

E.K. OKORODAS & CO.

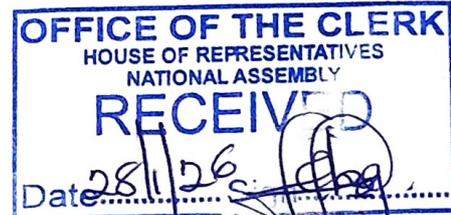
BARRISTERS & SOLICITORS

Road 12, Ekeki Housing Estate, Phase 1, Ekeki, Yenagoa Bayelsa State

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12th November, 2025

The Clerk of the House,
House of Representatives
National Assembly,
3 Arm Zone,
Abuja,
Nigeria.



Sir,

PRE-ACTION NOTICE OF INTENTION TO SUE THE NATIONAL ASSEMBLY PURSUANT TO SECTION 21 OF THE LEGISLATIVE HOUSES (POWERS AND PRIVILEGES) ACT, 2018, CAP L12, LFN 2004

We are Solicitors to Messrs Dr. Felix Tuodolo, Weri Noel Digifa, Mr. Ebi Waribigha, Rosebella Jackson, Primrose Oringeriya-Kpokposei, Kabowei Akamande, Jacklloyd Thomas, David Imole Reje and Welman Warri Ombu of the Supreme Egbesu Assembly, Yenagoa, Bayelsa State, we shall hereinafter referred to them as Our Clients. We have their firm instruction to write you in respect of the above captioned matter.

Take Notice that our clients shall upon the expiration of 21 days from the date of such service of this notice, commence an action against the National Assembly before a Court of competent jurisdiction.

FACTS GIVING RISE TO THE INTENDED ACTION

1. The National Assembly enacted the 1999 Constitution of the Federal Republic of Nigeria with the provisions of section 44 (3) and section 162 (2) relating to the acquisition, revenue formula and distribution of revenues derived from natural resources from States in the Federation.
2. The said section 44 (3) of the 1999 Constitution (as amended) gives ownership of the entire property in and control of all minerals, mineral oils and gas in, under or upon any land in Nigeria or in, under or

upon any land in Nigeria or in, under or upon the territorial waters and Exclusive Economic Zones of Nigeria to the Government of Federation.

3. That the practice before Nigeria gained her independent was that, before Nigeria was made a nation, each of the rezones were a separate and sovereign nations which were in charge of the management and control of their respective resources.
4. That even when Nigeria became an independent nation, the 1960 and 63 Constitution gave control of natural resources to the States save that about 15% States only pays about percent to the Federal Government and that it was during the outbreak of Nigeria civil war in 1967 to 1970 that General Yakubu Gowon the then Military Head of State promulgated decree No. 13 of 1970 leading to the reduction of derivation formula to 30%.
5. That in 1977 under the Obasanjo/Yar'Adua's regime, the Head of State set up a Revenue Allocation Committee leading to a further reduction and AlhajiShehuShagari regime reduced it to 5%. The Buhari/Idiagbon regime of 1984 reduced it to 1.5% and in 1985, Ibrahim Babangida's administration through constant protest increased it from 1.5% to 3% with General SaniAbacha maintaining same until the established of the 1999 Constitution wherein it was increased from 3% to 13% under 999.
6. That section 162 (2) of the 1999 Constitution (as amended) provides that the "National Assembly shall take into account the allocation principles, especially those of population, equality of states, internal revenue generation, landmass, and terrain as well as population density". It added that the "principle of derivation shall be constantly reflected in any approved formula as being not less than 13% of the revenue accruing to the Federal account directly from natural resources".
7. That all laws relating to revenue allocation and derivation in Nigeria are laws derived and adopted by successful Nigerian Military Governments under force and then finds its way into the 1999 Constitution thereby depriving the oil bearing States from exercising their inalienable rights of ownership and control of their land and natural resources.
8. That sections 44(3) and 162 (2) of the 1999 Constitution (as amended) contravene the principle of State Sovereignty as well as the International Covenant on Civil and Political Rights (ICCPR) which was ratified on the 29th July, 1993 by Nigeria, the International Covenant on Economic, Social and Cultural Rights (ICESCR) ratified by Nigeria on the 29th July, 1993, the African Charter on Human and

peoples Rights, United Nations Charter on Human and Peoples Right and the United Nation's Declaration on the Rights of Indigenous People which recognizes the rights of States to control their economics resources.

