

CHAPTER I

REPORT OF THE COMMITTEE ON POLITICAL STRUCTURE
AND FRAMEWORK OF THE CONSTITUTION

1 Background

The above Committee is often referred to popularly as the Committee No. 1 and will be so referred to herein. As its name suggests it was set up to deliberate and make recommendations on what would provide the "skeleton" to the Constitution. The flesh was to be supplied by the other eighteen committees set up by the Conference. The Report of the Committee on political structure and framework was presented to the Conference for consideration on 28th September 1994.

The whole Conference-in-Committee accepted all the recommendations which, without exception, have been accommodated in the Draft Constitution. There is therefore not much material that can go into the second volume of the Draft Committee's work. Be that as it may, it is considered quite in order to have a place in the second volume even if only to highlight the background to some of the Committee's conclusions. At the time the Constitutional Conference was inaugurated the tension in the country was so high that many people thought the Conference would not last. There were in fact some who believed that blows would be exchanged inside the Conference hall. To the pessimists the end for Nigeria's existence as one country was in sight. Contrary to these fears, however, the Conference began so well and throughout the general debates no member called for the disintegration of Nigeria. When the Committee No. 1 began its sittings, it commenced on a position where it was not necessary to consider the disintegration of Nigeria. It proceeded from a position of one united Nigeria and then progressed with its deliberations.

Throughout its deliberations no conclusion was reached through division or voting and even though at times tempers rose and verbal exchanges were hot, in the end all issues were resolved through consensus. As has been stated above there was not a single call for the disintegration of the country; most of the complaints were centred around the way and manner the country was governed. There were cries of neglect by certain areas and of inequity in sharing power and resources. More than anything else it was this unfairness, inequity and injustice in the governance of Nigeria that worried quite a number of people who nonetheless did not opt for the break-up of the country.

2 One Sovereign Nation

The Committee had no difficulty in agreeing to the desirability of one indivisible, indissoluble, sovereign, democratic united Nigeria based on the principle of fairness, equality and justice. This desirability was to constitute the foundation of an arrangement which would be the basis of the new Constitution. The

Committee noted that there were certain obstacles that militated against the desire for unity. Among such obstacles were corruption and nepotism, manipulation of the political system by the elites, operating against laws and norms of the society, inability to punish misdeeds even where glaring, over-centralisation of power at the centre and frequent interruption by the Military in governance. The recommendation that Nigeria shall be one indivisible, indissoluble, sovereign, democratic, united country founded on the principle of fairness, equality and justice was accepted by the whole Conference sitting as a Committee and was inserted in the Draft Constitution by the Drafting Committee.

3 System of Government

As for the system of government that would best suit Nigeria the Committee deliberated on a number of options:

(a) Unitary Form.

Defined as a form of government where the authority resides in the centre, and descends to subordinate or lower levels. This system was considered inappropriate for Nigeria and therefore was not recommended.

(b) Confederation.

This option was considered. It was defined as a form of government where the authority of the centre would be weaker. The power resided in the confederating units. This system was considered unsuitable for Nigeria and was therefore not recommended.

(c) Federalism.

The definition of Professor K. C. Wheare was used by the Committee namely that a federal government exists where the powers of government for a community are divided substantially according to the principle that there is a single independent authority for the whole areas in respect of some matters; and independent regional authorities for other matters, each set of authorities being co-ordinate with and not subordinate to the others. The Committee observed that this system would be appropriate for a group of states or communities which wished to be united under a single central authority but at the same time desired to be autonomous with respect to certain matters. In a federal system each level of authority or government is allocated certain powers and functions by the Constitution, and with respect to those allocated powers and functions, each level of government is autonomous. The Committee resolved that such a system would be suitable for Nigeria for very many reasons among which are the following:-

- (i) it would fit a heterogeneous society, guarantee and sustain unity in diversity;
- (ii) it would provide an opportunity to the people to participate in the governance of their country;

- (iii) it would minimise or eliminate fears of domination or marginalisation;
- (iv) it would inspire development.

4. Federalism was recommended by Committee No. 1 and accepted by the whole Conference. It has been inserted in the Constitution. There were some innovations in the Federalism so recommended, namely:-

- (a) It should be true federalism with clear demarcation of powers and functions among the levels of government. In the exercise of those powers and functions assigned by the Constitution each level of government should be autonomous;
- (b) There should be equitable distribution of political and economic powers between the centre and the component units;
- (c) There should be a strong, independent and impartial judiciary;
- (d) The federating or component units should be economically viable;
- (e) The system should promote peace, justice and growth in relation to the complexities of the federating units.

5. Having settled for a federal system the next consideration was the number of tiers or levels of government that would most suit Nigeria. Various combinations were debated and in the end Committee No 1 opted for the three tier now in operation in Nigeria, namely: Centre - States - Local Governments. It was agreed that this would be the best out of all the combinations considered, especially if it could be cured of the distortions introduced as a result of Military governments. This recommendation was agreed to by the whole Conference sitting as a Committee. It has been included in the Draft Constitution.

6. The Conference-in-Committee accepted all the observations made by Committee No. 1 and these are to be found in detail in the Report of the Committee. It is considered sufficient to put down the summary of the Committee's recommendations:

- (a) Nigeria shall be one indivisible, indissoluble, sovereign, democratic, united country founded on the principles of fairness, equity and justice;
- (b) In furtherance of this recommendation, the Committee recommends the charting of a way by which all political, economic, bureaucratic and social resources and opportunities of this country could go round to every ethnic group. In that regard relevant provisions should be inserted under the fundamental objectives and directive principles of State Policy and political parties should be enjoined to observe and enforce these provisions.

And finally a consensus resolution was reached as below

RESOLUTION 19: CONFERENCE CONSENSUS AGREEMENT

The President, upon the receipt or advice from the National Revenue Mobilization, Allocation and Fiscal Commission, shall table before the National Assembly proposals for Revenue Allocation from the Federation Account.

In determining the formula, the National Assembly shall take into account allocation principles especially those of Population, Equality of States, Internal Revenue Generation, Land Mass, Terrain as well as Population Density provided that the principle of Derivation shall be constantly reflected in any approved formula as being not less than 13% (thirteen *per cent*) of the Revenue accruing to the Federation Account directly. However, that the figure of the allocation for derivation shall be deemed to include any amount that may be set aside for funding any special authority or agency of or the development of the State or States of derivation.

The National Assembly shall determine the Revenue Allocation formula which formula shall each time remain in force for a period of not less than five years from the day the bill shall be assented to by the President.

CHAPTER X

THE REPORT OF THE COMMITTEE ON POWER SHARING

1. Background

The issue of equitable Power Sharing has been very contentious in Nigeria, especially since independence. The Committee on Power Sharing therefore saw itself as being saddled with the onerous task of finding a solution to an age-long problem which has not only defied all past attempts at a permanent solution but that also has a tendency for evoking high emotions on the part of all concerned each time it is brought forth for discussion or analysis. The first issue to be resolved was therefore that of a suitable definition of Power that would be acceptable to all. To achieve this objective, it was decided to adopt the concept of power which is not confined to political power alone. It was also considered of great importance to have a clear perception of the rationale behind the very idea of power sharing in a Federation.

The Committee, decided to see power sharing "as invariably touching on the question of equity, fairness and justice in the allocation of the fundamental indices of power which were identified as economic, military, bureaucratic, media and intellectual".

The Committee recognised that "in a country like Nigeria with its diverse peoples and their corresponding diverse political, cultural and economic endowments, true federalism must reflect a genuine attempt to regulate relationship among the groups, as well as, a reflection of these identifiable divergencies within a framework of national unity".

The concept of national unity does not, however, imply national uniformity. It is axiomatic that "federal systems vary from one Country to another and that each federal society devises its unique federal form congruent to its peculiar socio-economic and political challenges".

It needs no convincing that the particular complexion which a Country's federal system takes reflects its diversities, historical experiences and the disposition of its peoples at a particular point in time; and that each federating unit within a true federal system should have its powers and functions demarcated and guaranteed in such a way as to strike a compromise between local particularisms and national integration".

There is no doubt that the foregoing represented the premise on which the Committee strongly postulated that we in Nigeria must evolve our own power sharing formula, take our own decisions and develop our own institutions anchored on our historical experiences, since the problem of power sharing had been responsible for much of the tensions, emotions, conflicts, stresses and strains in most countries.

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It is against this background that the committee addressed the various issues and came up with its recommendations on each issue as follows -

1. Rotational Presidency

The Committee held that a properly - structured and balanced federation implies that all geopolitical areas or major units should have access to power in order to give all sections of the country a sense of belonging to the nation through well - worked out avenues for participation.

No other single issue received a greater attention from the Committee than the issue of Rotational Presidency. The issue was exhaustively debated with each member of the Committee being given all the time he needed without limitation.

At the end of the very long and exhaustive debate, two clear divergent positions were taken by the Committee members. There were those who accepted the view that there should be a rotational provision, and there were those against it. This led to a tie in voting by the Committee members and the matter was referred to the Conference for resolution. In its Report the Committee on Power Sharing was unable to conclude whether or not Rotational Presidency should be enshrined in the Constitution. When the matter came before the Conference, it was given to a Consensus Committee which brought back its advice that it should be so enshrined.

The Conference, through a consensus on Wednesday October 5, 1994 and subsequent resolution of October 17, 1994 took the decision that Rotational Presidency should be enshrined in our new Constitution as a provision, and directed the Drafting Committee to find an appropriate place for it.

This has been reflected in Section 229 Sub-Section 1 of the 1995 Draft Constitution

2. Rotation of Chief Executives at the State and Local Government levels

The same logic that informed the decision of the Conference on Rotational Presidency led the Conference to the conclusion that the issue should apply to the rotation of the Governors and Chairmen of Local Governments. (Section 229, subsections 2 and 3).

3. Zoning of Other Posts

The Committee saw the issue of zoning of posts generally as "not being alien to the Nigerian political scene as it was practised by some Political Parties" in the past. To the Committee, therefore, enshrining the provision for zoning of posts in the Constitution would only be formalising the obvious desire of the generality of the Nigerian people. These views were accepted by the Conference.

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The Committee was convinced that "zoning would not make room for manipulation by any geopolitical group to keep to itself the major posts of governance, and in that regard, allay the fears of domination by other groups".

4. Recommendation

The Committee recommended that the policy of "winner -takes - all" be abandoned in our practice of democracy. It further recommended that there should be proportional representation at all levels of government to make for a government of national unity in which all parties who participated in each election are given positions proportional to the percentage of votes scored at the polls or the number of seats won at the general elections. The Conference accepted the above recommendation and enshrined it in section 148 sub-section 6 of 1995 Draft Constitution.

5. Federal Character

The Committee held that the principle of Federal Character was desirable as it had been enshrined in the past Constitutions.

The Conference agreed and saw the principle as a factor necessary for the promotion of a sense of belonging in the country, as it would help to eliminate or at least minimise domination resulting from imbalance in appointments.

With the benefit of hindsight, the Committee observed that the application of the principle of Federal Character had not been given proper attention "with a view to restructuring the existing imbalances and creating equal opportunities of the entire citizens for the Federation".

Based on this conviction the Conference saw the need for the setting up of a national body to ensure the practice and application of the principle of Federal character.

The Committee therefore recommended that "an independent Commission to monitor and enforce federal character application and proportional representation in all aspects of our national life be set up." The Federal Character Commission is now provided for under sections 154 - 160 and the Third Schedule. The Commission has power to investigate direct and prosecute any person for failing to apply federal character principles.

6. The Supremacy of the will of the people and Sanctity of elections

The Committee held that in a democracy, power belongs to the people, and that the supremacy of the will of the people and the sanctity of elections were obvious facts that should be upheld by all and sundry. The Committee was however constrained, in the light of our past experiences, to conclude that elections in Nigeria had not reflected the real will of the people because elections had been so commercialised that only the wealthiest candidates

always emerged as winners. It is now time to stop these undemocratic acts. It is imperative that stringent provisions be put in the Electoral Act for this purpose.

The Committee believed that the staggering of elections and the delays in the announcement of election results were factors that made room for rigging and manipulation. It was therefore strongly recommended that elections should be held the same day.

To the Committee, the various military coup d'etats, annulled elections, and cancelled primaries constituted subversions of the will of the people. The Committee was of the opinion that the survival of democracy rests on the supremacy of the will of the people.

Going back into history, the Committee asserted that the January 15, 1966 Coup, the July 29, 1966 Coup, the resultant pogrom, the Civil War, the December 31, 1983 Coup, the August / September 1992 primaries cancellations and the annulment of the June 12, 1993 Presidential election were all travesties of justice in our political history. The lessons learned from these historical landmarks make it imperative to instil honesty, equity and patriotism in public affairs. It has been concluded that the sanctity of elections and the supremacy of the will of the people be enshrined in the Constitution. The Conference accepted this recommendation and this was reflected in section 1, subsections (2) and (3).

7. Multiple Vice Presidents for the purpose of broadening the base of the Presidency

The Committee was convinced after taking all relevant factors and facts available into consideration, that "for the purpose of wider distribution of power among various sections of the country, there should be multiple vice-presidency as a structural modification in our system of government at the federal level. It was agreed that there should be three vice-presidents. This is a decision based on the principle of power sharing which leads to the greater spread of power to all areas. This is also a logical conclusion arising from the Rotation of the Presidency. Any decision which builds confidence in the people is important. The best known base for the practice of democracy is confidence coupled with mutual respect for each other.

In the light of the above, the Committee adopted the view that the nominations of vice-Presidents should be in a way to ensure that, at least, one comes from the same zone as President. This Vice-President is to be Constitutionally designated to succeed the President in any event that the office of the President becomes vacant before the expiration of his term of office. The reason is to allow each zone to serve its rotational tenure fully, unhindered. The Conference accepted the recommendation and reflected them in Sections 142; 143 and 147 of the Draft Constitution.

Power sharing between various tiers of Government.

The Committee recommended

- (i) That the sprawling functions of the Federal Government be reduced in favour of the federating units which should take up functions like Education, Agriculture, Health, etc.
- (ii) That equal opportunity be given to all to have access to free and compulsory education up to secondary school levels.

Problems of Democracy in Nigeria

The Military was identified as the basic problem of democracy in Nigeria in that it had aborted all attempts at developing a democratic culture in the country. Their encouragement of sectional interests rather than national interest has divided the country. The Committee is of the opinion that there is need to build checks against the military which by its composition and unity of command is anti democratic. It was agreed that a smaller sized army oriented towards efficiency in performance is what Nigeria needs.

The Committee therefore recommended:

- (i) That the military be trimmed, restructured and professionalised.
- (ii) That there is need to establish a Machinery for protecting democracy, extolling the virtue of the will of the people, exposing the dangers of military rule and giving the populace a democratic orientation. This will condition the minds of the generality of the citizenry to defend democratic institutions on a continuing basis.
- (iii) Press Council be given enough power to take effective control of the use of information media.

CHAPTER XI

THE REPORT OF THE COMMITTEE ON POLITICAL PARTIES

Background

The Committee on Political Parties was assigned the responsibility for examining the framework for mobilisation and party-system and submitting recommendations for the consideration of the Conference. The Committee modified the scope of its agenda and submitted the following recommendations to the Conference:

1. **POLITICAL PARTY** -The Committee resolved to adopt this option as the most viable alternative framework for mobilisation for democracy instead of Development and Professional Bodies, Ethnic Groups, for the following reasons:-
 - a. Political Party has been the traditional frame work for mobilisation for democracy in many countries, including Nigeria.
 - b. It brings people together and thus maximizes the talent pool for national development.
 - c. It cuts across ethnic, religious, professional lines and all other primordial interests.
 - d. It helps in national integration as a solution to the country's political problems.
 - e. It provides for the generation, aggregation, articulation and expression of a wide variety of opinions in policy formulation; a necessary factor in development of healthy democratic pluralism.
 - f. It is highly adaptable to world trend.
 - g. It is a vehicle for change.
2. The Committee in making these observations on Political Party as the most viable framework for mobilisation for democracy, also resolved why developmental and professional bodies and ethnic groups were inferior options for social mobilisation for democracy in Nigeria and gave reasons as follows:
 - a. These bodies are undemocratic because their membership was restricted, inaccessible to the vast majority of the people, etc.
 - b. Besides, these members of the elite have failed as a class to engender social justice and progress and could, therefore, not be relied upon to bring about political stability, social, economic wellbeing and social justice.
 - c. With well over 374 ethnic groups in Nigeria, there could be unnecessary proliferation of parties. This was considered unhealthy for the nation's political development.
 - d. Ethnic leaders already have primordial advantages among their people and could therefore manipulate the movement to suit their whims and caprices.

3. Political Party System

The Committee, after due deliberations taking cognisance of the significance of a durable political party structure for the country, through a majority vote of 17 against 10 adopted Multi-Party System as the most viable political party structure for the country considering the country's past and recent experience on party system.

4. Multi-Party System was adopted by the Committee because of the following reasons:-

- a. Allows for the different shades of interest and ideologies.
- b. Necessary incentive for evolutionary partism.
- c. Based on the twin democratic principles of freedom of association and expression.
- d. Promotes national aggregation and articulation.
- e. Promotes political stability by not suppressing dissent and thus obliging the weak to seek extra-constitutional methods to press their case.

5. The Committee in making these observations on Multi-Party System as the most viable Party System, also observed the following reasons as to why Zero, Single and Two Party Systems were rejected.

The Committee having selected a political party system as a means of social mobilisation, automatically rejected the Zero Party System.

6. Single Party was rejected by the Committee for the following reasons:-

- a. It was undemocratic and dictatorial.
- b. It breeds national crisis, like rebellion, disintegration as the case in most African countries, especially Somalia, Ethiopia, Liberia, etc.

7. Two Party was also rejected by the Committee for the following reasons:-

- a. Vulnerable to Intra-Party Crisis.
- b. Compression of divergent interests and ideologies into only two distinct political parties, thereby creating forced unity among the membership.
- c. Was based on political expediency of winning the next election.
- d. Compelled people into a forced unity, which does not make for a strong political party, with a programme for coherent National growth.
- e. Was arbitrarily decreed by the Military and rejected because there was no reason why a Two Party System decreed by the Conference would be better than the one decreed by the Military.
- f. The realignment into two party system could force some part of the country into a permanent position of disadvantage in which case they have to resort to extra-constitutional method like inviting the military to take over government.
- g. The voter was denied real choice because there would be only two candidates in election.

- h. Lack of room for political accords and allowances necessary for a healthy democracy.
- i. Fears about parochialism in the Multi-Party System could be looked after by the Constitutional provision of spread before qualification for registration. Even in countries where it seems there was a two political party system, there were actually more parties, with plenty of smaller parties which were important in expressing a wide variety of alternative opinions.

The Conference accepted the Committee's recommendation on the Multi-Party System and adopted it.

8. Lists Of Constitutional Injunctions and Prohibitions

Ethics and Ethos of Political Party and Party Members

In Consideration of this Section, the Committee resolved that the provisions - Section 204 of the 1979 Constitution, be retained.

The Committee resolved that the Constitution should not restrict the Political Parties from adopting ideological and Political economic spectrum they deemed fit.

