Yet the ‘**race war**’ element of the struggle was what characterized the latest manifestation of the conflict in Darfur, in the west of Sudan,

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<sup>34</sup> Saudi Crown Prince pledges elimination of ‘what is left of extremism’ in near future, Arab News, Wednesday 25 October 2017

<sup>35</sup> Ghosts of Empire Kwasi Kwarteng pg. 266

which, as already noted, had been an independent sultanate before 1916.”<sup>36</sup> It will be safe to suggest that “race war” in Nigeria has led to a situation that a Negro Muslim cannot head a Mosque with a majority of Negroids. A fall out of **Arab Fanaticism** . It was this fervor which inspired the activities of the **gangs of marauders, known as the janjawid**, a word whose precise meaning is disputed but has generally been understood to signify ‘**an armed man on horseback**’ in Arabic. [Emphasis supplied]

In Nigeria, we have the Fulani herdsmen armed on horseback which some Journalists described as janjawid. The difference however between Sudan and Nigeria janjawid is that the janjawid in Sudan fought against the Arabs while in Nigeria they fought for the “Arabs”. The Editorial of the **Daily Sun** Newspaper of October 19, 2017 in part, suggests that: “the gruesome killing of over 29 persons in Nkiedonwhro community of Bassa Local Government Area of Plateau State by gunmen suspected to be herdsmen is despicable. Reports said that the gunmen stormed the village in the early hours of Monday and shot at the people indiscriminately. --- Whether the act was perpetrated by Fulani herdsmen or militants, the editorial continued, **it is abominable**. We call on the Federal Government to put adequate measures in place to check the excesses of herdsmen to stem the tide of incessant killings in Plateau State and other parts of the country where such matters are rife.”<sup>37</sup>

By 1999, the strategy developed by Zamfara with the promotion of Sharia became the model for 12 Northern states. Paul Lubeck wrote “nonetheless, in spite of the material and political costs of playing the sharia card, within months of Zamfara's decision a broad-based popular movement for the implementation of sharia spread like a raging wildfire across the northern states, it was spearheaded by committees of the pious, ulama, professionals, students, and Islamic civil society groups who used demonstrations, public marches, zealous vigilantes, and numerous positions to demand that states immediately implement sharia cardinal law without compromise or delay.”<sup>38</sup> There is no doubt that this popular movement was sponsored by the ruling class.

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<sup>36</sup> Ghosts of Empire Kwasi Kwarteng pg. 267

<sup>37</sup> Daily Sun Newspaper Stop the bloodbath in Plateau pg. 15

<sup>38</sup> Shari'a Politics: Islamic Law and Society in the Modern World Paul M. Lubeck, pg. 245

It is time that the ideological difference should be resolved in favor of peace and reconciliation.

“Egypt has fought four wars against Israel. Even Jews who worked alongside Egyptians against British colonialism were branded enemies of the state and expelled. Some of those who remain prefer to keep a low profile. American Jewish groups believe Egypt’s Jewish heritage would be better protected outside the country. But since the revolution in 2011, **Egypt’s leaders have reached out to local Jews**. In 2012, a leader of the then-ruling Muslim Brotherhood broke a taboo by calling on those who were expelled to return. In a 2015 state television broadcast titled: “The Jewish Quarter”, a soap opera that depicted Jews in a positive light. Last month, the antiquities ministry began work on a \$6m project to restore the roof of Alexandria’s synagogue.”<sup>39</sup> The conclusion here is that Nigeria’s stunted progress is as a result of one nation with two ideologies of Democracy and Sharia. Open conversation and intellectual activism to promote peace and unity (not military build-up or Jihad) will help Nigeria overcome poverty and backwardness.