9. That the 1963 Republican Constitution provided and established control and ownership of natural resources to States until the outbreak of Nigeria civil war where the then Military Head of State, General YakubuGowon removed the Control and ownership of resources from States Government to Federal Government. That from 1970 to 1999, the control and ownership of resources has been placed under the control and management of the Federal Government against the States with the provision of section 44(3) of the 1999 Constitution which provides for absolute ownership of all resources on the Federal Government and same has over time created agitation by the oil producing states of the Niger Delta.

10. That Article 1 of the United Nation's Declaration on the Rights of Indigenous People guaranteed the right to the full enjoyment of all human rights and fundamental freedom and the International Covenant on Civil and Political Rights as well as the International Covenant on Economic, Social and Cultural Rights provides for the protection of the rights of the people both on socio-economic and political freedom and that section 44(3) and 126 (2) of the 1999 Constitution as amended is against the instant International Conventions of which Nigeria is a Signatory.

11. That by the Sections 162 of 1999 Constitution as amended, as it relates to the distribution of allocations to States in the Federation and in consideration of State Sovereignty as well as the International Covenant on Civil and Peoples Rights the said revenue distribution by the Federal Government to States is unjust, unfair and against the principle of equity, fairness, justice and true federalism.

CONSTITUTIONAL AND STATUTORY BASIS

This intended action shall be founded on the provisions of the following sections:

(a) Section 44 (3) of the 1999 Constitution (as amended).

(b) Section 162 of the 1999 Constitution (as amended), the International Covenant on Civil and Political Rights (ICCPR) which was ratified on the 29th July, 1993 by Nigeria, the International Covenant on Economic, Social and Cultural Rights (ICESCR) ratified by Nigeria on the 29th July, 1993, the African Charter on Human and Peoples Rights, United Nations Charter on Human and Peoples Right and the United Nation's Declaration on the Rights of Indigenous People.

RELIEFS SOUGHT

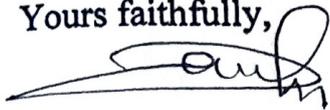
- (a) A DECLARATION that the provisions of sections 44(3) of the 1999 Constitution (as amended) which gives the entire property in and control of all minerals, mineral oils and natural gas in, under or upon any land in Nigeria or in, under or upon the territorial waters and the Exclusive Economic Zones of Nigeria to the Government of the Federation and to be managed by a manner to be prescribed by the National Assembly is oppressive, unjust, unfair and against the principle of States Sovereignty, the practice of true federalism as well as the United Nation's Declaration on the Rights of Indigenous People as per the right to the full enjoyment of all human rights and fundamental freedom and the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights.
- (b) A DECLARATION that the 13% per cent revenue allocation and distribution formula as contained in section 162 (2) of the 1999 Constitution (as amended) against the principle of States Sovereignty, the practice of true federalism as well as the United Nation's Declaration on the Rights of Indigenous People as per the right to the full enjoyment of all human rights and fundamental freedom and the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights.
- (c) AN ORDER compelling the Nation to delete the provision of sections 44(3) and section 162 (2) of the 1999 Constitution (as amended) as same is oppressive, unjust and against the practice of true federalism as well as the United Nation's Declaration on the Rights of Indigenous People as per the right to the full enjoyment of all human rights and fundamental freedom and the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights
- (d) AND for such Order or Order(s) as this Honourable Court may deem fit to make in the circumstances of this case.

OUR CLIENTS' DEMAND

In the interest of justice, we demand on behalf of our clients that the National Assembly delete section 44 (3) and section 162 (2) of the 1999 Constitution to reflect states control of her natural resources and pays an agreed percentage to the federal Government in line with the spirit and letter of State Sovereignty.

TAKE FURTHER NOTICE that failure to comply with this demand within 21 days from the date of such service of this notice shall result in the commencement of legal proceedings without further notice.

Yours faithfully,

A handwritten signature in black ink, appearing to read 'John E. Daubriyaibo', written over a horizontal line.

John E. Daubriyaibo Esq.
Pp: E. k. Okorodas & Co.