Accordingly, the Committee resolved that a "Sub-section" which reads as follows:-

"Since Political Parties are obliged to operate within the Constitution, it shall be ensured that no provision of this Constitution denies any Political Party the freedom to locate itself at any point in the ideological spectrum" should be added.

Furthermore, under this Section of the new Constitution, the Committees resolved that Section 66, Sub-section (g) of the 1989 Constitution be retained under this Section of the new Constitution.

Section 66, Sub-Section (g) reads:-

"A member of the Senate or the House of Representatives, (Same for State Assembly and Local Government Councils,) shall vacate his seat in the House of which he is member if:-

Sub-section (g):-

being a person whose election to the House was sponsored by one Political Party, he resigns from the Political Party or becomes a member of another Political Party before the expiration of the period for which that House was elected".

9. Code of Conduct for Party Officials and Members

The Committee resolved to recommend the following provisions for the new Constitution under this Section:-

- a. Officials and Members of any Political Party shall be bound by the same behavioral restrictions imposed upon their party in this Constitution and provided that, within the party, no official shall engage in any activity

designed to subvert free and fair electoral process, like the nomination of party candidates, and furthermore, no party member, elected to the Legislature or Executive, or holds office of the party can belong to a secret society.

b. In the event of a division or a split within a political party, the National Commission on Political Parties and Elections shall convene an emergency meeting of the National Congress of the party, set up in accordance with the provision of the Party's Constitution, to determine the conflict.

c. Where one or more elected officials of the party, in the Executive or Legislature form a faction of the party, they shall after due process of the party or the Commission as the case may be, be required to resign their seats immediately.

10. Affiliation to Foreign Political Parties and Other Foreign Bodies

The Committee, cognisant of the danger of a political party affiliating to foreign political parties or interests, resolved to recommend to the Conference that the provision of Section 223 (3) of the 1989 Constitution be retained in the new Constitution.

Section 223 (3) of the 1989 Constitution reads:

"No political party shall hold or possess any fund or assets remitted or sent to it from outside Nigeria and any such funds or other assets remitted or sent to a political party from outside Nigeria shall be paid over or transferred to the Commission within 21 days of its receipt with such information as the Commission may require".

Also, the Committee proposed an additional Sub-section to be added to the above provision of 223 (3) of the 1989 Constitution, which reads:-

"A Political Party shall not be affiliated to any other Political Party or interest outside the country and shall not be funded from foreign sources".

11. Affiliation to Trade Unions and Professional Bodies

The Committee recommended for the new Constitution to be added under this Section, Sub-section the following provision:-

A Political Party shall not affiliate with a Trade Union or professional bodies and shall not be used to promote trade union activities.

12. Political Thuggery

The Committee in making reference to the 1979 Constitution, resolved that for the purpose of this Section/Sub-section of the new Constitution Section 207 of the 1979 Constitution be retained.

13. Section 207 of the 1979 Constitution reads:-

No Political Party shall retain, organise, train or equip any person or groups of persons for the purpose of enabling them to be employed for the use or display of physical force or coercion in promoting any political objective or interest in such a manner as to arouse reasonable apprehension that they are organised and trained or equipped for that purpose"

The Committee imposed an additional provision under this Section of the new Constitution which reads:-

"No Political Party or its officials, members and agents shall condone, plan, promote, execute, or in any way at all engage in acts of political intimidation, thuggery, violence or any similar unlawful acts.

14. Rigging of Election

In respect of rigging of election, the Committee recommends this provision for the new Constitution:-

Any Political Party which deliberately engages in enticing or bribing electoral officials or security agents, advanced allocation of votes, vote buying, use of forged or extraneous ballot papers, plural voting, disrupting elections or disrupting the due release or announcement of results, or any such acts of misconduct, shall be guilty of the offence of election rigging.

15. Orientation Of The Political Party System (Political Economic Spectrum)

The Committee, after studying Chapter II, section 220 and 221 of the 1989 Constitution resolved that:-

Under the Constitution and notwithstanding the provision of Chapter II of the 1989 Constitution (Fundamental Objectives and Directives Principles of State Policy) but taking due cognisance of section 220 and 221 of the 1989 Constitution, a Political Party shall be at liberty to adopt any ideological posture not inconsistent with the provision of Chapter II of the 1989 Constitution.

16. Funding Of Political Party

Considering the Nigerian experience in respect of party funding, the Committee resolved that under this section of the new Constitution, it shall provide:-

- a. A party shall be funded primarily by its members, provided that no party shall allow any member to exercise undue influence on the grounds of his individual contribution to the party funds.
- b. No party shall receive funding from any multi-national company and none from any foreign source.

- c. As soon as an association is recognised and registered as a political party, it shall receive from Government a take-off grant which shall be equal for all political parties, thereafter, a party shall only have its polling agents in any national election paid for by Government.
17. Constitutions and Rules of Political Parties for the Purpose of Registration shall provide:-
- Lodging of the Party Constitution and Names of Party Officials
- a. The Executive Committee of a Political Party must reflect the Federal character of the country;
- b. the Committee resolved that Party Constitution Drafting should entirely be a party affair provided that the executive committee of the political party shall be deemed to reflect the Federal character of Nigeria, that is to say have presence in two-thirds of the number of States of the Federation; and
- c. each party shall also maintain functional branches in two-thirds of Local Government Areas of a particular State.
18. Parties' Responsibilities for Free and Fair Elections
- For the purposes of this section, the Committee resolved the following:-
- (a) No party or its officials, members, or agents shall condone, plan, promote, execute or in any way engage in acts designed to subvert free and fair elections.
19. Rights and Conduct of Political Party in Government
- The Committee noted the absence of this provision in the previous Constitutions and made the following recommendation to be put into the new Constitution under this sub-section:-
- While the elected official of Government shall abide by the policies, manifestoes and good counsel of his party, the party itself shall not unduly interfere in the day to day running of Government.
20. Rights and Conduct of Party in Opposition
- Having regard to the fact that the opposition parties could not be exonerated for past lapses in democratic governance, the Committee recommends the following in respect of Political parties in opposition:-
- Where any Political Party is recognised as being in opposition, it shall be so duly recognised and shall therefore not suffer any indignities and threats to its existence whereas the opposition party itself, its officials and agents shall not, by word or deed, seek to subvert the Government or the Constitution, both at home and abroad.

21. Disqualification and De-Registration of Political Parties
- The Committee recommended this provision to be reflected in the new Constitution.
- Any political party which engages in acts designed to sabotage this Constitution, gross financial improprieties, affiliation to foreign political parties and other foreign bodies, affiliation to trade unions and professional bodies, political thuggery and rigging of elections; shall be de-registered.
22. Future Growth and Evolution of Political Parties
- Under this section of the new Constitution, the Committee resolved to make the following provision to be put into the Constitution.
- Subject to the provision of the new Constitution, "a Political Party shall be at liberty to remain thus or to merge with another Political Party."
- Additional Recommendation
- Under this section/sub-section of the new Constitution, the body to be established to supervise elections shall be vested with the additional responsibility for political parties in a manner to be determined by its Enabling Act.
11. Unless otherwise, the Committee used the routine provisions of 1979 and 1989 Constitutions, like Finance and Financial Management of Political Parties, Powers of the National Assembly with respect to Political Parties.
12. After the Committee concluded its deliberations, it resolved to draft a Constitution on Political Parties to embody the spirit and letter of its work and that draft was attached as part of its report.
- Resolutions
- a. That National Electoral Commission be renamed to National Commission for Political Parties and Elections.
- b. That the Draft Constitution of Political Parties be put into the new Constitution
- c. That the report of the Committee be adopted.
- Conference rejected the change of name of the National Electoral Commission.

CHAPTER XII
THE REPORT OF THE COMMITTEE ON ELECTION AND
ELECTORAL PROCESSES

1. Background

The Committee was one of the 19 Committees appointed by the Conference in August, 1994.

The terms of reference of the committee included:-

- (a) Consideration of eligibility for election.
- (b) Open ballot versus secret ballot.
- (c) Collegiate system.
- (d) Universal adult suffrage versus qualified franchise.
- (e) The National Electoral Commission.
- (f) The role of law enforcement agents.
- (g) Election timetable.
- (h) Dos and don'ts before and during elections.
- (i) Declaration of results.
- (j) Sanctity of democracy and elections, and
- (k) All other matters.

In pursuance of this assignment, the Committee meticulously examined the Constitutional provisions of the 1989 Constitution and existing Electoral Acts relating to its terms of reference.

The Committee made a conscious search for a credible and acceptable system of elections including procedures that will make the results of future elections generally acceptable; having been seen as free and fair. This will confer on the winning candidates or parties, the requisite legitimacy to govern. The Committee then recognised an independent and credible electoral body that will conduct elections, bearing in mind that the menace of political instability which has retarded the development of most third world countries, including Nigeria from electoral disputes.

The First, the Second and the aborted Third Republics could not survive, probably because of electoral crisis.

2. National Electoral Commission:

The Committee recommended NEC as it is provided in the 1989 Constitution, with regards to its establishment, functions, qualification for membership, discipline and removal of members. Accordingly, the National Electoral Commission shall have offices in all States of the Federation and the Federal Capital Territory, Abuja.

- (a) The Commission shall comprise:-
- (i) A Chairman who shall not be less than 50 years of age.
 - (ii) Eight other members who shall not be less than 40 years of age.
 - (iii) All the State Resident Electoral Commissioners of the Federation and the F.C.T. Abuja, who shall be of not less than 50 years of age.
- (b) The Chairman and members of the Commission shall be on full-time basis and are to be appointed by the President, subject to the approval of the National Assembly.
- (c) Members shall hold office for one term of 5 years.
- (d) Where it becomes absolutely necessary the Chairman or any member of the Commission may be removed through the same process of appointment.
- (e) The Commission shall be funded from the Consolidated Revenue Fund.
- (f) The Accounts of the Commission shall be audited annually by the office of the Auditor-General of the Federation.
- (g) The Chairman and members of the Commission shall not belong to any political party or participate in partisan politics.
3. Election of President:
- The office of the President, according to the Committee requires a matured and experienced person in politics and public life if he is to deal effectively with the complexity of the office. To this end, the Committee recommended that one of the qualifications of a candidate for this office shall be a minimum age of 45 years for a candidate and his running mates for the election. The Conference accepted this recommendation in addition to the other requirements already enshrined in the Draft Constitution.
4. Date of Election:
- To avoid the date of a General Election being manipulated by an incumbent President for electoral gains with the connivance of and or collusion with the National Electoral Commission, the Committee recommended that an Election to the office of the President shall be held on the first Saturday of July of an Election year. This recommendation was partly accepted by the Conference but the date has been changed by the Conference to the first Saturday of November of an Election year, because if elections are held in July, there could be so much rain that electoral officials may not be able to reach certain areas of the country.
5. Senate:
- The Committee recommended 35 years as the minimum age that a candidate must attain to qualify to contest for a Senatorial Election. This recommendation was also accepted by the Conference.

6. House of Representatives:
- The Committee also recommended 30 years as the minimum age qualification for a candidate for election to the House of Representatives.
7. Election of Governor:
- For the election to the office of Governor, the Committee recommended that a person shall be qualified for election into the Office of Governor if he is a citizen of Nigeria, has attained the age of 40 years, has been educated up to and possess the School Certificate or its equivalent.
- The Conference accepted the recommendation of a minimum of 40 years for a Candidate for the office of Governor and Deputy Governor but rejected the recommendation that a Candidate must possess a School Certificate.
- The Conference resolved that once a Candidate has been educated up to School Certificate level or its equivalent, he can contest for Governorship election.
- The Committee recommended that the delimitation of all Constituencies be carried out by National Boundary Commission, but this recommendation was rejected by the Conference. In the same vein, a recommendation that the National Population Commission should register voters, compile register of voters for elections, was rejected. The task of delimitation of all the constituencies and registration and compilation of the register of voters has been assigned to the National Electoral Commission by the Conference.
8. State Electoral Commission:
- The Committee recommended a State Electoral Commission comprising of:-
- (a) A Chairman who shall be the Resident Electoral Commissioner, of not less than 50 years of age.
 - (b) Three members, one each from the Senatorial districts of the State; not less than 40 years of age and who shall be appointed by the Governor.
 - (c) That neither the Chairman nor the Commission Members shall belong to any political party or participate in partisan politics.
9. Law Enforcement Agents:
- The Committee examined the various roles played in past elections by law enforcement agents and thereafter recommended that in future the role of the law enforcement agents shall only be restricted to the maintenance of law, order and peace during the conduct of an election.
10. House of Assembly:
- The Committee recommended that a Candidate must attain the age of 25 years in order to qualify to contest election into a House of Assembly. This recommendation was rejected on the ground that a House of Assembly is a Unicameral Legislature and requires some matured members. The minimum

age has been fixed at 30 years of age. The Conference has also fixed that other qualification requirements remain the same for election to the Senate and the House of Representatives.

11. Election To Local Government Councils:

A person shall be qualified for elections to the Office of Chairman, if;

- (a) He is a citizen of Nigeria,
- (b) Has attained the age of 35 years, and
- (c) Has been educated up to and possess the School Certificate or its equivalent.

12. Election of A Councillor:

A Councillor can be elected if he is a citizen of Nigeria and has attained the age of 25 years.

13 THE ELECTORAL PROCESS:

The Committee considered the Electoral Process under two different headings:-

- (a) The Ballot System;
- (b) The Electoral System.

(A) THE BALLOT SYSTEM:

The Committee deliberated on the advantages and disadvantages of the following ballot systems:

- (a) Open Ballot System
- (b) Secret Ballot System.
- (c) Modified Open Ballot System.
- (d) The Collegiate Ballot System.

After a careful examination of these options the Committee recommended the Modified Open Ballot System which will involve the following steps for each voter;

- i. Accreditation at the Polling Station where a voter is registered
- ii. Issuance of ballot paper/booklet
- iii. Marking of the ballot paper/booklet in secret
- iv. Depositing the marked ballot paper in a ballot-box, openly
- v. Only one single ballot box will be provided in each polling station
- vi. Ballot Papers should bear symbols of candidates/parties
- vii. Ballot Papers to be counted at each polling station and not in any other centre or place
- viii. Period of election to be 8.00 a.m to 3.00pm
- ix. Results to be announced instantly at each polling station
- x. Results of Polling units to be collated at Ward, Local Government Area, State and National centres sequentially. Such results must be announced at

each collation centre and a certificate of poll duly signed and issued by the appropriate Returning officer.

- xi. In case of Presidential and Governorship elections, results should be announced at each stage - polling station, Ward, Local Government, State and National, as the case may be, by the appropriate Returning Officers. The final collated results shall however be announced by the Resident or Chief National Electoral Commissioner as the case may be.
- xii. Forwarding unannounced election results to the Local Government; State or National Headquarters should be discontinued.

B ELECTORAL SYSTEM

The Committee considered the merits and demerits of these three systems.

The simple Majority System

The Plurality System, and

The Proportional Representation System.

The Committee concluded that the system with single member electoral constituency, that is, 'First-pass-the-post' - simple majority system - electoral system should be used for all elections in Nigeria.

14. Announcements And Declaration Of Results

a Local Government Elections

- (i) Scores of Local Government Councillorship candidates should be made at every Polling Station and signed, and copies given to the agents of candidates parties, the Police and the original retained by the Presiding Officer.
- (ii) The declaration of the result of the Councillorship election can only be made at a designated collation centre within the ward where the scores of all candidates/parties will be aggregated and a winner declared. The winner is determined by a simple majority of votes.
- (iii) Scores of each Local Government Chairmanship candidate should be made known at every polling station and signed with copies given to the agents of candidates/parties, the police, and the original retained by the Presiding Officer.
- (iv) Copies of collated result of the Chairmanship election at the ward level should be given to the agents of candidates/parties, the police and the original retained by the Ward Returning Officer.
- (v) Final collation and declaration of Chairmanship election result can only take place at the Local Government Area headquarters and the winner determined by simple majority of votes.

C THE STATE HOUSE OF ASSEMBLY AND GOVERNORSHIP.

Results of the election to the State house of Assembly should be announced at the State Constituency with certificate issued to the winner.

The Gubernatorial Election results shall be announced publicly in wards at the Local Government level.

The State Electoral Officer shall collate all the results from all Local Government headquarters and announce the final result at the same level. The winner shall be issued with a certificate and announcement made both on radio and television.

C. PRESIDENTIAL ELECTION

The Presidential Election result shall be announced in public in each State. The Chief Electoral Officer shall collate all the results from the State and declare the winner both on radio and television, to avoid a repeat of what happened in the 1993 Presidential election. If results of elections were announced at the State levels simultaneously on radio and television, it is possible for the winner to emerge without someone in Abuja waiting to announce the result.

15. Election in Difficult Terrains:

To obtain free and fair elections, the Committee recommended that special attention should be directed at areas with difficult terrains, with the supply of appropriate materials such as radio communications, effective means of transportation and electric generating plants for easy transmission as well as counting and releasing of election results.

16 Sanctity of Democracy and Elections

The Committee has critically reviewed the issue of sanctity of democracy and election process, including destabilising upheavals consequent upon the annulment of the Presidential Election held in June, 1993. It also reviewed and condemned the various manipulations and aberration which took place from January 15, 1966 to the last events enacted within the previous transitional programme, (1987-1993).

The Committee recommended that:

- (a) In future, there should be no interference with democratic elections by any Government, its agent or by any person whatsoever except in accordance with the Constitution and the Electoral Law.
- (o) The Political class and entire Nigerian people should be vigilant and should jealously guard their democratic rights to avoid the overthrow, or change, or interference with the legitimate government of the day.

CHAPTER XIII

REPORT OF THE COMMITTEE ON NATIONAL VALUES AND LINGUA FRANCA

A. Introduction

The Committee on National Values and Lingua Franca was constituted on 20 of July 1994 along with 18 Committees of the Conference to examine and make recommendations on its terms of reference which it regrouped into ten major topics as contained in the Agenda. It submitted its Report to the Conference on Wednesday 11th October, 1994.

Some of the recommendations of the Committee have been incorporated into the Draft Constitution. Other recommendations not reflected in the Draft Constitution are set out here-under as matters for public policy.

B. Public Policy Issues:

(a) The Family

It shall be the responsibility of the appropriate agencies of State to encourage the evolution and promotion of family life. It shall be mandatory for every Nigerian family to ensure the proper upbringing and training of its children who shall be regarded as vital assets to the nation.