### **Lugard and the Emirs**

“In a lecture at London’s Birkbeck College in 1928, Lugard stated firmly that ‘only those institutions will survive which are in harmony with native mentality and tradition’. He praised what he called the ‘**African system of Indirect Rule**’, in which rulers would **continue to be under the guidance of a ‘higher civilization**’. He recognized that they would ‘not be fitted for independence within any period of time now visible on the horizon’. His attitudes to race shared some of the **patronizing assumptions** of his time: he urged that native culture should be protected from the disintegrating effect of the impact of civilization’. Ever the military man, Lugard loved order and wanted to reserve the ‘fabric of native society’ by protecting the power of the chiefs. He wanted to prevent the ‘chaos which follows on the premature destruction of tribal authority’. Although his lecture was given in 1928, Lugard was still **beating the drum of 1890s imperialism**. He told the students of Birkbeck College, many of whom would have been too young to have fought in the First World War, that England was ‘writing our epic on the world’s surface’, which he believed would be a mark that would ‘endure even if England herself should

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<sup>39</sup> Muslims in Egypt trying to preserve its Jewish heritage, The Economist, September 9, 2017



cease to be.”<sup>40</sup> [Emphasis supplied] This may explain why the present day young and educated Emirs are beating the drums of Africanism, assisted by various institutions (NIPSS) established for that purpose.

“In 1922 he observed that ‘we are dealing with the same generation, and, in many cases, with the identical rulers, who were responsible for the misrule and tyranny which we found in 1902’. Yet he was wary of subverting these indigenous institutions. Like Goldie, he mistrusted Westernized natives, who were trying in India and, to a lesser degree, in Africa to bring democracy to their countries. The aim of education in Africa was to ‘enable the African to “find himself” - **to emerge from the habit of mind which has through centuries marked him out as the slave of other races**, to show him the higher rungs of the ladder which lead from mere obedience to cooperation’. A purely intellectual system of education would be, as it had been in India, a great mistake.”<sup>41</sup> Today, it would appear that the Negro race is now a slave to the Negroid race. This is not hate speech but a fact.

“He drew up a list of the public-school virtues which the young native children would learn: ‘self-respect devoid of vanity, truthfulness, courage, good manner, self-control and honesty - because these qualities are the necessary essentials which makes a gentleman. The ideal of the gentleman was a cardinal concept of empire. Behind indirect rule was the notion that the natural rulers of society, if they could be educated as gentlemen, formed the best type of ruling class. Westernized natives, the examination passers, didn't have the character to rule. The keynote of reform in education was to ‘get away from the examination paper’. Even Muslim emirs, if schooled in character, could rule better than a native who had had the misfortune, like Nehru, of being educated at Cambridge or qualifying as a barrister in London. Lugard disliked the phenomenon, already common in the 1920s, of students from Africa and Asia coming to Europe to complete their education.”<sup>42</sup> Emirs today as part of the elites are Westernized natives but appear to believe that in staying on top of their emirate, must play down on the education of the people of the emirate.

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<sup>40</sup> Ghosts of Empire Kwasi Kwarteng pg. 291

<sup>41</sup> Ghosts of Empire Kwasi Kwarteng pg. 292

<sup>42</sup> Ghosts of Empire Kwasi Kwarteng pg. 293-4

Kwasi Kwarteng continued: “a later Foreign Office memorandum on Nigeria summed up his ideas well: **‘self-government for the African masses’ should be achieved ‘by the education of their own rulers and the gradual extension their power’** rather than by the ‘introduction of an alien rule by British-educated and politically-minded progressives.’ **Relying on hereditary princes in Northern Nigeria was a regressive policy.** It meant that the ‘educated native’ would be excluded from government. Lugard confessed that the ‘educated native very naturally dislikes it [the system of indirect rule] for it places the native chief, who has no schoolroom education, and is probably ignorant even of the English language, in a position of authority over his people.’ The system also made the ruler independent of the ‘educated native lawyer or adviser’. The chiefs and the emirs of Northern Nigeria enjoyed the system.<sup>43</sup> [Emphasis supplied]

The above fact seem to justify the conclusion of the **Lagos Weekly Record** of February 1 – 22, 1919 which wrote that: “true to his disposition, Sir Frederick loathed the Educated Native and lived in constant dread of the Native Press, which, at every turn, foreshadowed his sinister movements, and he seemed to be blinded and confused by the intense glare of its searchlight criticisms invariably supported by a logic which is equally pitiless and irrefragible. The contents between Sir Frederick, the educated Native and the Native Press over his manifold administrative schemes were intellectual contents, pure and simple; and in every such encounter the honors remained with the Educated Native and the Native Press; for Sir Frederick was hopelessly out of date, and it was quite easy to knock the bottom out of any political or administrative scheme deriving its solitary sanction from the dictum of my will is my law and the autocratic power conferred by the indiscretion of a Secretary of State for the Colonies.”<sup>44</sup> “In conclusion, let us hope that with the departure of Sir Frederick, the Nigerian System – the product of his exuberant imagination – will be consigned to the limbo of oblivion where embedded in the historical strata of British imperial colonization it will exist as the fossilated remains of an administrative experimental failure. *Dii nostras preces secudent!*”<sup>45</sup> It is now very clear that the Nigeria system is the bane against the development of Nigeria encumbered by the dual conflicting ideologies. One cannot but agree with the comments of the Lagos