(b) Relevance of Religion:

- (i) For the avoidance of doubt no Government or any agency of the State shall promote or hinder the practice of any particular religion;
- (ii) The Government shall not be a member of any International Religious organisation;
- (iii) Government shall not promote, patronise or fund religious pilgrimages. Such activities shall be left in the hands of the individuals or religious bodies concerned.
- (iv) No political party shall be formed on religious basis whatsoever;

(c) Cultural Heritage:

- (i) Government should encourage the use of traditional attire to all official functions / assignments / duties in and outside the country;
- (ii) Foreign cultural influence should not be allowed to undermine our rich cultural heritage, hence, the need for preservation of our culture;
- (iii) Government should promote, support and encourage our various indigenous culture;
- (iv) Censorship of films and literature should be strengthened especially to shield the society from violence and indecency;

- (v) Government should encourage indigenous authors to project our cultural heritage in their writings;
 - (vi) Government should strengthen the institutions that harbour and preserve our cultural heritage, such as National Museum, National Library, National Archives and National Arts Theatre, etc.;
 - (vii) Without prejudice to liberal education, technological and scientific development shall be encouraged as wholesome goals of Nigerian contemporary values.
- (d) Corruption In Public Life:
- (i) That all assets found to have been illegally acquired shall be forfeited to and confiscated by Government;
 - (ii) That such virtues as honesty, selfless service, hard work and patriotism should be encouraged by way of reward while vices should be duly punished;
 - (iii) That religious doctrines that mould character should be a necessary part of our education;
 - (iv) That civics as a subject should be reintroduced and made compulsory in our schools; and
 - (v) That there should be a proper budgeting in all governmental departments and there should always be prudent operation and management of budgets.

C Resolutions of the Conference.

- (i) That "no public edifice, structure, street highway, institution, establishment, foundation, organisation or any other thing whatsoever in Nigeria shall be named after a living person nor shall a statue, or other similar image of a living person be created in any public place and any such thing so named shall be renamed by the appropriate authority and any such statue so erected shall be removed within six months of the coming into force of this Constitution provided however, that the National Assembly may by resolution authorise the naming of a public thing or the erection of a statue in a public place after or in honour of a living person who has attained the age of 70 years or more".
- (ii) That the President on a two-third majority affirmative vote of the National Assembly shall declare a Nigerian citizen, dead or living, a National Hero.
- (iii) That every person shall be free to practice any religion of his or her choice and there should be no fanaticism in the practice of religion, but rather, acceptance of one another and understanding of the different religions through meaningful dialogues.
- (iv) That government should encourage indigenous writers, actors, films and TV producers to promote and propagate our indigenous culture through their work of art.
- (v) That if any person holding office at any level or associated with any such person is suspected or seen by Government to have acquired wealth above

his/her legitimate earnings, such person shall be probed by an appropriate agency of State, notwithstanding any prior assets declaration in the case of public officer.

CHAPTER XIV

THE REPORT OF THE COMMITTEE ON SOCIAL WELFARE

Background.

Social Welfare covers a wide aspect of social life, conveniently deliberated upon by the Committee under the following headings:

1. Education, Science and Technology.
2. Health-care, Social Welfare and Housing.
3. Utilities, including water resources and supply, roads, electricity, communication and transportation.
4. Agriculture, including food production, livestock, veterinary and forestry
5. Social Development.
6. The Environment - including Pollution of rivers lakes, the Neighbourhood, Urban filth and decay, Sewage and Refuse disposal, Air Pollution, Erosion both Sheet and Coastal, desertification, Natural Disasters, et cetera.

Fifteen experts spoke to the Committee on these topics and on the spot assessment of various areas devastated by soil and coastal erosion, mining and other ecological disasters were carried out by the Committee. The Committee worked towards making their recommendations if accepted and implemented to alleviate the sufferings of Nigerians arising from conditions of extreme poverty.

I. Education

The conference recommended the following for implementation by Government;

(a) Philosophy and Curricula

Government should ensure that philosophy and Curricula of education are tailored to total Human Resource Development with adequate counselling and character training;

(b) Indigenous Languages and Religious Instructions

Indigenous languages should be taught at the pre-primary and early years of primary education while religious instruction should be taught up to secondary school but only in the religion approved by parent or guardian.

(c) Educational System

Educational system in Nigeria should be uniform and structural for implementation through a National Policy on Education which at present is the 6-3-3-4 system.

(d) Politics, Distance Learning

Education should be devoid of partisan politics with adequate provision for distance and correspondence programmes.

(e) Mass Education

The country should maintain a standing commitment to Mass Education that is to say the education of every Nigeria to the extent possible and in particular pursue free compulsory Universal Primary and Junior Secondary Education, both complemented by a national programme of Adult and Non formal education as well as sustained dedication to continuing education.

(f) Illiteracy

Government should diligently pursue the programme of eradication of illiteracy and as soon as practicable in addition to (e) above and there should be

(i) Free Senior Secondary Education

(ii) Free Higher Education and

(iii) Government should make adequate arrangements for the education of special groups like women and the girl child, the gifted as well as marginalised groups like the nomads.

Provided that it should be understood that throughout the Constitution, Free education means:

(iv) free tuition and

(v) Other free academic services like practicals, libraries, and examinations.

(g) Funding

All three tiers of government should fund education individually through their budget or jointly through direct debit of the federation account.

(h) Assistance to Students

Government should continue to find ways of financially empowering students to have access to all levels of education where it is not yet free.

(i) Proper Utilisation of Grants

Granting authorities should be entitled to ensure that funds granted by them to any institution or tier of government are used properly and for the purposes intended.

(j) Proprietary Rights

The proprietor of an institution should enjoy full ordinary proprietary rights over his institution.

(k) Loans and Levies

Judicious foreign loan and technical assistance as well as educational levies of the public and from the private sectors which do not violate the provisions of the 1995 Draft Constitution should be encouraged.

(l) Teachers Qualifications

Every teacher should possess minimum qualification for any level at which he is teaching and should be recognised as a professional.

(m) Conduct of Teachers

The teacher should live by a high code of moral conduct in relation to his student (s) and should avoid party politics and can only engage in trade union activities if this is not in conflict with his primary duties.

(n) Student before the Law

The law should treat a student like any other citizen and every student should avoid academic disruption and membership of cults and secret societies as well as drug abuse and other aberrant forms of behaviour.

(o) Adequacy of Teaching

All institutions and proprietors of educational institutions should ensure that facilities are adequate for teaching at the appropriate levels in order to satisfy laid down minimum standards and should enlist meaningful community participation.

(p) Employment

Both governments and the private sectors should address themselves diligently to the creation of productive jobs in order to generate adequate employment opportunities for the youths and the products of educational institutions.

(q) (NYSC) National Youth Service Corps.

The NYSC (National Youth Service Corps) should remain, along with its enabling Act, a national institution and a statutory body in the Constitution.

(r) Education and Industry

Government should foster education, industry, co-operation in teaching, finance and in Research and Development.

3. Science, Engineering and Technology

The following recommendations were made in respect of Science, Engineering and Technology:-

(a) Policy

Government should direct its policy towards a sustained development for an effective national science engineering and technology capability through the attainment of the following objectives-

(i) draw up a long term programme for the comprehensive development of National Science and Technology Infrastructure including the establishment of major scientific institutes and embracing the co-operation between the public and private sectors and enlisting the participation of relevant national organisation like the Universities, Institutes of Research, the Academy of Science as well as multinational and other international organisations;

- (ii) ensure the intensified teaching of science in educational institutions;
 - (iii) create sustained public awareness of science through strategies and programmes for the popularisation of science and creating awareness;
 - (iv) facilitate acquisition and adaptation of indigenous as well as foreign technology;
 - (v) ensure the central supervision of all the Research institutes as well as other public sectors, research and development agencies, associated institutions by co-ordinating organs of government responsible for research and development in science and technology
- (b) Funds
Government should set up science, engineering and technology funds made up of contributions from the following sources:
- (i) incremental direct government funding up to 1% of the GDP.
 - (ii) pre-tax levies of commercial enterprises as determined by the National Assembly.
 - (iii) gifts, endowments, and foreign technical assistance.
4. Health and welfare
In order to provide adequate medical and health facilities for all persons it is recommended that:-
- (a) Health Delivery System
The development and utilisation of strategies for more effective health delivery system, through an efficient management and development of the nation's indigenous and foreign health resources should be maximised:
 - (b) Oral Rehydration Therapy (ORT)
Government should undertake widespread adult education and public enlightenment on the use of Oral Rehydration Therapy (ORT) for the treatment of diarrhoea.
 - (c) Prevention
More emphasis be placed on preventive strategies to reduce occupational diseases and those diseases caused by environmental pollution.
 - (d) National Health Insurance
A comprehensive National Health Insurance Scheme should be established within the shortest possible time.
 - (e) Primary Health
Government should strengthen and encourage communities to develop personal skills and awareness of primary health care through resources and self management acquisition of preventive and curative health services.

5. Agriculture
This being the occupation of over 70% of Nigerians the following are hereby recommended:-
- (a) Forests
Establishing, developing and sustaining an effective system of forest extension and public education, to ensure better awareness, appreciation and management of forests with regards to the multiple roles and values of trees, forest, forest land, and wildlife, fisheries and other marine life.
 - (b) Laws and Regulations
To formulate, introduce and monitor policies, laws and regulations and incentive leading to sustainable agricultural development and improved food security, the development and transfer of appropriate farm technologies including Low - Output Sustainable Agricultural (LOSA) System.
 - (c) Farm Inputs
To establish, formulate and monitor an effective policy where more attention is geared to the provision of affordable essential farm inputs for use as and when required for the production of food, management of forests, livestock, fisheries and other marine life.
 - (d) Investment in Agriculture
Increasing investment in agricultural raw material production to meet growing needs of an expanding industrial sector in order to increase foreign exchange earning capacity of Nigeria, diversify the export base of the country, and create more employment opportunities and improved quality of life of a larger labour force.
- The Environment
The Conference recommended the following
- (a) Afforestation and Reforestation
Concerted efforts should be made in terms of afforestation and reforestation programmes to help fight land degradation. Water should therefore be pumped to desert-prone areas to help combat desertification effectively thereby intensifying efforts in afforestation and reforestation activities.
 - (b) Devastation through Mining Activities
Existing mining regulations should be enforced and adhered to strictly in order to reclaim and rehabilitate the devastated environment due to mining activities.
 - (i) At least 50% of funds allocated to (OMPADEC) Oil Mineral Producing Areas Development Commission should be devoted to the rehabilitation of the environment of oil producing areas.
 - (ii) Funds should be provided through a commission similar to OMPADEC preferably tagged SOMPADEC (Solid Minerals Producing Areas

Development Commission), to co-ordinate the reclamation and rehabilitation of devastated environment.

- (iii) Efforts should be made to complete the Liquefied Natural Gas (LNG) project to provide alternative energy source, and prevent unnecessary depleting of trees for wood fuel, thereby causing severe erosion and ecological degradation.
- (c) Desertification
Water should be conveyed to desert - prone areas to reforest and afforest and thereby control desertification more effectively, and a Forest, Soil and Coastal Erosion and Desert Control Commission should be established.
- (d) Disasters and Emergencies Commissions
A relevant Commission should be established to be responsible for handling National Disasters and National Emergencies.
- (e) Federal Environmental Protection Agency (FEPA).
The Federal Environmental Protection Agency (FEPA) should be reorganised, rescheduled and be continuously funded to perform its regulatory roles more effectively.
- (f) Boundaries Commission
Emphasis should be on comprehensive studies and updating of topographical, cadastral and geological surveys as well as to locate rich mineral deposits. This would reduce intra and inter state boundary clashes as well. To this end the Federal Boundary Commission should be reinvigorated by funding and equipping.

Social Development:

The Conference, after a study of the various policy programme of the Federal Ministry of Health and that of Social Development, felt that certain aspects of these programme should be emphasised and steps taken to give some of the measures the force of Law. The main components of these Social Welfare Programme are those of Family and Child Welfare, Rehabilitation, Counselling, Correction, Care of the Elderly, Women and Development, Sports Development, and Youth and Drugs.

- (a) Family and Child Welfare
 - (i) Strengthen the family as a social institution so that it can provide the necessary assistance for healthy development to its members.
 - (ii) promote family life education which includes child spacing, planning and management
 - (iii) Enhance the health status of the Nigerian Child (Age twelve years or below);
 - (iv) Ensure effective education of the Nigerian child at all levels including the pre-school child.

- (v) Ensure that every handicapped child has adequate opportunity to develop his or her talents, to the maximum and to achieve fully his or her potentials:
- (vi) Minimise the incidence of various forms of child abuse, child neglect and make provisions that will eliminate the incidence of child, marriage, and teenage pregnancy.
- (vii) Establish a Commission for children Affairs to cater specifically for children.
- (b) Rehabilitation
Ensure the welfare and effective rehabilitation of disabled members of the society: so that, a disabled person is restored to the fullest physical, mental, psychological, social, vocational and economical usefulness, of which the individual is capable.
- (c) Counselling and Correction
 - (i) Provide enabling Laws for counselling, and create a suitable environment within the society, so as to prevent them becoming recidivists:
 - (ii) Review periodically the Young Persons Law especially to de-emphasise the use of criminal justice system to judge young offenders below the age of 18 years.
 - (iii) Establish Borstal Institutions in all States of the Federation and provide social and occupational skills for prisoners.
- (d) Care of the Elderly:
 - (i) Strengthen the traditional support system for the elderly such as kinship and extended family system by increasing the tax-free allowance for dependent relations above the age of 65 years under the (PAYE) Pay as you Earn System of taxation.
 - (ii) Provide decent and adequate accommodation for the elderly both in urban and rural areas.
- (e) Women and Development
 - (i) Eliminate those aspects of our cultural beliefs and practices which are due to ignorance, superstition or misconception, and which tend to degrade and de-humanise women and militate against their full development.
 - (ii) Promote and protect the rights of widows, single parent, the single women, and ensure that women who marry outside their ethnic origins have equal rights and benefits as indigenes of their husband's State.
 - (iii) Ensure and guarantee security of employment for women and that both public and private business establishments employing a hundred or more

female workers of child-bearing age, provide day-care centres for their children.

- (iv) Establish a Ministry for the Women and Family Affairs.
- (f) Sports Development
 - (i) There should be a board for the National Sports Commission (NSC) or if possible Ministry of Sports should be established.
 - (ii) The Nigeria Olympic Committee (NOC) should be given autonomy by the Federal Government.

Utilities

The Committee recommended that Government should endeavour to provide adequate potable water to all communities in the Federation. The National and State Assemblies are enjoined to make Laws to harness water resources for agriculture, industries and for domestic use. Government should provide adequate railways throughout the Federation, with the rail system being resuscitated by adequate funding, modernisation and extension of the network. Government should in order to improve on road network system, ensue legislation to protect the railways, enlist the private sector participation in construction, and maintenance of public highways. Government should also resuscitate the old inland water ways system by dredging the navigable stretches of Rivers Niger, Benue and Kaduna to reopen the water transportation to their sea outlet through Jebba on the Niger, Makurdi on the Benue, and Zungeru on Kaduna. In addition Government should endeavour to resuscitate the inland ports, which have served the economic development of the country, especially Northern Nigeria in the past. They will complement the larger sea ports.

The Conference recommended that a section is to be created in the Draft Constitution to read "Nothing in the constitution should hinder anybody, organisation or private entrepreneurs from generating, transmitting and distributing electricity".

CHAPTER XV

THE REPORT OF THE COMMITTEE ON THE CIVIL SERVICE AND PARASTATALS

1. In recognition of the pivotal role of the Civil Service and Parastatals in policy formulation and execution for the survival and development of the nation, the Committee on the Civil Service and Parastatals presented the Conference with a number of far-reaching recommendations which were adopted after due consideration:
Federal Civil Service Commission
2. The Conference adopted the recommendations of the Committee for the establishment of a Federal Civil Service Commission which also assigned various functions to the Commission and defined the powers, composition and character of the Commission. Recommendations of the Conference with respect to the tenure, remunerations and independence of action, of the Commission were also adequately provided for in the 1995 Draft Constitution.
3. The following sections of the Draft Constitution form the repository of the various Conference decisions in relation to the Federal Civil Service, viz:
Ss 15(3), 87(4), 88(4), 89(3), 154(1)(d), 155, 156, 157, 158, 159, 170, and 171-174.
See also Schedule III Part I (D).
State Civil Service Commission
4. The Conference also adopted, with slight amendments, the recommendations of the Committee relating to the establishment, character, powers, composition, tenure, remunerations and independence of actions of the State Civil Service Commission.
5. The following sections of the 1995 Draft Constitution reflect the Conference decisions with regard to the State Civil Service, viz:
Ss 197, 198, 199, 200, 201, 202, 203, 204, 205, 207 and 208.
See also Schedule III Part II (A).
Local Government Service Commission
6. The Conference decisions on State Local Government Service Commission are also reflected in the 1995 Draft Constitution and may be found in Schedule III Part II(E) of the Draft.
7. Other Conference decisions being creations of enabling Acts and Laws are not specifically provided for in the Draft Constitution. These decisions and resolutions are, however, included in this Volume as follows:
 - (a) Pensioners who retire on same grade after serving for the same number of years shall be paid the same amount regardless of the year they retired.

- (b) The minimum number of years for Gratuity and Pension should be ten and fifteen years respectively.
 - (c) The compulsory retirement age for all grades in the Civil Service shall be sixty years.
 - (d) Any appointment to the office of Supervisory Councillors of the Local Governments shall be made by the Chairman within 30 days of taking office from among the Councillors of that Local Government, subject to confirmation by the Local Government Council. There shall not be less than 3 or more than 5 offices of Supervisory Councillors for each Local Government Council.
8. Federal Civil Service
- (i) The President should appoint:
 - (a) The Secretary to the Government of the Federation
 - (b) The Head of Service
 - (c) Ambassadors, High Commissioners or any Principal Representative of Nigeria abroad
 - (d) Permanent Secretary in a Ministry or Head of any Extra-Ministerial department of Government of the Federation
 - (e) The Personal staff of the President.
 - (ii) The Senate should confirm all appointments made as in (a)-(d) above
 - (iii) The President should have regard to the federal character of Nigeria and the need to promote national unity in making the appointments as in (i) (a)-(e).
 - (iv) Premised on the fact that the 1988 Civil Service Reforms (Decree No.43) abolished the Head of Service unlike other services such as the Armed Forces, the Police, the Prisons Service, the Committee recommended the restoration of the office of the Head of Civil Service to, among other things, provide the needed link and leadership in the Civil Service.
 - (v) The post of the Head of Service should be depoliticised and he should be appointed from among Permanent Secretary or Heads of Extra-Ministerial Departments in the Ministries of the Federation and his appointment should not cease with the exit of the President.
 - (vi) The promotion of officers on managerial cadre (GL 15-17) should be by the Civil Service Commission (CSC), but the Head of Service should process such recommendations.
 - (vii) The post of Permanent Secretary should be depoliticised and should be appointed from among Directors or Heads of Extra-Ministerial Departments or equivalent from within the Civil Service and his appointment should not cease with the exit of the President.
 - (viii) The Permanent Secretaries should be the Accounting Officers of the Ministry.
 - (ix) The Minister should be the political Head of the Ministry over which he has responsibility to the President and should be responsible for the general and

- overall direction, supervision and execution of the policies, activities, and programmes of the Ministry.
- (x) The Minister should establish and maintain programmes or plans for the training of employees in or under the Ministry in and through Government facilities including training institutions.
 - (xi) In view of the structural changes that have taken place, annual evaluation system of the performance of Civil servants should be reviewed.
 - (xii) The compulsory retirement age for all grades in the civil Service should be 60 years or 35 years of service, whichever is earlier.
 - (xiii) The minimum number of years for gratuity and pension should be ten(10) and fifteen(15) years respectively.
 - (xiv) Non-Nigerians could be employed on contract basis and their contracts should be reviewed every two years.
 - (xv) A person in the Public Service of the Federation should observe and conform to the Code of Conduct.
 - (xvi) Pension in respect of service in the Public Service of the Federation should not be taxed and should be reviewed periodically, and at not longer than five years interval, taking into account the prevailing cost of living.
 - (xvii) A Salaries and Wages Commission should be established to regulate and determine Salaries and Wages of Civil Servants vis-a-vis the prevailing socio-economic situation.
 - (xviii) The present policy of structuring Ministries into eight(8) departments which has the tendency of bringing about over-staffing and redundancy should be reviewed and rationalised.
 - (xix) The over-blown size of the Civil Service occasioned largely by political patronage should be pruned to conserve resources and also encourage a culture of 'earning' rather than 'taking' salaries.
 - (xx) Auditors at all levels should be under the Office of the Auditor-General from where they are deployed or posted to any Ministry or Extra-Ministerial Department.
 - (xxi) The Auditor-General of the State shall be removed from office by the Governor on grounds of ineffectiveness or misconduct on a motion supported by a two-third majority of the State House of Assembly.

CIVIL SERVICE OF A STATE

9. (a) State Civil Service Commission
- (i) The State Civil Service Commission should be composed of a Chairman and four members who should be persons of unquestionable integrity appointed on merit by the Governor, subject to confirmation by the State House of Assembly. The Governor should take into cognisance the compelling need of unity in the State in making such appointments.

- (ii) The State Civil Service Commission should recruit, based on needs of Ministries and Extra-Ministerial Departments and vacancies, staff in the Salary Grade Level 07 and above.
- (iii) The State Civil Service Commission should set up general and uniform guidelines for Ministries and extra-Ministerial Departments on the principles and procedures to be adopted in the recruitment, appointment, dismissal or disciplinary control of persons in the Civil Service with a view to ensuring uniformity of standards and practices.
- (iv) The State Civil Service Commission should monitor the activities of each Ministry or Extra-Ministerial Department to ensure that guidelines are strictly and uniformly adhered to.
- (v) The State Civil Service Commission should serve as a review body for decisions and determinations of Ministries and Extra-Ministerial Departments in respect of appointments, promotions, dismissals and discipline.
- (vi) A member of the State Civil Service Commission should serve for five years, but can be removed from office by the Governor for inability to discharge his functions or for misconduct with the approval of a 2/3 majority of the State House of Assembly.
- (vii) The State Civil Service Commission may, subject to conditions it may deem fit, delegate any of its powers conferred upon it by the Constitution to any of its members or to any officer in the Civil Service of the State.
- (viii) The Commission should not be interfered with in the exercise of its powers.

9. (b) State Civil Service

(i) The Governor should appoint:

- (a) The Secretary to the State Government
- (b) The Head of Service
- (c) Permanent Secretary
- (d) Personal staff of the Governor

(ii) The State House of Assembly should confirm all appointments made as in (i)(a)-(c) above.

- (iii) The Governor, in appointing (i)(a)-(d) should have regard to the socio-cultural background of the State and the need to promote unity in the state.
- (iv) The Commissioner should be the political Head of the Ministry over which he has responsibility and shall be responsible to the Governor for the overall directions, supervision and execution of policies, activities and programmes of the Ministry.
- (v) For the purpose of improving economy and efficiency in the operations of a Ministry and raising standards of performance by employees in their official duties to the maximum possible level of proficiency, the Commission shall establish, operate, and maintain programmes or plans for the training of

- employees in or under the Ministry in and through government facilities, including training institutions.
- (vi) Premised on the fact that the 1988 Civil Service Reforms (Decree No.43) abolished the Civil Service unlike the other services, Armed Forces, Police and Prison Service that have heads, the Committee recommended the restoration of a de-politicised Office of Head of Service to provide the much-needed link and leadership in the Civil Service.
- (vii) The post of the Head of Service of the State should be de-politicised and should be appointed from among serving Directors or Heads of Extra-Ministerial Departments of the Federal and State Civil Service and the Head of Service should not cease to hold office with the exit of the Governor.
- (viii) The office of Permanent Secretary should be de-politicised and should be appointed from among serving Directors or Heads of Extra-Ministerial Departments and the appointment of Permanent Secretary should not cease with the exit of the Governor.
- (ix) The Permanent Secretary should be the Accounting Officer.
- (x) The compulsory retirement age for all grades in the Civil Service should be 60 years or 35 years of service, whichever is earlier.
- (xi) Non-Nigerians could be employed on contract basis and their contracts shall be reviewed every two years.
- (xii) The Auditor-General should have power to sanction any officer and to alert the Governor of any audit alarms or serious pre-payment audit query for which the Accounting Officer of the Ministry is liable.
- (xiii) All internal Auditors should be staff of the Office of the Auditor-General.
- (xiv) The minimum number of years for gratuity and pension should be ten(10) and fifteen(15) years respectively.
- (xv) A person in the Public Service of the State shall observe and conform to the Code of Conduct.
- (xvi) Pension benefits in respect of service in the Civil Service of the State shall not be taxed, and should be reviewed periodically, and at not longer than five years interval, taking into account the prevailing cost of living.

LOCAL GOVERNMENT

10. (a) Local government Service Commission

- (i) The Local Government Service Commission should be composed of a Chairman and three members who should be persons of unquestionable integrity appointed for five years on merit by the Governor, subject to confirmation by the State House of Assembly. The Governor should take into cognisance the imperative of promoting unity in the State in making the appointment.
- (ii) The appointment and removal of the Chairman and Members of the Commission shall be subject to confirmation by the State House of Assembly.

- (iii) The Local Government Service Commission should recruit, based on needs of Local Governments and vacancies, officers in the Salary Grade Levels 07 and above.
- (iv) The Local Government Service Commission (LGSC) should set up general and uniform guidelines to Local Governments on the principles and procedures to be adopted in the recruitment, appointment, dismissal or disciplinary control of persons in the Civil Service with a view to ensuring uniformity of standards and practices.
- (v) The Local Government Service Commission could delegate the functions of recruiting staff in the Salary Grade Levels 01-06 to Local Governments or any officer/body in the Local Government Service.
- (vi) The Local Government Service Commission should monitor the activities of each Local Government to ensure its guidelines are strictly and uniformly adhered to.
- (vii) The Local Government Service Commission should serve as a review body for decisions and determinations of Local Governments in respect of appointments, dismissals, promotions and discipline.
- (viii) In the exercise of its duties, the Commission shall not be subject to any interference from any authority or person.

10. (b) Local Government Service

- (i) Supervisory Councilors should be appointed by the Chairman, subject to confirmation by the Local Government Council.
- (ii) For the purpose of improving economy and efficiency in the operations of the Local Government and raising the standards of performance by employees of their official duties, the Chairman of the Local Government shall establish, operate and maintain programme or plans for training of employees.
- (iii) The post of Secretary to Local Government should be de-politicised. The appointment of Secretary to the Local Government should come from the pool of staff in the Local Government Service and should not cease with the exit of the Chairman.
- (iv) The Secretary to the Local Government should be the Accounting Officer.
- (v) Pension benefits in respect of service of Local Government shall not be taxed and shall be reviewed periodically, and at not longer than five years interval, taking into account the prevailing cost of living.
- (vi) Any person in the service of local Government shall observe and conform to the Code of Conduct.
- (vii) The minimum number of years for gratuity and pension shall be ten(10) and fifteen(15) years respectively.
- (viii) There should be an Auditor-General for the Local Governments appointed by the Governor, in consultation with Local Government Service Commission to carry out audit duties of Local Governments in the State.

PARASTATALS:

11.

- (a) In most developing countries Government, to a varying degree, is involved in social, economic and public enterprises. However, changing circumstances dictate a review of the role of Government in these enterprises with a view to achieving greater productivity and efficiency in its engagement in order to optimize the balance between the public and private sectors bearing in mind the management capacity of the Government and the capacity of the private sector and other agents of the economy. Therefore, the following recommendations are made with respect to parastatals:
 - (i) The mixed economy as provided in both the 1979 and 1989 Constitutions of the Federal Republic of Nigeria should be retained along with the free enterprise system for realizing the micro and macro economic objectives of this nation.
 - (ii) The private sector, rather than the public sector, should be encouraged to be the prime mover of economic activities for greater efficiency and accountability. In this respect, except for strategic and security reasons, the government programme of privatization and commercialization of parastatals should be continued with a view to completing it as soon as possible.
 - (iii) Having divested itself from direct involvement in the operations of business activities, the Government should concentrate in maintenance of Law and Order and the provision and protection of the enabling policies, including priority allocation of resources, subsidy, etc., and the provision of stable political environment to make the system effective.
 - (iv) A framework spelling out clearly the roles of supervising Ministries, the Boards of Directors and Management of the commercialized and partially privatized enterprises should be prepared and enforced.
 - (v) The disappointing performance of such strategic industries as the Steel Plants, Paper Mills and Agricultural Establishments have been noted. The problems of such industries should be tackled and provision made for their completion and operation. Specifically, Government should consider partial privatization of the Delta Steel Company and the already completed units of Ajaokuta Steel Project and work out a programme for completion of the balance of the project.
 - (vi) Performance indices the world over indicate that "very big" often mean "less efficient". The refineries, NEPA and NITEL can therefore perform more efficiently if the problems of bureaucracy associated with size and the frequent intervention of the supervising Ministers are reduced. It is therefore recommended that these big parastatals should be grouped into small units and privatized to serve the zones where they are located more efficiently.
 - (vii) Where it is strategically and financially imperative for Government to have partial or full interest in a new enterprise in order to encourage its

development, the enterprise should be commercialized from inception and privatized as soon as practicable.

(viii) Continued efficiency and competitiveness of an industry depend on its ability to introduce new technologies, products and processing techniques on time. In the case of Nigeria, both old and new technologies, not necessarily best suited for this environment at this stage of our industrial development, are imported with new orders and deliveries annually. Timely directed investment in Research and Development by both public and private organizations should be encouraged to develop a functional technique for copying and indigenising prevailing technologies to our environment.

(ix) Economic nationalism must always remain a basis for fashioning Government economic policies to avoid economic re-colonisation. It is imperative that the control of the economy is not left in the hands of foreign nationals and firms whose interest and loyalty are not in agreement with or complementary to the country.

CHAPTER XVI

COMMITTEE ON FOREIGN POLICY

1. Background

The Committee on Foreign Policy presented its Report to the Conference on September 28, 1994. While presenting the Committee's Report, the Chairman of the Committee explained that the Report was basically in two parts, namely:

- i Considerations of the provisions in the 1979 and 1989 Constitutions which the Committee was mandated to examine, and to which the Committee proposed amendment with respect to structural requirements for both policy formulation and Nigeria's foreign policy; and
- ii addressing the fundamental principles and objectives that should guide the Nation's foreign policy delivery.

2. The Report

In this report, the Committee's Report is treated in two parts namely:

- (a) Recommendations to be inserted into the Constitution regarding the fundamental objectives and directive principles that should govern the determination of Nigeria's foreign policy; and
 - (b) Recommendations that relate to the execution of Nigeria's foreign policy, and the management and welfare of the Nation's foreign service staff.
- The Conference debated this Report on October 4, 1994, and adopted the Report and all its recommendations without any amendments.

3. Recommendation of the Committee on Foreign Policy for insertion into the Constitution

The Committee recommended that the entire provisions of Chapter One of its Report, specifically, paragraphs 1 (a)-(d) and 2 (a)-(e) be adopted for inclusion in the proposed Constitution of the Federal Republic of Nigeria.

Conference adopted this recommendation, and these provisions have been adequately reflected in sections 17, 20 and 21 of the Draft Constitution. Section 20 specifically addresses the foreign policy objectives recommended by the Committee, while Section 17, on page 55 of the Committee's Report which requires that the National Assembly should be shouldered with the burden of initiating, reviewing and reformulating Nigeria's foreign policy is not reflected in the Constitution. Conference decided that, beyond merely making laws for the Conduct of the Nation's foreign relations, the National Assembly should be vested with powers to define, review, and reformulate the nation's foreign policy, whilst leaving the execution thereof to the Executive branch of Government.

In a nutshell, the Nation's foreign policy must have as its core objectives and principles, the enhancement and protection of Nigeria's values and interests, economic, technological, environmental, political, cultural and social objectives.

The need to maintain mutually cordial and beneficial relations at bi-lateral and multi-lateral levels with all peoples and Sovereign States where feasible, through the establishment of Consular and diplomatic missions, honorary Consulates, and other forms of effective diplomatic presence abroad is adequately enshrined in Section 20 of the 1995 Draft Constitution, while the preamble to the 1995 Draft Constitution provides for the promotion of Inter-African Solidarity and World peace.

Other foreign policy objectives recommended by the Committee include:

- (i) The promotion of good neighbourliness and maintenance of West African and African Unity;
- (ii) the enhancement and protection of South-South Cooperation, and other regional organisations aimed at evolving and maintaining a humane, fair and just World order, committed to eliminating deprivation, and undemocratic repression throughout the world.
- (iii) Continued commitment to the defined goals of the Organisation of African Unity ((O.A.U.), the United Nations Organisation, (UNO) and other multilateral organisations for the enhancement of greater international co-operation, the maintenance of an enduring world peace, the advancement of mutual respect among all nations, and the eradication of all forms of discrimination. These objectives have been adequately provided for in existing treaties between Nigeria and the bodies concerned, or can be more effectively attained through conventions, joint commissions, and bi-lateral and multi-lateral treaties and understandings.

Management and execution of Nigeria's foreign policy, and the welfare of foreign service personnel.

The Committee recommended that as a matter of necessity, there should be a distinct foreign service, separate from the home service, and for this purpose, the Ministry of Foreign Affairs should be reorganised and professionalised. For greater effectiveness of the Foreign Service, the Committee emphasised the need for harmonising relations between cultural, education, defence and other attaches at our foreign Missions, and the accredited representatives of the nation abroad. Professionals from home ministries and instructions could be seconded or transferred to the foreign services as the need arises. To enhance greater professionalism and achieve more effective representation abroad, the Committee made the following additional recommendations:

- (a) Non-Career Ambassadors should not exceed 30 percent with a basic minimum of 20 percent of the total abroad.
- (b) The annual budget of the Ministry of Foreign Affairs should be increased from the present 2 per-cent to 3 per-cent of the national budget.

- (c) For greater cost-effectiveness, Nigeria's Overseas Missions should be rationalised and reorganised so that the nation needs not maintain more than skeletal Service in those Countries not considered priorities with a view to achieving Nigeria's basic national interests and objectives.
- (d) The Staff of the Ministry of Foreign Affairs should be prudently rationalised to inject substantial Federal Character as well as retaining only disciplined, productive and patriotic staff.
- (e) Suitable Nigerians resident in host Countries should be appointed honorary consuls and assigned Consular, educational, publicity and representational roles for the Ministry, and the Nation.
- (f) To enhance staff morale, discipline, loyalty, patriotism, and productivity, the salary and fringe benefits of staff of the Ministry, particularly those serving abroad should be reasonably adjusted upwards.

On the issue of African-ness and Isolation, the Committee recommended that while continuing to accord primacy and prominence to its relation with all African Countries, and especially, its immediate West African Neighbours, this should be no obsession. The nation should avoid the "Father Christmas" attitudes of the past which saw Countries that were lavishly assisted by Nigeria in the past turning round to spite us. Such Countries include Angola, Mozambique, Zimbabwe and South Africa. Future foreign policy posture should be inward-looking, pragmatic, prudent, realistic, and based on the certainty of reciprocal benefits accruing therefrom. Thus, where material, technical and/or financial assistance is extended, the ultimate objective should be the realisation and enhancement of our basic national interests. Emphasis from now on should be on enhancing the internal economic well-being of the Nation and achieving internal structural stability, and sustainable cohesion. The Committee however counselled against isolationist foreign policy, emphasising instead, a greater and more urgent need to significantly improve interactions with the larger international community, regardless of the nation's prevailing economic predicament, in the national interest.

3. Improving the Nation's foreign image

The Committee emphasised that in order to improve the Nation's battered image abroad, the following measures are necessary-

- (a) Since a nation's foreign image is determined by its domestic posture, the struggle to improve and enhance the nation's image abroad must start from the home front. This can be achieved by returning Nigeria quickly to participatory democracy, based on active and sincere political culture;
- (b) a strong home economic base is a formidable support for successful and rewarding foreign relations. The Ministry of Foreign Affairs must therefore pursue a policy of economic diplomacy through reinforcing our foreign economic desks, promoting trade missions, trade fairs, and the Nation's private sector abroad.

- (c) The menace of drugs and a rising crime rate, must be tackled with ruthless determination through stringent Laws and punishment for drug abuse and trafficking. A well-behaved citizenry will command greater respect at home and abroad.
- (d) The nation should prosecute a vigorous and dynamic media campaign at home for a more positive projection of the nation's image. These themes are discussed in paragraphs 15 and 16 of the Committee's report.
- (e) In paragraphs 17-19, the Committee recommended the retention of the Technical Aid Corps as goodwill ambassadors but suggested stringent caution with respect to numbers, cost, and federal character representation.
- (f) It further suggested that the restoration of the nation's values should be vigorously pursued with a view to instilling instinctive loyalty and patriotism in the citizenry.
- (g) The strengthening of the family institution, the economy, religion, and education with a view to instilling honesty, justice, equity, fairness, probity and transparency in the citizenry, is essential to a successful pursuit of the nation's foreign policy objectives. The recommendation that efforts must be made by government to significantly increase penalties for returning Nigerians who had been convicted for criminal offences abroad, is intended to discourage Nigerians from going abroad to commit crimes, especially drug trafficking, obtaining by false pretences ("419"), illegal immigration and collusion with criminally-minded foreigners to dump toxic waste in Nigeria.

The Nation should enter into extradition treaties with friendly countries, to ensure that fugitives from Nigeria justice do not escape the wrath of the law, no matter where they may run to. Finally, the Committee recommended that Government should cost all technical assistance rendered (including military, police, and students training), and ensure that recipient nations justify the nation's generosity either through reciprocity, or for some other reasonable consideration. The Committee decided all issues by consensus.

CHAPTER XVII

THE REPORT OF THE COMMITTEE ON
CREATION OF STATES AND LOCAL GOVERNMENT

1. Introduction

Creation of States and Local Governments in Nigeria has been in response to two main factors. One is the need for even spread of development and in order for development to reach the grassroots. The other is the need to meet the demand and aspirations of the various ethnic and sub-ethnic communities in Nigeria for local autonomy and self-actualisation in the spheres of cultural, economic and social life.

In his speech during the inauguration of the Constitutional Conference, the Head of State, General Sani Abacha, drew attention to the continued demand for the creation of States and Local Governments and urged that while

"It is a right in the democratic process that these demands (for creation of States and Local Government) should be freely aired and given a fair hearing. But this can only be done against the background of their economic and other wider implication".