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<sup>43</sup> Ghosts of Empire Kwasi Kwarteng pg. 294

<sup>44</sup> Lugard and the Amalgamation of Nigeria: A Documentary Record A.H.M. Kirk-Greene pgs. 274 - 275

<sup>45</sup> Lugard and the Amalgamation of Nigeria: A Documentary Record A.H.M. Kirk-Greene pg. 277

Weekly Record with the benefit of time; indirect rule is not compatible with liberal democracy.

What is strange is that the children of the Emirs of present day 2017 Nigeria, educated and retired Generals still, like Lugard, loathe educated natives and continue to prefer ruling over ignorant masses. Perhaps the most unfortunate aspect is that they also loathe democracy and are in the forefront in the promotion of any other system except democracy. As traditional rulers, they still call the shots in the country, thereby weakening the growth of Democracy.

Military Generals now turned traditional rulers in the country are having the best of two worlds – ancient and modern. This state of affairs is partly responsible for the stagnation of the country. The danger here is that the gap between Nigerians on minimum wage of ₦18,000 a month and those who earn ₦10 million a month (like members of the National Assembly) are working towards the failure of democracy in Nigeria and the consequences could be profound, like ISIS Caliphate in Syria. This is not hate speech but common sense. The point being made is that there is need for discussion concerning traditional institution in a democracy to prevent conflicts as has occurred in Europe, whereby today they have only two constitutional monarchs in England and Spain. A few years back, the installation of 250 traditional rulers in one day in Abia State makes a mockery of the institution. The Obi of Onitsha early this year at the Island Club, Lagos, noted that there is the clamor for constitutional role for traditional rulers and the best place to discuss this is at a truth commission. As Benins, we revere our Oba and, in fact, cherish the institution. We are however opposed to the proliferation of traditional rulers especially the warrant Chiefs created after amalgamation of 1914.

### **Fanaticism in Islam has no future**

The crown Prince of Saudi Arabia has pronounced the verdict of failure on fanaticism which he described as ‘not normal’. However it is unfair for Christian leaders to be called upon to continue to promote and defend fanaticism. **“Babangida was the first Nigerian ruler to come to power by design rather than by chance. He was at that time, the only Nigerian military leader that actively sought political power prior to coming to office, prepared for it and waited patiently for it to come his way”** was the reason

for Islamic fanaticism in Nigeria. All of Nigeria's previous leaders had power inadvertently thrust on them. Balewa became prime minister due to the Sardauna of Sokoto's lack of interest in the job and even shed tears when re-appointed prime minister in 1964. Aguiyi-Ironsi, Gowon and Murtala Mohammed had power bestowed on them after coups they did not take part in. Obasanjo became head of state after the assassination of Murtala, and Major-General Buhari was nominated as head of state by the faction which planned and executed the December 1983 coup. Even the elected President Shagari originally had no interest in becoming president but was nominated as the NPN's presidential candidate despite being disinterested in becoming president. In contrast, Babangida's rise to power was no twist of fate, and occurred by deliberate planning and design. He was probably the most prepared military ruler in Nigeria's history."<sup>46</sup> It is clear that Babangida imbibed the principles of the Muslim Brotherhood of Egypt which the Nigerian Military admired very much. The coup method adopted to overthrow President Shehu Shagari seemed to have been taken from Nasser's style of military coup and military rule. It is however clear that some of the present day Christian political leaders and Church leaders were empowered long ago in the name of "**New Breed**" politicians and Church leaders.