Several of the Memoranda received by the National Constitutional Conference Commission (NCCC) contained demands for creation of more States and Local Governments in Nigeria. Consequently, the NCCC reflected this in the agenda for the Conference.

In post - independence era, Nigeria has evolved from a three - regional Federation to a Federation of 30 States and the Federal Capital Territory Abuja. There are at the moment 593 Local Government Areas and its Area Councils in Nigeria.

2. Background.

This is one of the nineteen Committees of the Conference, and was set up to consider amongst other things:

- a. Ethnic Nationalities and the Creation of Regions.
 - b. Ethnic Nationalities and the Creation of States.
 - c. Ethnic Nationalities and the Creation of Local Government Areas
 - d. Ethnic Nationalities and the Creation of Cantons,
- as well as:

- i. The Criteria for the Creation of these tiers of Government;
- ii. Constitutional procedures for the creation of these tiers of Government;
- iii. Evaluate Memoranda requesting the creation of States and Local Government Areas that had reached the Conference Commission, the Conference Chairman's Office, and from Delegates, with a view to identifying those

requests that test positive to the set criteria and recommend them to the Conference, for the purpose of facilitating decision on recommending them for the creation.

3 Conclusions of the Committee:

After exhaustive debates, the Committee by consensus, unanimously made the following recommendation:

A CRITERIA FOR STATE CREATION:

The following criteria were considered critical for the creation of new States.

(i) Viability:

Viability either verifiable or potential viability. This criterion can be measured through current revenue generation capacity (internal or national), and potential, untapped resources base. This criterion should be accorded the highest weighting.

(ii) Human Resources And Population:

There should be adequate population. This should include trained, trainable and productive human resources pool for the human and economic activities in the proposed State. The Committee was of the view that because of the inherent peculiarities of ethnicity, geography, history and the pattern all over the world, it is not possible to prescribe a minimum qualifying population for a State. This is the reason why at the United Nations you have countries with less than 200,000 people as well as others with over 200,000,000 people; and in the United States of America some States are endowed with over 30 million people while others have less than 300,000 people. Nigeria can have large and small States.

(iii) Terrain, Land Mass or Water Mass:

The Committee was of the view that there should be enough land and water for the human, economic and developmental activities of the new State. The inherent peculiarities of the area is a limiting factor as to how much of these are available. This was why the Committee strongly held the view that there cannot be a minimum land area (in square kilometres) that must be the qualifying factor. Again some existing nations are smaller than the smallest-size States in Nigeria while in the USA some States are small enough to be traversed in two hours by road transport.

(iv) The willingness And The Determination of a People:

The willingness and resolve of a people or groups of peoples to form a viable State is a very important consideration. This can be assessed by their collective zeal and effort in the agitation for the new State as clearly reflected in the body of the memorandum of their request.

HISTORICAL ANTECEDENTS

A history of harmonious co-existence should be a critical criterion in considering a new State for creation.

(vi) Homogeneity and compatibility:

Communities demanding to form a State must either have ethnic and linguistic homogeneity or must be compatible communities with no history of inter-communal strife.

(vii) Compact geographic Area:

A State should have a compact geographic area. This can be determined using the old provincial, divisional and district configurations or modifications of these.

(viii) National Stability/Security:

State creation should be used as a means of stabilising the Federation, especially where such an exercise will create better communal peace, local and national security and reduce political and social tension. State creation should help build a more balanced Federation.

B CONSTITUTIONAL PROCEDURE (for State Creation):

The procedures recommended for the creation of States are as follows:

1. Request by at least 2/3 of elected members (representing the area demanding the creation of and constituting the proproposed new State) in each of the following:

- (a) Senate and the House of Representatives,
- (b) The local Government Councils in the area, is received by the National Assembly.

2. The proposal for the creation of the State should thereafter be approved in a referendum by at least two-thirds (2/3) majority of the people of the area, CONSTITUTING THE proposed NEW STATE, where the demand for creation of the State originated.

3. The proposal should be approved by a resolution passed by a simple majority of members of each house of the National Assembly.

C CRITERIA FOR CREATION OF LOCAL GOVERNMENT AREAS:

The following CRITERIA for the creation of local Government Areas were recommended by the Committee:

(i) Demand for self-determination:

As much as is practicable, there should be a "sense of community" expressed in the wish of the people requesting to be in a separate unit of their own. Demands may arise out of age-old conflicts which could endanger national peace and unity. A people may feel deprived of their rights and freedom by a

larger and dominant segment of the population within the Local Government Area. Evidence of harmonious relationship within the community or group of communities aspiring to be a Local Government Area should be considered necessary.

(ii) Ethnic Affinity:

There should be evidence of cultural, social and if possible, linguistic linkages. Each Local Government Area should, as much as possible, be homogeneous.

(iii) Viability:

A proposed Local Government Area should show evidence of present or potential viability in both human and material resources to be able to sustain certain facilities. Every Local Government Area should be a self-sustaining economic unit. The proposed Local Government Area should be able to generate substantial part of its needed revenue. The age of requests for Local Government Areas that depend almost solely on Federal Government subventions is running out.

(iv) Contiguity:

A proposed Local Government Area should be a geographic unit of one continuous territory.

(v) Population:

There should be an adequate population to take care of the developmental needs of the proposed Local Government Area. The issue of what population figure is adequate is relative. It is noted that there is a wide variance between the lowest population of a Local Government Area, which has been identified as 24, 824, and that of the highest Local Government Area, which has also been identified as 1,001,080.

(vi) Land/water Mass:

Adequate land, water mass or terrain to take care of developmental needs, inclusive of growth and expansion should be available. It is difficult to prescribe minimum figures that would be adequate, as there already exists serious unevenness in the mass of the existing Local Government Areas.

D PROCEDURES FOR THE CREATION OF LOCAL GOVERNMENT AREAS:

The procedures recommended for the creation of Local Government Areas are as follows:

1. (a) Request by the people through their respective elected Councillors, representing the area demanding the creation of and constituting the new Local Government Area, to the Local Government Council.

(b) Thereafter, the request should be forwarded to the Governor or Chief Executive Officer of the State who should present the request to the State House of Assembly.

(c) On receiving the request, the House of Assembly shall, by a simple majority, approve that a referendum be conducted in the area requesting for the Local Government Area to ascertain the general acceptability or otherwise of the request before them.

2. The proposal for the creation of a Local Government Area should thereafter be approved in a referendum by at least two-thirds (2/3) majority of the people of the area, **CONSTITUTING THE PROPOSED LOCAL GOVERNMENT AREA**, where the demand for creation of the Local Government Area originated.

3. The proposal should then be affirmed by a resolution passed by a simple majority of members of the State House of Assembly.

E URBAN AREAS: SPECIAL PROBLEMS.

1. It was established that one of the major problems in Urban areas is the uncontrollable growth of the urban population. The urban population is growing so fast and in favour of non-indigenes. In consequence, indigenes or original owners of the urban areas have been marginalised in terms of employment, sharing of political power and identity in their Local Government Areas. The situation in the urban areas is such that there is the danger or fear of extinction of the indigenes and, in some cases, fear of impending breakdown of Law and Order.

2. Most of the non-indigenous population in some urban areas have roots somewhere else, particularly, in their original and ancestral homes. Because of the need to protect the indigenes of urban areas, during the Colonial Period, special areas were established. It has been therefore suggested that it may be necessary to provide some protection for the indigenes of urban areas.

3. The Committee recommended as follows:

i that there should be Constitutional guarantee for proportional representation and power sharing in Local Government Areas. (for indigenes of ALL URBAN AREAS);

ii (a) that domiciliation should be a qualification for holding political office in ALL Local Government Areas. "Dual Domiciliation", for the purposes of holding political office, should be discouraged and should be sufficient ground for disqualification;

(b) that "Census Registration and /or Enumeration" should be one of the qualifications for "Domiciliation", in addition to the payment of taxes, as and when due, and registration to vote and be voted for.

(iii) All Urban Areas, where there is disputed ownership and where the joint owner communities cannot reach an amicable agreement, should be declared Federal Territories in order to maintain Peace and Harmony.

F CREATION OF NEW STATES:

The Committee acknowledged the receipt of 35 requests for the creation of new State before it rose. After an exhaustive evaluation of these requests the Committee recommended the following States to the Conference for creation:

NORTH		SOUTH	
(i) GOMBE	(BAUCHI)	(i) BAYELSA	(RIVERS)
(ii) APA	(BENUUE)	(ii) ORASHI	(RIVERS)
(iii) NASSARAWA	(PLATEAU)	(iii) ANIOMA	(DELTA)
		(WEST NIGER)	
(iv) HADEJIA	(JIGAWA)	(iv) EKITI	(ONDO)
(v) TIGA	(KANO)	(v) EBONYI	(ENUGU / ABIA)
(vi) ZAMFARA	(SOKOTO)	(vi) NEW OYO	(OYO)
(vii) SARDAUNA	(ADAMAWA)	(vii) OGOJA	(CROSS RIVER)
(viii) KATAGUM	(BAUCHI)	(viii) ITAI	(AKWA IBOM)
(ix) GARI	(KANO)	(ix) IJEBU-REMO	(OGUN)
(x) KAINJI	(NIGER-KEBBI)	(x) RIVERS EAST	(RIVERS)
		(OGONI)	

G The need for a balance between the North and the South was further stressed by the committee.

H EVALUATION OF REQUESTS FOR LGA CREATION:

The Committee acknowledged the receipt of 1002 requests for the creation of new Local Government Areas. It then recommended the creation of 438 LGAs. See pp 45 to 74 of the Report of the Committee.

I ADDITIONAL REQUESTS FOR RE-LOCATION.

There were some requests from some communities and Local Government Areas for re-location. See pp 75 and 76 of the Report of the Committee.

4. Conference Debate on Committee Report:

- (a) The list of recommended States and Local Government Areas amended by Conference resolution to include all the requests for States and Local Government Areas that reached the Conference through the Conference Commission and the Committee on States and Local Government creation.
- (b) Conference also resolved to set criteria for Local Government Area creation notwithstanding the fact that Conference had resolved to place the creation of LGAs on the States's Legislative List.
- (c) Conference upheld the Committees recommendation on Local Government Area.
- (d) Conference debated and resolved, on the issue of procedure for LGA creation, to direct the request for LGA creation to the State House of Assembly.

- instead of to the Chief Executive of the State, as recommended by the Committee.
- (e) Conference resolved to suspend further debate on criteria and instead set up a 31- member ad hoc Committee to identify criteria for creating States and Local Governments. That Committee produced majority and minority reports. Both reports were rejected by Conference.
- (f) Conference further resolved to address the 1979/89 Constitutional procedures for the creation of States.
- (g) The need for a balance of States between the North and South was further stressed.
- (h) The Report of the Committee on States and LGA Creation was adopted as amended.

CHAPTER XVIII

THE REPORT OF THE POLITICAL TRANSITION COMMITTEE

Background

Due to the absence of any specific memorandum to the National Constitutional Conference Commission (NCCC) on the subject of Political Transition, this item was not on the prepared agenda for the Constitutional Conference. The Committee on Transition was therefore not among the initially proposed Committees. The Committee came to be established as a result of an amendment to a motion by the Business Committee.

ASSIGNMENT FOR THE COMMITTEE

The Committee was empowered:

- (1) to make proposals on Transitional Provisions and Savings for a new Constitution which shall be promulgated into law by the Provisional Ruling Council.
- (2) to pass resolutions and conclusions which shall form the framework for the governance of the Federal Republic of Nigeria within the period of transition in full cognisance of the need to achieve the Constitutional Conference objectives as clearly spelt out in Decree No. 3 of 1994.

RECOMMENDATIONS

The Committee's recommendations were principally on three areas and in three parts as follows:

Part 1: Transitional Provisions and Savings.

Part 2: Mode of Transition.

Part 3: Programme of Transition.

TRANSITIONAL PROVISIONS AND SAVINGS

The Committee's recommendations on this subject are a near-verbatim adoption of Sections 268-276 of the 1979 Constitution which deal with:

- (a) Citizenship
- (b) Standing Orders
- (c) Provisions in respect of Elections
- (d) System of Revenue Allocation
- (e) Debts
- (f) Existing laws
- (g) Existing offices, Courts and Authorities
- (h) Succession of property rights, liabilities and obligations.

The Conference accepted the recommendation and enshrined it in Section 341 - 348 of the 1995 Draft Constitution.

MODE OF TRANSITION

Three different varieties of the mode of transition were considered by the Committee:

- (i) A complete civilian transitional Government in the form of an interim or emergency National Government.
- (ii) A diarchy.
- (iii) A complete military transitional government.

RECOMMENDATION

The Committee's recommendation was a Diarchy as a form of military/civilian partnership which should include members of the Conference. The Conference rejected this and opted for other recommendations made by the Committee, i.e.

- (a) "a body of selected, eminent Nigerians that should meet once every three months for a minimum of two weeks to carry out its responsibility and advise Nigerians on the progress of the Political Transition and Government.
- (b) The Provisional Ruling Council (PRC) should consist wholly of military personnel. The size of the PRC should be determined by the military. This will be the legislative body and shall rule by Decrees promulgated by it.
- (c) The Federal Executive Council should be a body of 30 members with at least one Minister per State who must be a civilian. Their work shall be the running of government as well as implementation of transitional programme.
- (d) Caretaker Committees should administer the Local Government Areas.
- (e) The Federal Capital Territory, Abuja (FCT) should be administered by an appointed Minister.
- (f) The States should be governed by Military Administrators with Civilian Commissioners.
- (g) After due consideration of all the issues involved, the Committee agreed that for a reasonable level of National reconciliation to be achieved, as would permit the holding of a free and fair election nation wide, a cooling-off period of 12 - 18 months would be required.
- (h) For effective implementation of all recommendations of the National Constitutional Conference (NCC) by the Provisional Ruling Council (PRC), a period of not more than 24 months should be adequate.
 - (i) If certain recommendations of NCC are not approved for implementation by the PRC or slated for implementation by a future administration, then the transition period should be correspondingly reduced.
 - (j) In the light of the foregoing the Committee resolved that a detailed time-table listing all components of Transition can only be prepared after all recommendations of the NCC have been considered and approved.

PROGRAMME OF TRANSITION

The Committee's recommendation was that there was "need for adequate time for each of the major components of the transition programme bearing in mind the many possible methods of actualising them".

The major components of the transition as defined by the Committee included:

- (i) National reconciliation through a Committee for National Reconciliation.
- (ii) Consideration of the National Constitutional Conference Report and promulgation of a new Constitution.
- (iii) Establishment of a new National Electoral Commission in line with the Report of the Committee on Election and Electoral Process.
- (iv) Formation and registration of Political Parties in line with the Report of the Committee on Political Parties.
- (v) Creation of States and Local Government Areas in line with the recommendation by the Committee on the Creation of States and Local Government Areas.
- (vi) Delimitation of new electoral constituencies in line with the Report of the Committee on Elections and Electoral Processes.
- (vii) Implementation of the Conference decisions on Revenue Allocation as recommended by the Committee on Revenue Allocation.
- (viii) Implementation of Conference decisions on Power Sharing as recommended by the Power Sharing Committee.
- (ix) Other decisions of the Conference as recommended by the appropriate Committees.
- (x) Registration of Voters.
- (xi) Electioneering Campaigns and Elections.
- (xii) Swearing in of a New Government.

However, the Conference on December 6, 1994 resolved that all the above recommendations in respect of Programme of Transition should be substituted with the words:

- (a) "That the National Constitutional Conference has recommended that Military rule shall terminate in Nigeria on January 1st 1996".
- (b) "That the Provisional Ruling Council (PRC) shall immediately draw a transition time-table which shall lead to the swearing in of an elected civilian President on January 1st 1996".

On Tuesday, 25th. April, 1995, the Conference resolved to vacate the terminal date for Military Rule earlier fixed as follows:

1. Whereas this Conference on 6th day of December, 1994 recommended that Military Rule shall terminate in Nigeria on the 1st day of January, 1996, and the PRC shall immediately draw a transition time-table which shall swear in the elected civilian President on 1st January, 1996.
2. And Whereas this Conference has in its previous Resolutions and deliberations recommended to the Military Government and its agencies to carry out and execute the following specific assignments before handing over to a democratically elected Civilian Government:-
 - (a) Consideration, study and adoption of the Draft Constitution and the Report of Recommendations of Conference by PRC;
 - (b) Creation of States and Local Government Areas;
 - (c) Implementation of Conference recommendations on Revenue Allocation;
 - (d) Implementation of Conference Recommendations on Power Sharing and Federal Character;
 - (e) Decentralisation of Federal Ministries of Agriculture and Education to States and sharing of their Assets and Liabilities;
 - (f) Decentralisation of Federal Universities and other Higher Institutions to their catchment areas and sharing of their Assets and Liabilities;
 - (g) Total lifting of ban on politics and formation of Political Parties;
 - (h) Reconstitution of National/State Electoral Commissions to carry out the following:-
 - (i) Delimitation of Constituencies (Federal, Senatorial, State, Local Governments);
 - (ii) Registration of Political Parties;
 - (iii) Preparations of Voters' Registers;
 - (iv) Electioneering and conduct of General Elections as follows:-
 - (a) Local Government Elections - Chairmanship and Counsellorship;
 - (b) States' Elections - Governorship and States' Houses of Assembly; and
 - (c) Federal Elections - Presidency, Senate and House of Representatives.
3. And Whereas it is now abundantly clear that all the assignments referred to in paragraph 2 above cannot be accomplished by the Federal Military Government before the 1st day of January, 1996;
4. We, therefore, move and BE IT RESOLVED AND IT IS RESOLVED AS FOLLOWS:
 - (a) That this Conference hereby notes that in view of paragraph 2 and 3 above, the 1st day of January, 1996 previously given by this Conference as the terminal date for the Federal Military Government to hand over to a democratically elected Civilian Government is not realistic and the Conference's resolution to that effect is hereby vacated.
 - (b) That the Federal Military Government shall now prepare and draw up an appropriate and suitable political programme and Time-Table to accommodate all the subject matters enumerated in paragraph 2 above.

LIST OF APPENDICES

- i Decree no. 1 of 1994
- ii Decree no. 2 of 1994
- iii Decree no. 3 of 1994
- iv Report of the Committee on Political Structure and Framework of the Constitution
- v. Report of the Committee on Executive
- vi. Report of the Committee on Legislature and Legislative Lists
- vii. Report of the Committee on Judiciary
- viii. Report of the Committee on Fundamental Rights, Directive Principles of State Policy and Press Freedom
- ix. Report of the Committee on Law and Order and National Security
- x. Report of the Committee on National Defence
- xi Report of the Committee on the Economy, Population and Revenue Generation
- xii. Report of the Committee on Revenue Allocation
- xiii. Report of the Committee on Power Sharing
- xiv. Report of the Committee on Political Parties
- xv Report of the Committee on Elections and Electoral Processes
- xvi. Report of the Committee on National Values and Lingua Franca
- xvii. Report of the Committee on Social Welfare
- xviii Report of the Committee on Civil Service and Parastatals
- xix. Report of the Committee on Foreign Policy
- xx. Report of the Committee on Creation of States and Local Governments.
- xxi. Report of the Committee on Political Transition.
- xxii. List of Requests for new States and Local Government Areas to be Created.