Babangida got Nigeria into the OIC, which he initially denied with the use of taqiyya (deceit), only to admit ten years after. He re-shuffled his government in December 1989. Max Siollun wrote "the reshuffles led to a massive regional and religious polarization of senior positions in favour of northern Muslims. The Head of State, Defence Secretary, Chairman of the Joint Chiefs of Staff, Chief of Army Staff, Chief of Air Staff, Chief of Naval Staff, Inspector-General of Police, Minister of the Federal Capital Territory, National Security Adviser, Director of Military Intelligence, and Director-General of the SSS (i.e. all the positions that really mattered), were all northern Muslims. The Christian Association of Nigeria (CAN) bitterly claimed that over 70 percent of the new government personnel were Muslims. While Babangida left senior political and military posts in the hands of northerners, the instruments of his transition to civilian rule were led by southerners."<sup>47</sup>

It is pertinent to state that Babangida's transition programme was transition to "nowhere". President Buhari merely continued where Babangida left in the Islamization of Nigeria. It is hoped that Christian and Church leaders will understand the strategy of

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<sup>46</sup> Soldiers of Fortune: Nigerian Politics from Buhari to Babangida 1983 – 1993 Max Siollun pg. 68

<sup>47</sup> Soldiers of Fortune: Nigerian Politics from Buhari to Babangida 1983 – 1993 Max Siollun pg. 113

the fanatics and refrain from being used as instruments of stealth jihad. Christians in Nigeria, in the view of the writer, has been shortchanged and to prevent confrontation, a truth commission will provide a platform to jaw jaw and not war war.

### **Reconciliation**

The above narratives are direct and circumstantial facts in law, laced with opinion, perception and conclusions. However, the issue of reconciliation has to be discussed at this concluding part of the memorandum. Most believers, Christians, Muslims and Animists in Nigeria seem to agree that Nigeria's existence is the work of the Supreme Being, God. It is also agreed that only God is perfect, humans are not. This explains why we, **citizens of Nigeria, must come together to re-examine and re-establish our existence as a country.** It was the British government that amalgamated the two Nigerias, a human contraption and it is not a perfect one. As humans, it is our duty to improve our societies to near perfection. Lugard was not perfect so were other colonialists like James Robertson, etc. Nigeria's founding fathers, Nnamdi Azikiwe, Sir Abubakar Tafawa Balewa, Chief Obafemi Awolowo, Sir Ahmadu Bello and others were not perfect, so are Yadudu, Malami and Asemota. Nigeria as a country, is created by God but populated by humans with varied weaknesses. This is why this memorandum can be regarded as the writer's appreciation of the Nigerian political cum social situation. The Negroes need to reconcile with the Negroids, the Christians with the Muslims and other religions including those without religion. The over 300 ethnic nationalities need to reconcile individuals within these nationalities and groups.

### **Reconciliation within Professions**

As indicated above, the writer had written to Professor Yadudu in 2015 and is once again pleading for reconciliation between the Common Law and Sharia lawyers in the country. Such reconciliation can be promoted by the Attorney-General of the Federation from the Executive Arm, assisted by the Legal Adviser to former Head of State, General Sani Abacha, Professor Yadudu. In a paper to the Christian Senators in the National Assembly, the Christian leaders concluded thus: "The title of this presentation **Nigeria Once Freed, Forever Free** stem from the fact that some of us in the NCEF do not at all believe that we are two-time colonial subjects, first by the British 1914 – 1960 and, thereafter, by the Negroid – Fulani/Hausa as their actions seem to suggest. Identical tactics, Violence and

Religion it would also seem are being employed by our fellow subjects of British colonialism (Hausa-Fulani) to attempt to re-colonize the Negro elements of our country. The difference, however is that with the British, we had our eyes closed, “the 'great mass of the people of Nigeria (had) come under the protection of the British flag **with their eyes shut**'. It was for the servants of the empire to see that 'when their eyes are opened to appreciate the significance of the raising of that flag, they may have reason to be grateful for its presences.”<sup>48</sup> Parts of Nigeria were obtained by force and fraudulent treaties. “Goldie's flexibility was shown by how in the early to mid-1880s, he managed to grow the National African Company (which had taken over the assets of the United Africa Trading Company), finally acquiring a Royal Charter for it in July 1886, at which point it became known as the Royal Niger Company.”