- (c) Nigeria shall continue to be a Federation.
- (d) The Federal Republic of Nigeria shall be governed through a 3 Tier structure consisting of the Central Government, State Governments and Local Governments.
- (e) Powers and functions of the three tiers of government shall be stipulated in the Constitution for the avoidance of doubt.

7 Some members of the Committee submitted, in addition to the main Report, what they called Minority Supplementary Report, which in summary provides as follows:

- (a) There shall be a constitution for the Federal Republic of Nigeria (covering federal government matters only) to which will be annexed a model Constitution for the States.
- (b) The thirty States of Nigeria shall be grouped into six Zones designated as Northeastern, Northwestern, Central, Eastern, Western and Southern.

This recommendation was not accepted by the Conference.

The main Report, which was adopted, recommended only a Constitution for the Federal Republic of Nigeria.

Some Members Challenged the said Annexure which listed the Federation as to consisting of the Federal Capital Territory, Abuja, the States and the Local Government and recommended that the Annexure be expunged because of manifest inconsistencies such as:

- (a) Nigeria cannot be defined as "a federation consisting of the Federal Capital Territory, Abuja, States and Local Government because in the configuration it is the States that are the federating units and not the States and Local Government; and that "Local Government areas" would in any event be more relevant than "Local Governments".
- (b) A right to complain to the Code of Conduct Tribunal and/or Public Complaints Commission would not appear to be an appropriate way of making Chapter II of the 1979 Constitution justiciable.

Chapter II

REPORT OF THE COMMITTEE ON THE EXECUTIVE

1. Background

The Committee considered each of the items listed under the Terms of Reference as follows:

(a) Presidential System (Cabinet from Legislature)

The system will facilitate smooth relationship between the Executive and the Legislature and minimise friction. However the disadvantage of the system is that it infringes on the principle of separation of powers between the Executive and the Legislature and lacks the effective checks and balance inherent in the United States of America style of Presidential System. Finally this system will narrow the Presidents' scope of choice in selecting members of his Cabinet and by so doing highly specialised professionals may be excluded.

(b) Presidential System (Cabinet from outside the Legislature)

In this system the principle of separation of powers, between the Executive and the Legislature is fully in operation and there are checks and balance between the two arms of Government.

However, in the Second Republic these principles were utterly abused and the Legislature saw itself as institutionalised opposition to the Executive and there was a clear feeling of envy among the Legislators when the President appointed those who lost elections into Ministerial & other positions.

(c) Executive plus Parliamentary (French Systems)

Under this system the President appoints a Prime Minister in the Parliament to head the Government and specified functions are assigned to the President and the Prime Minister separately. This system is fraught with instability. Where the system has succeeded in some African Countries it was due to the one - party system in operation there which vests all powers and control in the President. Having regard to the diversity of our people and democratic tradition of Nigeria, this system is not considered suitable for Nigeria.

(d) Parliamentary System

This system was practised in Nigeria and was not given enough time to develop when the Military struck in January, 1966. There was no stability in the system because the ruling party then at the centre was unable to control majority in the Parliament and had to resort to coalition government with its inherent instability. Another flaw in the system is that the Prime Minister did not have the whole country as his constituency and was unable to emerge as a National Leader acceptable to all sections of the country.

(e) Afrocracy (Indigenous System)

There is no clear meaning of this system and there is no example of where it has been practised. It postulates a zero-party which is considered not suitable for Nigeria. From the onset the Committee recognised the fact that the election of the Nation's Chief Executive has been the major source of political crises, constant tension and instability since independence. The Committee was therefore determined to fashion out an Executive system that would satisfy the needs of the country, secure and promote peace and stability and encourage all Nigerians generally to participate in Government.

Having thoroughly examined and considered all the available systems under its terms of reference the Committee recommended, and the Conference accepted the Presidential system with a single Chief Executive who is both the Head of State and Head of Government and the Commander In-Chief of the Armed Forces of the Federation. The position of the single Chief Executive is stronger in that it gives an image of strength, unity and a symbol of honour and prestige.

2. Presidential System (Cabinet from within & Outside Legislature)

The Conference accepted the main features of the Presidential System of Government enunciated in the 1979 Constitution but made some vital variations and changes in some key areas in order to accommodate the following needs:-

- (a) the need to de-commercialise politics;
- (b) the need to balance the stakes of politics so that each section of this country will have a sense of belonging to our great nation, Nigeria;
- (c) the need to develop an approach of dialogue and consensus to politics as a way of achieving political ambitions;
- (d) the need to develop a bargaining approach to decision making;
- (e) the desire not to regard politics as a game of winner-takes-all;
- (f) the need to de-emphasise rancour and bitterness.

These variations or changes and the reasons or rationale for them are hereunder given:-

3. Qualifications for election as President, Governor or Chairman of a Local Government:-

(a) Age Qualification

The level of maturity and experience demanded by the offices of President, Vice President, Governor, Deputy Governor and even Chairman or Vice-Chairman of a Local Government cannot easily be attained at young age. The Deputies or Vices who will take over from if and when the need arises should have the same minimum age fixed for their principals.

NO.	OFFICE	EXISTING	RESOLVED
1	President	35 Years	45 Years
2	Vice-president	35 Years	45 Years
3	Governor	35 Years	40 Years
4	Deputy Governor	35 Years	40 Years
5	Chairman	25 Years	35 Years
6	Vice-Chairman	25 Years	35 Years

(b) Educational Qualification

Under the 1979 Constitution there is no educational qualification prescribed for election as President, Vice-president, Governor, Deputy Governor, Chairman or Vice-Chairman of a Local Government. However it is now considered necessary that the President of the Nation, the Vice President, the Governor, the Deputy Governor, the Chairman or the Vice Chairman of a Local Government should be educated up to at least the School Certificate level or its equivalent.

The President of a Nation and other Heads of Government and their Deputies should have minimum level of education as demanded by the responsibilities of their individual office.

4. Process of Nomination:

The process of nomination under the 1995 Constitution is made stiffer to prevent the emergence of a single Presidential candidate being returned unopposed. However where a single candidate for President, Governor or Chairman has emerged in spite of the stiff process prescribed in the Draft Constitution, there should still be an election and the level of Yes/No votes is intentionally made higher than for multiple candidature. This is to ensure wide-spread support, for the single candidate.

5. Tenure of Office

The term of office of the President, Vice-president, Governor and his Deputy has been increased from 4 to 5 years. But that of the Chairman of the Local Government and his Vice is only 3 years. A period of 5 years is considered long enough for a President or Governor to make his impact felt by the people while a period of 4 years may not be sufficient to demonstrate his effectiveness.

The Committee and Conference decided that the President and the Governor shall be entitled to two terms of 5 years each without self succession, while the Chairman of a Local Government shall be entitled to two terms of 3 years each without self-succession.

The concept of self-succession is rejected because of the potential abuses whereby an incumbent could utilize state paraphernalia to gain undue advantage against his opponents.

(a) Declaration of Assets and Liabilities, Oath of Office and Allegiance:

A person elected to the Office of the President, Vice-President, Governor, Deputy Governor, Chairman and Vice Chairman of a Local Government shall not begin to perform the functions of his office until it has been confirmed that he has declared his Assets and Liabilities and subsequently taken the Oath of Office and Allegiance. Under the 1979 Constitution, those office holders were only required to subscribe the Oath of Allegiance and Oath of Office before they start to perform the functions of their office.

(b) Effect of falsification of Assets and Liabilities by President:

If within 21 days of declaration of Assets and Liabilities by the President, evidence of falsification of such declaration is received and proved, the President shall vacate his office and the undeclared property shall be forfeited to the State. Such provision is not in the 1979 Constitution.

All these steps are aimed at producing the emergence of a Chief Executive, a National Leader, acceptable to all sections of the country who by all standards stands above board.

Multiple Vice-Presidents:

The Conference accepted the establishment of the post of three Vice-Presidents. Multiple Vice-president would reduce substantially the tension in our body politic since virtually every part of the country would be represented in the Presidency. This will give all parts of the country a sense of belonging and consequently enhance the confidence of the people in the government. This system will generate stability and peace in the country. All the three Vice-Presidents should come from the same party as the President but from different geographical areas; with one coming from the same zone as the President.

(a) Ministers.

Under the 1979 Constitution, the President was enjoined to appoint at least a Minister from each State, who shall be an indigene of the State. The conference rejected this idea and ruled that as long as the President satisfies the need for Federal Character of the country, there is no need to make it mandatory for the President to appoint at least a Minister from each State. In view of the agitation and clamour for the creation of more states in the country, it is possible to create more states and if this were so then it is untenable to insist that at least a Minister will be appointed in each state in which case the number of Ministers will be unwieldy and uncontrollable.

(b) Cabinet Representation:

The Conference accepted an amendment that any party, which obtains at least 10% of the total seats in the National Assembly and which is willing to participate in government shall be entitled to representation in the cabinet

Under the 1979 Constitution no such provision existed. In the past, the winner-takes-all syndrome led to unhealthy rivalry and all sorts of undemocratic practices to bring down the Government. The President's or Governor's party shall provide the majority of the Ministers or Commissioners in the Cabinet while the minority parties with required scores will also be represented. It is not desirable to advocate strict proportional representation because in a situation where the President's or Governor's party does not win overall majority of seats in the Assembly, his party should still have a majority of Ministers/Commissioners in the Cabinet to ensure support for his party's programmes.

(c) Appointment of Ministers And Commissioners

Ministers and Commissioners shall be appointed from within and outside the National Assembly or State House of Assembly, but with majority from within the Legislature. Such provisions are not contained in the 1979 Constitution. This is to give the President or the Governor a discretion to appoint his Ministers and Commissioners either within or outside the Legislature so that his choice may not be limited, in case he needed somebody for his expert knowledge who may be outside the Legislature.

(d) Assets Declaration and Oaths

Ministers and Commissioners shall not start to perform their function until and unless they have declared their Assets and Liabilities and have subsequently taken and subscribed the Oath of Allegiance and Oath of Office of the Ministers prescribed in the 7th Schedule to the Constitution. This is to ensure credibility and accountability by the Ministers.

(e) Attorney - General

For the Attorney - General of the Federation: the Bar qualification has been increased from 10 years to 15 years, while that of the Attorney - General for the State has been increased from 10 years to 12 years post call as legal practitioners.

(f) Special Advisers

The number of Special Advisers to be appointed by the President or Governor has been limited to 3 and they are also required to declare their Assets and Liabilities and subsequently subscribe the Oaths of Office and Allegiance. Under the 1979 Constitution there is no limit to the number of Special Advisers that the President or Governor may appoint and there is no provision to declare their Assets and Liabilities before they are sworn in to commence performance of their function. This is to check the abuses by the President or Governors who under this authority, appointed more Special Advisers than the Ministers or Commissioners. At the State level, the three Special Advisers shall be appointed, one from each Senatorial District.

9 Time of Election:

The Conference decided that Elections shall be held on the first Saturday of November of an election year but where it is impossible to do so on that day the National Electoral Commission is empowered to hold the election anytime not later than 30th day of the same November. The month of November was chosen because the weather in that month appears to be good since the rainy season would just have ended and the dry season would not fully set in. The voting public would not be inconvenienced and electoral officials would encounter less hostile weather problems.

10 Payment of Salaries to President or Vice - President after leaving Office

The Conference decided that the President or Vice - President shall be paid salaries after leaving office by reason other than by removal under the impeachment provisions and shall be entitled to such salaries till death. The family of any President or Vice-President who dies while in office should receive the equivalent of his 5 years salary. The President or his Vice-President having served the country should not be left to suffer in destitution or placed in a position of financial embarrassment. This is to encourage probity while in office.

11 Rotation of Presidency

Realising that the election of the Nation's Number One Citizen has been a major source of our political crises and upheaval, and determined to fashion out a constitution that will be acceptable to the majority of Nigerians, and mindful of the need to avoid concentration of power in the hands of a few, or a sectional group, and the need to allay the fears in certain quarters that the position of the number one citizen of Nigeria is reserved for a particular area of the country, or that particular sections of the country cannot aspire to occupy that coveted number one seat, the Conference, in its wisdom, and by consensus, agreed that the Presidency shall rotate between the North and the South. In the same spirit, the Conference further decided that this principle of rotation shall go down the ladder and therefore the Governorship of a State, shall rotate amongst the three senatorial Districts of the State, while the Chairmanship of a Local Government shall rotate among the three sections into which each LGA shall be divided by the State Electoral Commission.

12 Local Governments

- (a) There shall be established for the Local Government, a Finance and General Purpose Committee which shall comprise the Chairman, the Vice-Chairman and the Supervisory Councillors.
- (b) At the Local Government level, there is no separation of powers. This is to say that there is no provision for a separate Legislature at that level. The Chairman shall appoint Supervisory Councillors from elected Ward Councillors.

- (c) The same recommendations of the Committee shall apply to the Area Councils of the Federal Capital Territory in line with Conference decisions.

13 Conclusion

The changes and variations made in the 1979 Constitution and highlighted above were made with the sole objective of fashioning out an Executive system of Government that is best suited for our local peculiarities and needs, and that will help to solve or ameliorate most of our national political problems and predicaments.

CHAPTER III

THE REPORT OF THE COMMITTEE ON LEGISLATURE AND
LEGISLATIVE LISTS

1 Introduction

The Committee on Legislature and Legislative Lists was assigned the responsibility of recommending a suitable structure for legislative houses at relevant levels of government, but the legislature as a chapter in the Nigerian Constitution implies more than merely considering whether the legislative body in a tier of government should be uni-cameral, or bi-cameral. A comprehensive treatment of the legislature includes:

- a Composition, size and staff of Legislative Houses;
- b Procedure for the summoning and dissolution of Legislative Houses;
- c Qualifications for membership of Legislative Houses and Right of Attendance;
- d Election to Legislative Houses;
- e Power and control over public funds, and
- f Legislative Lists.

The Committee's second term of reference was the preparation of lists of subjects on which the respective tiers of government can legislate. In other words, the Committee was asked to review the Exclusive and Concurrent Legislative Lists as well as the list of functions of Local Governments.

The Committee resolved to be guided in all in its deliberations by national rather than group interests. Members appreciated the need to cultivate the spirit of give and take in the deliberations. This resulted in the amity and unanimity that characterised the work and recommendations, which the Committee on Legislature and Legislative Lists, presented to the Conference on the 13th October, 1994.

2 Federal Legislature

For the structure of the Federal Legislature, there were three proposals. One was for uni-cameral legislature, to be called a House of Representatives, the second was for two houses, namely, a House of Representatives and a Senate, the third proposal was a three-chamber legislature which would have a house of representatives, Senate and a House of Elders. The House of Elders would comprise past Heads of State, past Presidents of the Senate and past Chief Justices of Nigeria. The Committee rejected the House of Elders because that body was looked at as an undemocratic institution since it would be non-elective. A uni-cameral legislature at the centre was rejected because the Committee agreed that it would be healthy for the views of the House of Representatives to be subjected to the scrutiny of the

older legislators in the Senate. It also held the view that thoroughness should not be sacrificed on the altar of cost-saving.

The Committee decided that a bi-cameral legislature had greater merit than the other options, and accordingly recommended that Nigeria should have a Senate and a House of Representatives at the Federal Level. That is to say, a two chamber legislature.

Composition of the Federal Legislature

(a) The Senate

The Committee agreed that equality of States would be reflected in the composition of the Senate. However, some favoured two Senators per State arguing that if we have three per State, the Senate might become too large if more States were created. Others favoured three Senators per State arguing that if each State produced two Senators, it meant an enlargement of each Senatorial constituency which in turn would increase the election expenses of candidates and thus encourage only wealthy individuals to contest senatorial elections. After weighing the merits and demerits of each option, the Committee decided in favour of having three Senators per State, and one for the Federal Capital Territory, Abuja.

(b) The House of Representatives

As for the composition of the House of Representatives, the issues were whether:

- (i) To have a House with 453 members as recommended by the 1979 Constitution.
- (ii) To have a House with 593 members as was the case in the House that was dissolved in November 1993, that is to say, one member per Local Government Area, or
- (ii) To have a House with a substantially reduced number in order to reduce the cost of running government.

Members agreed to review the criteria for creating a Federal Constituency. They were of the view that the use of a Local Government Area as a Federal Constituency is patently unfair in view of the yawning disparity in the population of various Local Government areas. This has resulted in cases of States that have about the same population being represented by a largely differing number of legislators. Furthermore, now that the power to create Local Government Areas is vested in the States, it would be unreasonable to use the Local Government Area as a Federal Constituency since the desire to increase its membership in the House of Representative could lead a State to create an uncontrollable number of Local Government Areas.

In reviewing the basis for creating Federal Constituencies, some people in the Committee, recommended the use of equality of States based on the constituencies that brought members to the Constitutional Conference, that is, nine members per State. This opinion was rejected on the ground that the principle of equality of

States has already been applied for the composition of the Senate. In the view of the Committee, the only defensible criterion left for delimiting Federal Constituencies was population.

The Committee held the view that a House of 453 or 593 is too unwieldy to conduct any speedy and meaningful business. Moreover, it would save cost to have a smaller House. The Committee therefore decided to substantially reduce the size of the House of Representatives to a membership of not less than 300 and not more than 400. Members then proposed 200,000; 250,000; 300,000; and 400,000 population per Federal Constituency. The Committee decided that a Constituency should be made up of 250,000 people.

The question then arose as to which population figures should be used to delineate the constituencies. It was agreed that in view of the provisional nature of the 1991 census figures, the 1963 population figures should be used to project the population for the Federal constituency delineation exercise.

It was further decided to recommend that to determine the number of Federal constituencies in a State, the projected population should be divided by the figure 250,000, and where the remainder is not less than 125,000, that remainder should qualify for one constituency.

3 *State Legislature*

In order to save cost of running Government at the State level, the Committee decided that a State legislature should remain uni-cameral as in the 1979 and 1989 Constitutions.

Composition of a State Legislature

The Committee had to decide whether the State Constituencies should be determined by population or created on the basis of Local Government Areas. After considering arguments in favour of and against both options, the Committee recommended that each Local Government Area should be carved into two State Constituencies.

The Conference rejected this recommendation and resolved that a House of Assembly of a State should have not less than 24 and not more than 40 members.

Local Government Legislature

The Committee rejected the proposal for bi-cameral legislature at the Local Government tier of Government. The suggestion for a House of Chiefs with legislative powers was considered undemocratic and was accordingly rejected in favour of a uni-cameral legislature.