During this period, he persuaded local **chiefs to sign away many of their rights over their country** in a series of treaties which, it seems, were often imperfectly understood by the chiefs themselves. Between December 1884 and October 1886, a period just short of two years, the company had signed 237 separate treaties with local chiefs. The treaties followed this typical formula: 'We the writer King and Chiefs of Sengana, with a view to the bettering of the condition of our country forever the whole of our territory extending from the boundary of Akassa territory to Kolama territory'. Not only would land be signed over in this way, but legal authority was likewise handed over. 'We also give to the said National African Company ... full power to settle all native disputes arising from any cause whatsoever'. In return for this generous concession, the company would allow the chiefs considerable autonomy. It would be given 'full power to mine, farm, and build in any portion of our territory', while it would promise not 'to interfere with any of the native laws or customs of the county, consistent with the maintenance of order and good government'. The treaties were always signed by interpreters like James Broom Walker Apre, native of Akassa, who would solemnly declare that they were 'well acquainted with the language of the King and people of the country .... (and had) truly and faithfully explained the above Agreement, and that they understood its meaning'.<sup>49</sup> Fortunately we, Negro Nigerians, did not enter into any treaty with the Fulani/Hausa who were like the rest of us British conquered peoples.

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<sup>48</sup> Ghosts of Empire Kwasi Kwarteng pg. 285

<sup>49</sup> Ghosts of Empire Kwasi Kwarteng pgs. 279 - 280

“We therefore make five recommendations –

- a) Whether we accept that we are a one-time colonial subject and are now being forced into second, there is need for a Truth Commission to open our eyes because as it is suggested above, we entered British colonialism with our eyes shut and now with our eyes open could not see when we were colonized by the Fulani/Hausa. A full disclosure of individuals, institutions and organizations will heal the wounds of colonial and attempts at re-colonization;
- b) Thereafter, Nigeria (or what remains of her) should draft a Constitution by a Committee based on findings and conclusions of the Truth Commission and previous Constitution on Federalism, Republicanism and fiscal Federalism;
- c) The present National Assembly will pass the Act with respect to (1) and (2) above in addition to a Constituent Assembly Act to approve a New Constitution;
- d) The Constituent Assembly will pass the Draft Constitution into law subject to approval by a Referendum;
- e) The National Christian Elders’ Forum (NCEF will make their services available to help in the realization of objectives 1 – 4 above.”

### **Visit to All Progressive Congress (APC)**

During NCEF’s visit to the Chairman and Executive Committee of the All Progressives Congress (APC), we made the same request for a Truth and Reconciliation Commission and part of our memorandum reads: “The Truth and Reconciliation Commission would provide a platform for those for and against, Fanaticism , political Islam, Sharia or Democracy. NCEF is protesting against various jihads committed against Nigerians --- No moral distinction should be made by the Commission between the violence used to promote jihad and the violence employed to oppose jihad. Fortunately, Christians do not have the equivalent of Boko Haram and Fulani herdsmen and a Commission will prevent a **revenge group from developing** in the future to prevent hate speeches, pogrom or genocide. Nigeria needs to re-define the basis of its existence as a country in search of Nationhood. Those who were killed or suffered as a result of jihad, --- need to be “heard” from their graves. There is no better forum for this than a Truth and Reconciliation Commission. Truth and Reconciliation Commission is an antidote for hate speech and retaliation and above all, an instrument for Reconciliation and National Unity to promote

Nigeria from a country to a Nation. Nigeria has to be liberated from poverty, ignorance and violence.” We now make the same request to the Leader of the Bar, soliciting the help of Abubakar Malami, SAN and Professor Yadudu in this regard.