What was contentious, however, was the question as to whether the Executive and the Legislature of the Local Government should be separated or whether the Chairman, the Vice Chairman and the Councillors should legislate together as one body. Another contentious point was whether supervisory councillors should be appointed from among the Councillors or from outside. The current huge expenses

involved in running the Third tier of Government disturbed the Committee. Now we have a leader (another word for Speaker at the Local Government level), then Deputy Leader, Majority Leader, Minority Leader, Majority Whip and Minority Whip. It was thought that this expense could be reduced through combining the Executive and the Legislature. However, the Committee finally recommended that the Executive and the Legislature at the Local Government level should remain separated. It was also agreed and recommended that the Supervisors should be drawn from the Council and that they should retain their positions as Councillors while still functioning as supervisory Councillor. As for the size of the Council, the Committee recommended that wards should remain the electoral constituencies and that a council should have not less than 10 but not more than 20 Councillors.

5 General Constitutional Provisions for the Legislature

The Committee, after concluding its deliberations on the size and number of chambers of the legislatures, considered Chapter 5 of the 1989 Constitution where general constitutional provisions for the legislature are made. A section by section examination of that chapter resulted in the amendments recommended as follows:

- (a) Instead of providing for a number of members in the House of Representatives as in Section 47 of the 1989 Constitution, the Committee provided for just the size of population that qualifies for one seat in the House.
- (b) Instead of providing for Hausa, Igbo and Yoruba as the only indigenous languages in which the business of the National Assembly shall be conducted, the Committee provided for the use of Hausa, Igbo and Yoruba, and any other Nigerian languages when adequate arrangements have been made thereof.
- (c) Instead of providing for the National Assembly to sit for a period of not less than 161 days and not more than 181 days in a year, the Committee provided for the National Assembly to sit for not less than 181 days in a year since it has been recommended that the Assembly should operate on a full time basis.
- (d) Instead of providing for allowances for members of the National Assembly, the Committee provided for salaries since the legislators are on full time basis
- (e) The declaration of Assets and Liabilities of legislators should be made before members take the oath of office, and not after, and the declaration should be published in the government Gazette, and
- (f) Instead of providing for West African School Certificate (WASC) as the educational qualification of a Councillor, the Committee provided that the person should be literate in English or the local language.

6 The Legislative Lists

- (a) The Legislative Lists were the litmus test for the commitment to the ideals of true or balanced federalism. Devolution of powers to the federating units is a distinguishing feature of Federalism.

The Legislative List that we are all familiar with are:

Exclusive, Concurrent and Residual.

There was also a list in the 1979 constitution showing Local Government functions. The Exclusive List shows the subjects which only the Federal Government can legislate on, while the Concurrent list shows the subject on which both the Federal and States can jointly legislate, but here the extent of their powers to legislate on those subjects is defined. The Residual List, is an invisible one which actually is a reference to subjects that are not listed, anywhere. When such subjects arise, the State could legislate on them.

(b) The first two decisions the Committee took in this term of reference were:

- To change the name Exclusive Legislative List to Federal Legislative List for ease of identification.
- To establish a State List, as follows-

i Agriculture

This subject is put in the State List because the Committee believes that agriculture is in every respect a grassroot activity. The State Governments are nearer the farmers than the Federal Government. The Federal Government should deal only with research and policy and allow the States to grapple with food production and securing farm inputs.

ii Education

The Committee viewed as unsuitable the Federal policy of running educational institutions such as Universities, Polytechnic, Colleges of Education and Secondary Schools. The Federal Government spends large sums of money maintaining Unity Schools while State-run Secondary Schools in the same neighbourhood are under-staffed and very poorly equipped. Education should be left to the State Governments except primary education which should go entirely to Local Governments. The Committee, therefore, recommended that the Federal Government should be concerned only with the formulation of education policies, maintenance of standards and research. All Federal Universities should be handed over to the States which form the catchment areas of the respective universities to be run jointly by those States. The same should apply to all other Federal Government tertiary institutions. But the revenue allocation policy of the country should clearly reflect these additional responsibilities of the States. The University of Nigeria, Nsukka, Ahmadu Bello University, Zaria, University of Ife, were not started by the Federal Government; they were started and run by regions. The Committee reminded the conference that some countries with a population of less than two million are running very good universities. There is no reason why a State cannot run a University effectively.

iii Health

The responsibility for hospitals, sanitation and other social welfare matters also rightly belong to State Governments. The Federal Government should, therefore, leave these subjects to the States and retain only the responsibility for policy formulation, guidance and setting of standards. The Federal Government, the Committee felt is very much over-burdened

iv Creation of Local Government Areas

The Committee deliberated on the creation of Local Government Areas and concluded that the last exercise in particular was most arbitrarily handled. The decisions were not based on objective criteria. In several cases, they depended on the influence of those who had connections with those in power. The Committee felt that the State Assembly was in a better position to understand the developmental needs and wishes of the Communities, and so, the States should take on the responsibility of creating Local Government Areas.

The Committee members who wanted the Federal Government to retain the powers to create Local Government Areas did so because of the fear that the local politics of the area might influence the State Assembly adversely in undertaking the exercise. They also felt that viability and cost considerations would be ignored. But the counter argument was that these political prejudices were not restricted only to the State level. All the same, the Committee decided that the power to create local Government Areas should be transferred to the States.

v Mines and Minerals, Including Oil Fields, Oil Minings, Geological Surveys and Natural Gas

In considering in which Legislative List to place this subject, some members of the Committee insisted on leaving it exclusively on the Federal List while others wanted it exclusively in the State List. Some members in an attempt to strike a compromise between the two positions spoke specifically about oil mining and preferred that on-shore mining should be legislated upon by the States while the Federal Government legislates on off-shore operations. But there was strong opposition to the re-introduction of this dichotomy. In the interest of peace, progress, and unity and having regard to the fact that Federal legislation supercedes that of the States, the Committee recommended that this subject be transferred to the Concurrent List.

There is need to avoid a situation where a wrong decision may hinder the exploration and exploitation or encourage the opposition by inhabitants of the areas where the exploration activities are taking place. The Conference rejected this idea and retained this subject on the Federal List.

vi Minimum Wage

Members were of the view that centralized salaries and wages had led States to adopt policies and measures that they were not capable of financing. The Committee was of the view that States should be free to fix their minimum wages based on their financial capability. The Committee, therefore, recommends that this subject be transferred to the Concurrent List, so that the Federal Government can fix salaries for its own staff and its own establishments, while the State Governments would do the same for their own staff and establishments.

vii The Nigeria Police Force

The Committee saw the need for the States to maintain their own Police Forces whose activities were going to be limited to the States. Some members argued against the maintenance of a State Police Force because according to them, it might be used as an instrument of oppression by the States. But that view was countered by the claim that the Federal Government was not insulated against the use of the Federal Police as an instrument of oppression either. The effective handling of security matters by the Governors of the States was the strongest reason in favour of maintaining a State Police Force. Some members, however, suggested that the supremacy of the Federal Police Force should be expressly acknowledged.

The Committee decided to retain the Police on the Federal List but designate it Federal Police to differentiate it from the State Police, while rejecting the idea of State Police.

vii The Prison Service

The Committee was of the view that States should have their own prisons alongside the Federal Prisons. This would help to reduce congestion, poor feeding, and consequently improve the general welfare of prisoners. The Conference rejected the introduction of States Prisons.

The Committee, therefore, decided that while Prisons should be retained in the Federal List, it should be titled Federal Prisons to differentiate it from States Prisons.

7 Consideration of the Report of the Committee by the Conference

a Legislature

- i The Committee examined the Legislature and Legislative Lists in the First Republic when the country experimented with parliamentary democracy.

- ii After independence, the Constitution made provisions for establishment of a Parliament of the Federation which consisted of the President, a Senate and a House of Representatives.
 - iii In the Second Republic, the 1979 Constitution adopted a Presidential System of government and therefore, a provision was made for the establishment of the National Assembly for the Federation which shall consist of a Senate and a House of Representatives.
 - iv In the aborted Third Republic, the establishment of the National Assembly was as in the Second Republic.
 - v After a thorough examination of this system from 1960 to 1993, the Committee recommended and the Conference accepted that Nigeria shall remain a Federation consisting of States and Local Government areas. The legislative powers of the Federal Republic of Nigeria shall be vested in the National Assembly for the Federation which shall consist of a Senate and a House of Representatives. This is a bi-cameral legislature in which members of both Houses are all elected.
- b The Senate
- Composition*
- In the First Republic, the Constitution made provisions for establishment of a Senate which consisted of -
- i 12 Senators representing each Region, who were selected at a joint sitting of the legislative houses of that Region from among persons nominated by the Governor of that Region.
 - ii Four Senators representing the Federal Capital Territory, Lagos.
 - iii Four Senators selected by the President acting in accordance with the advice of the Prime Minister.
 - iv The Constitution fixed the minimum age qualification for Senators at forty years.
 - v The 1979 Constitution made provisions for 5 elected Senators from each State of the Federation. This time there was no provisions for Senators representing the Federal Capital Territory as was in the First Republic. The number of Senators rose from 56 to 95 in 1979. The minimum age qualification was reduced from 40 years to 30 years.
 - vi In the Third Republic, the National Assembly Decree and the Constitution of 1989, (which did not come into force), made provisions for three Senators representing each State and one Senator representing the Federal Capital Territory, Abuja.
 - vii The number of Senators was reduced from 95 to 91 but the minimum age qualification remained 30 years.

- viii The Committee examined the composition and the minimum age qualification of the Senate and recommended that for the interest of democracy, the representation in the Senate should be based on equality of States; to this end, each State of the Federation should continue to return three Senators to the Senate while the Federal Capital Territory, Abuja, should continue to return one Senator to the Senate.
 - ix The minimum age qualification was then raised from 30 years to 35 years.
 - x The Conference accepted this recommendation and resolved that the Senate shall continue to consist of three Senators representing each State of the Federation while Federal Capital Territory, Abuja shall return only one Senator to the Senate and that no person shall be qualified to contest election to the Senate unless he has attained the age of 35 years.
 - xi The Committee also recommended and the Conference accepted by a resolution that the business of the Senate shall be full time and that the Senate shall sit for not less than 181 days in a year.
 - xii The Committee also recommended and the Conference accepted and resolved that if a Senator has been appointed a Minister, he shall retain his Seat as a Senator.
- c The House of Representatives
- (i) *Composition*
- In the First Republic*, the Constitution made provisions that the House of Representative shall consist of 312 elected members.
- Age Qualification* The age qualification to contest election to the House of Representative was fixed at 21 years and in addition to that in Northern Nigeria the candidate must be a male. The business of the House was part-time.
- In the Second Republic*, the Constitution of 1979, provided that the House of Representatives shall consist of 450 elected members.
- The minimum age qualification was raised from 21 years to 30 years.
- The business of the House was part-time.
- In the Third aborted Republic*, the Electoral Decrees provided for a Local Government Area as a Federal Constituency so that each local government area returned one member to the House of Representatives. There were 589 such Local Government Areas and 4 Area Councils in the Federal Capital Territory, Abuja. The total number of members thus rose from 450 to 593.
- After an exhaustive debate and a careful examination* of the composition of the House of Representatives, the minimum age qualification and the basis for representation, the Committee recommended and the Conference accepted and resolved that -

- * Representation to the House of Representatives shall be based on population. Though the Committee recommended that each Federal Constituency should have a population of 250, 000, the Conference resolved that the country shall be divided into 360 Federal Constituencies of as far as possible nearly equal population: provided that no Federal Constituency shall fall within more than one State of the Federation.
 - * That minimum age qualification for a candidate for election to the House of Representatives shall remain 30 years.
 - * Members shall be elected for a term of four years.
 - * Members shall work full time.
 - * A member of the House of Representatives who has been appointed a Minister shall retain his seat as a member representing his Constituency.
- ii *Lingua Franca*
- In the First Republic*, the Constitution provided that the business of Parliament shall be conducted in English.
- In the Second Republic*, the Constitution provided that the business of the National Assembly shall be conducted in English and in Hausa, Ibo and Yoruba when adequate arrangements have been made therefor.
- In the aborted Third Republic*, the provision in the 1979 Constitution was retained.
- The Committee merely recommended that the words "and any other Nigerian Languages shall become additional languages of the business of the National Assembly as the National Assembly shall by law prescribe." This makes English Language the official language of the National Assembly.
- d *State Houses of Assembly*
- (i) In the First Republic, there were four regions; each had its own Constitution. The Constitution of the Federation did not provide for establishment and composition of a Legislature in a Region.
 - (ii) Each Region established a bi-cameral legislature consisting of a House of Chiefs as the upper House and a House of Assembly as the lower House.
 - (iii) In each of the four regions, the memberships in the House of Chiefs was almost double that of the House of Assembly whose members were elected. In fact, in Eastern Nigeria, all traditional rulers were members of the House of Chiefs. Though members of both houses were on part-time, the cost of running the business of the Legislature was enormous and the business was conducted at a very slow pace. In the Second Republic, in order to reduce cost of managing legislative business the 1979 Constitution did not make provisions for States to have their own Constitutions. The Constitution provided for a uni-cameral legislature for all the States of the Federation.

- iv The Constitution also made provisions for establishment of the States Houses of Assembly. The situation remained the same in the Third aborted Republic, except that the number of members in each State House of Assembly was reduced.
 - v After an exhaustive debate and a careful analysis of the establishment and composition of the Regional Legislatures in the First Republic and the States Legislatures in the Second Republic, the Committee recommended and the Conference accepted a uni-cameral States Legislature in order to save cost of running the Law making business.
 - vi The Conference further resolved that a State House of Assembly shall consist of 3 or 4 times the number of members in the House of Representatives representing that State: provided that no House of Assembly shall have less than 24 members and not more than 40 members.
 - vii The Conference also resolved that for efficiency and effectiveness members of a House of Assembly shall be on full time and any member of a House of Assembly who has been appointed a Commissioner in a State in which he is a member, shall retain his seat in the House as a member representing his constituency.
 - viii The Conference has raised the minimum age qualification for the purposes of contesting election to the House of Assembly from 25 years to 30 years.
 - ix Though the business of the House will be full time, the Conference resolved that the House shall not sit for a period of less than 181 days in a year.
- e *Local Government Areas*
- i In the First Republic, Local Government affairs was a regional matter, no constitutional provisions were made in the 1960 and 1963 Constitutions of the Federal Republic of Nigeria.
 - ii Between 1967 and 1979, local government administration attracted the attention of the Federal Government so much so that various panels were appointed to look into reorganizations of the local government councils and its administration generally, being the government nearest to the people at the grassroots level. Various reforms were also carried out in the Local Government administration; the most notable one being the one carried on in accordance with the recommendations of Alhaji Ibrahim Dasuki (as he then was) panel of 1976.
 - iii In the Second Republic, the 1979 Constitution provided that "The system of local government by democratically elected local government councils is under this constitution guaranteed; and accordingly the Government of each State shall ensure their existence under a law which provides for the

establishment, structure, composition, finance and functions of such councils.

The Constitution also provided for some functions of local government council in the Fourth Schedule to the 1979 Constitution of Nigeria.

- iv The Constitution of 1979, also made the local government council the smallest administrative and political unit in the country to be funded from the Federation Account; and also made local government part of the public service of a State.
- v In respect of funding, the Constitution made provision that -

The amount standing to the credit of local government councils in the Federal Account shall also be allocated to the States for the benefit of their local government councils on such terms and in such manner as may be prescribed by the National Assembly.

Each State shall maintain a special account to be called "State Joint Local Government Account" into which shall be paid all allocations to the local government councils of the State from the Federation Account and from the Government of the State.

Each State shall pay to local government councils in its area of jurisdiction such proportion of its total revenue on such terms and in such manner as may be prescribed by the National Assembly.

The amount standing to the credit of the local government councils of a State shall be distributed among the local government councils of that State on such terms and in such manner as may be prescribed by the House of Assembly of the State.

- (f) After the Military under General Olusegun Obasanjo handed over to the Civilian administration in 1979, some States Governors created so many local government areas in their States so much so that when the Military siezed power in December 1983, they abolished all the new local government councils created by the civilian governments.

The Military directed that 10% of the Federal Budget should be allocated direct to Local Government Councils in the Federation. This figure was later increased to 20%.

After a careful examination of the local government system from 1960 to 1993, the Committee made its recommendations and the Conference by resolutions accepted that:-

- i The Local government shall be a third tier of government in Nigeria but in order to save costs, the Conference decided that a local government

council shall consist of the Chairman, Vice-Chairman and elected Councillors; without a legislative arm.

- ii Each ward in a Local Government Area shall return one Councillor and the number of Councillors shall not be less than 10 and not more than 20 in any Local Government Area.
- iii No person shall be qualified to contest election to the Local Government Council unless he has attained the age of 25 years.
- iv No person shall be qualified to contest election as Chairman or Vice-Chairman unless he has attained the age of 35 years.
- v Non-supervisory Councillor shall operate on part-time basis.
- vi The Conference resolved that the life of a Local Government Council shall be 3 years.
- vii A Local Government Council cannot fix its Minimum wages and salaries of its Staff. This should be done by the State Government since the Local Government is now part of the Public Service of the State.
- viii. Supervisory councillors are to be selected from among elected councillors only.
- ix. 25% of the Federation Account should be allocated to Local Councils in the Federation.

g Creation of States

The Conference through the Committee on legislature and legislative lists, resolved that the Federal Government has the exclusive right to create New States in the Country using the 1979 procedure.

h Creation of Local Government Areas

The Conference examined the provisions of Section 7 of the 1979 Constitution and the confusion that arose from its interpretations by some State Governments and resolved that the powers of creating new Local Government Areas shall now vest in the States but the States no longer have powers to create Community Development Areas.

i Area Councils

The Conference resolved that all its decisions regarding the local government legislature shall apply *Mutatis Mutandis* to the Area Councils in the Federal Capital Territory, Abuja.

j Agriculture

The Committee examined the role of agriculture in the economy of this nation and the need to produce food in abundance. The Committee was of the opinion

that the development of agriculture should be the primary responsibility of the States because the States are nearer to farmers.

This was the position of agriculture in the First Republic; where the Government of Northern Nigeria encouraged farmers to produce, groundnut, beniseed, soya beans and other cash crops like cotton. The Western Government encouraged the Cocoa farmers while the Eastern Government was actively involved in the establishment of palm tree plantations for the production of palm oil, palm kernel and other produce. The Committee recommends a revival of agricultural activities in Nigeria. In view of this, Committee, recommended that in the field of agriculture, the Federal Government should only deal with research and policy.

The Conference accepted this recommendation but resolved further that the Federal Government should also handle external agriculture and loans including the responsibility for negotiating and co-ordinating foreign agricultural aids to Nigeria. It should also be responsible for procurement of large scale bulk inputs for the States.

k Education

The Committee expressed its concern about the falling standard of education especially at the Primary and Secondary Schools levels. It also observed the inability of the local government councils to bear the cost of the primary education alone.

The Committee was aware that admission in to the nation's Universities are now 60% Science-based and 40% Arts-based but expressed regret that many State-owned secondary Schools have no science laboratories for science students.

The Conference accepted the Committees's recommendations after amendments and resolved that -

"Universities and all Higher Institutions, including all Federal Government Secondary Schools, currently owned by the Federal Government should be handed over to the States which are within their catchment areas.

l Health

The responsibility for hospitals, sanitation and other social welfare matters also rightly belong to States. The Federal Government should therefore leave these subjects to the States and retain only the responsibility for policy formulation, guidance and setting of standards.