### **Expected gains of Truth, Peace and Reconciliation**

Truth that could heal the country includes all of the following and more:

1. The men on the spot, Sir Fredrick Lugard and Sir James Robertson laid the foundation for the Emergency Act of 1961, the precursor to state of emergency in Western Region;
2. A follow up to the apology of General Gowon to Nd’igbo on the ethnic cleansing, of July 1966 pogrom and atrocities against Nd’igbo and other nationalities, and Southern Christians. Kirk-Greene book [**Crisis and Conflict in Nigeria Vol. I & II) and Lugard and the Amalgamation of Nigeria**] has a fairly good recording of these events;
3. Elements of Racism after amalgamation up to present day Nigeria. The role of Religion and Tradition in promoting Racism;
4. Oil wealth, how much it was, how it was utilized and how much was squandered;
5. Investigate institutions of government. The Legislature, Executive and Judiciary to make them stronger and the role strong men played in weakening these institutions;
6. Investigate military coups, the service and dis-service to the country by these coups;
7. Investigate the two conflicting ideologies, Liberal Democracy, Sharia and others and recommend one suitable for the country, for the peace progress and prosperity of all Nigerians;
8. The commission must have a special space for the state security services (SSS) the only organization of the Executive that has never been subjected to a commission of inquiry even though it is the arrow head for the transformation of democratic ideology to a sharia one, that eventually developed into a jihad war;
9. To prevent the destruction that took place in places like Lebanon, Iraq, Yemen, Central Africa Republic, South Sudan and various isolated and deadly ISIS attacks in various cities in the United States, United Kingdom, France, Belgium, Germany etc.



10. Objectives 1 – 9 constitute the rebirth of a new Nigeria, delivery room has to be provided. The birth should be midwived by Nigerians for Nigerians for peace and progress to enable the black race take its proper position in the comity of Nations.

## **Conclusion**

Military men and women in the past, present and the future love power. The problem is how best to manage this vice. To make matters worse, we have monarchs in the country and this also adds to the confusion. It is for us lawyers to **provide a balance** – it is not right to detain a citizen without trial even when the courts have granted the suspect bail. We have thousands of retired Military men and women and are recruiting thousands of militias posing further threat to states that have no Military or Police Forces of their own. Is the Federal Government planning an invasion? If so, against whom and what for? This is particularly worrisome when it has been established that there existed a jihad by the Fanatics against other Nigerians even before independence and after. These are issues that we, lawyers, are best suited to solve without violence. Or do we go our separate ways as said by Ango Abdullahi?

Lawyers are both philosophers and jurists Robert H. Jackson who served as the chief prosecutor for the United States on the Nazi War Criminals trial wrote: “one of my deepest convictions is that **so far as the institutional progress of a people is concerned, its salvation lies in the hands of the profession of the Bar**. The history of the profession, in relation to the development of the United States, proves that point. If one goes back to the days of the making of the Constitution in 1787, he finds that great document largely the fruit of the **thought and the patriotism of the lawyers of that day**. From that time down to this, all our forward steps in the remodeling of our institutions or in devising new ones have first been the thoughts **of wise, sagacious and thoughtful lawyers**, and they have been promulgated largely through the advocacy and explanations of lawyers. Taine once said that the virtue of France in the history of the development of civilization was not that France generated every great idea upon which the advancement of man depended, but that it was an indisputable truth that every great idea, wherever generated, had to pass through France to be generalized for the use of mankind.

In like manner, applying this to lawyers may well be that **great contribution to the institutional and Constitutional development of our country have been initiated in the minds of philosophers, but certainly the practical adaptation of them and the adoption of them into the practices of the country have been brought about by using the body of the Bar as the agency for popular advocacy and exposition.**<sup>50</sup>

Lawyers in Nigeria can do the same, not only for their country but for all Africa.

I therefore, call for dialogue among Lawyers in the country for reconciliation. Our learning in Law and experiences over the years will help us to marry the two conflicting ideologies of Liberal Democracy and Sharia that postulate the future of mankind and also rely heavily on the past especially race and religion. One is convinced that all Nigerians (male and female) love creativity rather than destruction. To do nothing, is to allow ISIS to continue. Islamism is not an option for one Nigeria, one People and one Ideology for the Common Good.

God bless Nigeria

**Solomon Asemota, SAN**  
**Benin City**  
**November 4, 2017**

**CC:**

1. The President, Nigeria Bar Association
2. The Chairman, Body of Senior Advocates
3. The Chief Justice of the Federation
4. The Chief Judge, Edo State Judiciary
5. The Oba of Benin Kingdom
6. The President, Christian Association of Nigeria
7. Members of the NCEF
8. The President, Catholic Bishops' Conference

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<sup>50</sup> The Lawyer's Treasure edited by Eugene C. Gerhart pg. 56