The Conference adopted this recommendation.

m Federal Capital Territory, Abuja

The Conference resolved that all the provisions regarding the Local Government Legislature in the States shall apply *mutatis mutandis* to Area Councils in Abuja.

n The Conference noted at the plight of the disabled citizens roaming the streets of our major cities and resolved that Government should identify, register and rehabilitate them.

o Maintenance of Federal Roads

The Conference examined in minute details the deplorable state of Federal Highways in some States of the Federation. Conference resolved that the maintenance of Federal Roads should be left to the States in which they are situated provided that the Federal Government should make funds available to the state government for maintenance of such roads.

p Acquisition of Land

The Conference recognised the difficulties usually encountered by the Federal Government when it needs land for development but concluded that the Land Use Act was enacted to solve some of these problems; that was the reason why it was also enshrined in the Constitution. The Conference therefore resolved that in land matters, the Federal Government should comply with the provisions of the Land Use Act of 1978.

q Police

Conference rejected the recommendation of the Committee and resolved that there shall continue to be one Police establishment responsible for the enforcement of law and order throughout the Federation.

CHAPTER IV

THE REPORT OF THE COMMITTEE ON THE JUDICIARY

INTRODUCTION

The Committee on Judiciary was set up by the Constitutional Conference on the 3rd day of August, 1994 to review the judicial system in Nigeria and make appropriate recommendations thereon. This Report contains the Recommendations of the Committee as accepted by the Plenary Session of the Conference. While those recommendations adjudged to be Constitutional materials are contained in the 1995 Draft Constitution, others are contained in this Report to serve as guidelines for policy formulation by the present and future Governments.

In carrying out its assignment the committee examined exhaustively the following issues:-

- (a) The powers of the Judiciary;
- (b) The Organisation, structure and hierarchy of Federal and State Courts in Nigeria;
- (c) Specialised Courts: Constitution and workability of such Courts to handle constitutional and election matters as well as the Code of Conduct;
- (d) The Independence of the Judiciary and other related issues;
- (e) Appointments, Removal and discipline of Judicial Officers;
- (f) Conditions of Service of Judicial Officers (both when in service and after);
- (g) National Judicial Council - desirability for establishment, composition, powers and functions; and
- (h) Federal and State Judicial Service Commissions, their compositions, functions, etc.

Although the major reference materials of the Committee were the Constitution of the Federal Republic of Nigeria 1979 and 1989, the Constitutions of the United States of America, Switzerland, South Africa, India, Germany and even the unwritten Constitution of Britain were closely studied and utilised for necessary guidance.

Details of the structure, powers problems, independence and other aspects of the judiciary addressed by the Committee and recommendations adopted by the Conference are set out hereunder:

1 Structure of Courts

The Conference adopted all the existing superior courts of record established under Section 6 of the 1979 and 1989 Constitutions and approved the addition of the following four courts:-

- * The Constitutional Court;
- * The High Court of the Federal Capital Territory, Abuja;
- * A Sharia Court of Appeal of the Federal Capital Territory, Abuja;
- * A Customary Court of Appeal of the Federal Capital Territory, Abuja.

The full list of the superior courts of record in the Federation recommended under the Draft 1995 Constitution are:-

- (a) The Supreme Court of Nigeria;
- (b) The Court of Appeal;
- (c) The Constitutional Court;
- (d) The Federal High Court;
- (e) The High Court of a State;
- (f) The High Court of the Federal Capital Territory, Abuja;
- (g) Sharia Court of Appeal of a State;
- (h) Sharia Court of Appeal of the Federal Capital Territory, Abuja;
- (i) Customary Court of Appeal of a State;
- (j) Customary Court of Appeal of the Federal Capital Territory, Abuja.

The Federal High Court in the Federal Capital Territory, Abuja, contained in Section 6 of the previous Constitutions was abolished and appropriately replaced with the High Court of the Federal Capital Territory, Abuja, given the same jurisdiction as that of the High Court of a State.

The lower courts established under the powers conferred respectively by Section 6 (5) (h) of the 1979 Constitution and Section 6 (5) (j) of the 1989 Constitution, namely: Magistrate / District Court, Area / Upper Area Courts, Customary / Sharia Courts have all been retained. As the Committee on the Judiciary did not report on the said Lower Courts, their jurisdiction structure and all other aspects thereof were retained.

2 Composition of the Courts

(a) The Supreme Court:

The Conference adopted the amendment of Section 228 (2) (b) of the 1989 Constitution (now Section 230 (2) (b) of the Draft Constitution) increasing the number of Justices of the Supreme Court from 15 to 21.

This increase took cognisance of;

- (i) the present congestion in the Supreme Court with the attendant delay in dispensing justice;
- (ii) the need to ease the pressure on the Court and its Justices;

(iii) the constant depletion of the number of Justices available to sit on panels due to the involvement in assignments on various Tribunals and other duties outside the Supreme Court; and

(iv) the fact that for a large country like Nigeria, with a population of well over 88 Million people, a Court of Appeal, a Constitutional Court, several Federal High Courts, 31 State High Courts, (including that of Federal Capital Territory, Abuja), several Sharia Courts of Appeal Customary Courts of Appeal and lower Courts spread all over the nooks and corners of the country, a large legal professional body of well over 22,000, increasingly better educated and more enlightened citizenry, the Conference was of the view that 21 Justices of the Supreme Court (including the Chief Justice of Nigeria) are not too many for an apex Court and, indeed, the court of final appeal of the nation.

(b) Sharia and Customary Courts of Appeal

The compositions of the Sharia and Customary Courts of Appeal in the Federal Capital Territory, Abuja and the States were increased from 2 to 3 in each case as provided for in Section 264, 269, 279 and 2834 of the 1995 Draft Constitution in order to avoid any possible deadlock in arriving at decisions.

With the exception of the newly constituted Constitutional Court hereafter dealt with, the compositions of all the other Courts were retained.

3 Powers / Jurisdiction of the Courts

Only the Courts whose powers have been affected in the Draft Constitution are treated under this heading.

(a) Supreme Court-

- (i) One of the most significant changes in the jurisdiction of this Court is the transfer of its traditional original jurisdiction on purely constitutional matters to the newly established Constitutional Court - vide Section 298 (i) of the 1995 Draft Constitution.
- (ii) Another important amendment to the jurisdiction of the Supreme Court is the abrogation of Section 232 of the 1989 Constitution whereby its powers to hear appeals from decisions of Presidential Election Tribunals have now been transferred to the ELECTION APPEALS TRIBUNAL - as provided for in PART II A and the SIXTH SCHEDULE to the 1995 Draft Constitution.
- (iii) The Supreme Court has also been spared the burden of hearing appeals on all interlocutory matters which will now stop at the Level of the Court of Appeal.

The rationale for all the above is to reduce the quantum of appeals lying to the Supreme Court, thus considerably decongesting the apex Court.

(b) Court of Appeal

All issues involving the interpretation and enforcement of the provisions of the Constitution including Chapter IV of the Constitution (dealing with Fundamental Human Rights) have been taken away from the Court of Appeal (and even the High Courts) to the Constitutional Court except those arising at the first instance in the Court of Appeal.

(c) The Federal High Courts and State High Courts -

The jurisdictions / powers of these courts are retained except that all constitutional matters are no longer within their competence.

4. Appointment of Judicial Officers

(a) Mode of Appointment:

(i) the appointments to the offices of the Chief Justice of Nigeria, the President of the Court of Appeal, the President of the Constitutional Court, the Chief Judge of the Federal High Court, the Chief Judge of the High Court of the Federal Capital Territory, Abuja, the Grand Kadi of the Sharia Court of Appeal, Abuja, and the President of the Customary Court of Appeal of the Federal Capital Territory, Abuja, shall all be made by the President on the recommendation of the National Judicial Council, subject to confirmation of such appointments by the Senate - vide Sections 231 (1), 238(1), 249 (1); 254 (1), 260 (1) and 265 (1) 270 (1) of the 1995 Draft Constitution. In like manner, subsections (2) of the aforesaid Sections stipulate that the Justices of the Supreme Court as well as the Judicial officers of the other aforementioned Courts shall be appointed by the President on the advice of the National Judicial Council. All these appointments are to the offices in the Federal Courts.

(ii) At the State level, Section 275 (1) of the 1995 Draft Constitution provides that the appointment of a person to the office of Chief Judge of a State shall be made by the Governor of the State on the advice of the National Judicial Council subject to the confirmation of such appointment by the House of Assembly of the State while Section 275 (2) provides that the appointment of a person to the office of a Judge of the High Court of a State shall be made by the Governor of the State acting on the recommendation of the National Judicial Council.

In exactly the same manner Sections 279 (1) and (2) and 285 (1) (2) of the 1995 Draft Constitution provide for the appointments of persons to the offices of Grand Kadi and Kadi of a Sharia Courts of Appeal and President and Judges of the Customary Courts of Appeal, respectively.

The major departure from the status quo is the role of the newly established National Judicial Council in the appointments of superior Judicial officers at both the Federal and State level vis-a-vis the role of the Senate and the State

House of Assembly. The composition and functions of the National Judicial Council are copiously dealt with hereafter in this Report.

(b) Acting Appointments-

The provisions relating to the appointment of Acting Chief Justice of the Supreme Court and of all other heads of Superior Courts of record in the Federation have been substantially amended so as to make it mandatory for the President or the Governor, as the case may be, to appoint the MOST SENIOR Justice, Judge or Kadi, as the case may be, to perform the functions of the substantive Heads of the respective Courts when the occasions arise. These provisions are contained in Sections 231 (4), 238 (4), 249 (4), 254 (4), 260 (4), 265(4) and 290 (4) of the 1995 Draft Constitution.

The rationale for this is to avoid subjecting such important appointments to the extraneous, subjective or possible political influence of the Executive and/or Legislative arms of government. Needless to add that this procedure will also enhance, in no small measure, the independence of the Judiciary:

(c) Qualifications for Appointments

The post-call ages at the Bar of lawyers for appointments to the offices of Justices of the Supreme Court have been increased from 15 to 20 years, Justices of the Court of Appeal increased from 12 to 15 years, Justices of the newly established Constitutional Court is fixed at 15 years, while those of Judges of the Federal High Court, Customary Court of Appeal, Sharia Court of Appeal and State High Courts have all been increased from 10 to 12 years. The rationale for this increase in the ages at the Bar was informed by the relatively low ages of contemporary lawyers and the desirability and, indeed, the need to allow for some period of maturity and experience which invariably go with chronological age.

5 (a) Removal of the Chief Justice of Nigeria or the Chief Judge of a State from Office

The provisions of PART IV SUPPLEMENTAL to the 1995 Draft Constitution thereof re-enacted the procedure stipulated in Section 276 of the 1989 Constitution for the removal of the Chief Justice of Nigeria and the Chief Judge of a State which makes it subject to the powers exercisable in this regard by the National Judicial Council under paragraph 16 (b) of Part I F of the 1995 draft Constitution of the THIRD SCHEDULE

(b) Removal of Other Judicial Officers from Office

Unlike in (a) above the provisions for the removal of other Judicial Officers from offices are contained in Section 298 of the 1995 Draft Constitution (also paragraph 16 (d) of Part I f THIRD SCHEDULE of the same Draft) which constitute a substantial departure from the counterpart provisions of Section 277 of the 1989 Constitution by removing completely the procedure for this exercise from the meddlesome interference of the Legislature.

5. Tenure of Office of Judicial Officers

The compulsory retiring age of all Judicial Officers in Nigeria has been increased from 65 years to 70 years, while the voluntary retiring age is retained at 60 years. This is contained in Section 296 of the 1995 Draft Constitution which amends the provisions of Section 275 of the 1989 Constitution:

This amendment was informed by the fact that

- (i) the life - expectancy of such high-grade office holders in Nigeria has improved quite considerably as a result of their higher and better standard of living;
- (ii) the nation stands to benefit immensely from the invaluable experience and expertise of the crop of Judicial Officers who would have been otherwise mandatorily forced to retire at 65, years.

Nonetheless, the voluntary retirement age of 60 years has been retained in the 1995 Draft Constitution.

7. Constitutional Court

(a) This is a new Court created by the Conference as a superior Court of record with original jurisdiction to hear and determine Constitutional matters and Fundamental Human Rights matters (Chapter IV of the Draft) under the Constitution, to hear disputes on electoral matters arising from steps taken under any electoral laws before the holding of an election and to hear any disputes on purely Constitutional Issues between any of the three tiers of Government. It has equal status with the Court of Appeal. The composition, jurisdiction, powers, etc. of the Court are contained in Section 248-252 of the 1995 Draft Constitution.

(b) The Court consists of the President and a number of Justices of not less than 20. The paramount objective is to establish such a Court in each State of the Federation to enable citizens to have direct and easy access to the court in order to be able to challenge any contravention or infraction of their Constitutional and Fundamental Rights at minimum cost. Further-more with the establishment of this Court the delay being currently experienced in the regular High Courts in the hearing of Constitutional and fundamental rights cases as a result of court congestion in the regular High Courts would be considerably reduced if not completely eliminated.

In status, the Constitutional Court is equal to the Court of Appeal and in order to be able to achieve its desired objectives it is strongly recommended that a Division of the court should be established in each State.

(c) The qualifications and procedure for appointment, the tenure, the conditions and procedures for the removal or dismissal from office of the officers of the Court are the same as those applicable to Justices of the Court of Appeal. These are set out in the Sections already cited above.

- (d) The Constitution of the Court is one Justice of the Court.
- (e) Appeals lie from the Court direct to the Supreme Court on all matters within its jurisdiction.

Major Reasons For Establishing The Court -

It is reasonably expected that it will insulate the regular Courts from ethnic, tribal, religious or political chauvinism and influence. For instance -

- (a) the conflicting judgements delivered in several High Courts throughout the length and breadth of the country following the June 12th annulment was an eloquent testimony to the polarisation of the Judiciary along ethnic, tribal, religious and political lines;
- (b) there is the nagging need to promote and sustain the yearnings of the people for an impartial and courageous judiciary which will command the confidence of the local and improve the international image of the country;
- (c) it will contain or at least curtail the excesses of the executive and legislative arms of Government as it will give the citizenry unfettered access to seek redress in the event of any infringement of their constitutional rights; and
- (d) the delay being currently experienced in the regular Courts in the hearing and determination of Constitutional and Fundamental Human Rights cases as a result of the chronic congestion in the High Courts will be substantially minimised and the cost of litigation (will also be) correspondingly reduced.

8 (a) Election Tribunals

- (i) The following Ad - hoc Election Tribunals are to be set up as and when necessary in an election year under the 1995 Draft Constitution
- (ii) Local Government Election Tribunals;
- (iii) Governorship and Legislative House Election Tribunals; and
- (iv) The Presidential Election Tribunal.
- (v) The composition and powers of these Tribunals are set out in Part I A,B,C of the Sixth Schedule to the 1995 Draft Constitution. Appeals lie from the tribunals to the Election Appeals Tribunal.

(b.) Election Appeals Tribunal

- (i) There shall be established in the Federation an Election Appeals Tribunal to hear appeals from Presidential, Governorship and Legislative House, and Local Government Council Election Tribunals.
- (ii) The composition and functions of the Election Appeals Tribunal are set out in Part II of the Sixth Schedule to the 1995 Draft Constitution.
- (iii) Chairman and other members shall be appointed by the Chief Justice of Nigeria.

- (iv) The decision of Election Appeals Tribunal shall be final. This provision automatically abrogates the provisions of S.232 of the 1989 Constitution which provided for appeals to the Supreme Court.
- (v) The National Assembly may by law provide for all matters relating to the hearing of appeals of election disputes including rules for regulating the practice and procedure for the hearing of such appeals
Provided that the Chief Justice of Nigeria, in the absence of any such law, may make rules regulating the practice and procedure for Election Appeals Tribunals.

RATIONALE

The creation of Election Tribunals and Election Appeals Tribunals is intended to insulate as much as possible the Judiciary from political and electioneering controversies. Election petitions shall be heard and disposed of by the Election Appeals Tribunals thereby sparing the regular Courts the ordeal of political election disputes.

9 Code of Conduct Tribunal

The provisions relating to the Code of Conduct Tribunal in the 1979 or 1989 Constitution have been retained with the following major changes:

- (i) the Chairman or members of the Code of Conduct Tribunal shall not be removed from office by the President except on the recommendation of the National Judicial Council for inability to discharge the functions of the offices in question;
- (ii) an address supported by two-thirds majority of each House of the National Assembly is no longer required for the removal of the Chairman and members of the Code of Conduct Tribunal. The Tribunal is regarded as having the same status as a superior Court of record and so the involvement in the removal of the Chairman and members by the Legislature is considered to be inimical to and in fact inconsistent with the independence of the Tribunal. Therefore as far as appointments and removal are concerned the National Judicial Council will now be involved in making appropriate recommendations to the President as in the case of other Superior Courts of record. This will eliminate political influence and considerations.

10 National Judicial Council

(a) Establishment:

- (i) The National Judicial Council was established by the Conference and charged with the responsibility for making recommendations to the appropriate authorities in respect of appointments of Federal and State Judicial Officers of Superior Courts of record in the Federation.
In order to ensure the independence, integrity, impartiality and credibility of the Judiciary the Senate and the Houses of Assembly should be divested of

involvement in the appointment and removal of Judges and a national independent body, the National Judicial Council, should of necessity be set up and entrusted with making recommendations for the appointment and removal of Federal and State Judges and Kadis of Superior Courts of record. Hence the National Judicial Council was established by the 1995 Draft Constitution.

The National Judicial Council will enhance the independence and impartiality of the Judiciary especially during civilian regimes, while Justice and fairness will be assured to the citizens.

It will maintain uniform standard and quality among Judicial Officers in the country through appropriate vetting and assessment of potential Judicial appointees.

The recommendations by the National Judicial Council to Governors for appointment of persons nominated by a State's Judicial Service Commission will minimise the incursion of politics into the appointment of Superior Court Judges and Kadis in the State.

The National Judicial Council will formulate and oversee the implementation of broad policy objectives nation-wide which will result in a more co-ordinated, effective Judiciary. The establishment of the National Judicial Council is not inconsistent with the Federal structure of the country. It will enhance the independence of the Judiciary and improve the administration of Justice.

(b) Composition

The Composition of the National Judicial Council is provided for in the 1995 Draft Constitution and there is no need to repeat them here. It is important to note that nominees or appointees of the Executive and Legislature have been excluded. This, in effect, will eliminate political considerations in our top judicial appointments or removal or dismissal from top judicial offices.

(c) Functions

The functions of the National Judicial Council may be summarised as follows:-

- (i) To recommend to the President or Governor, as the case may be, suitable persons to be appointed to the offices of Chief Justice of Nigeria, Chief Judge of a State and other Judicial officers of all Superior Courts of record at Federal and State levels.
- (ii) To recommend to the President or the Governor, as the case may be, the removal or dismissal from offices of Judicial Officers of Superior Courts of record at Federal and State Levels.
- (iii) To appoint, dismiss and exercise disciplinary control over members of its staff.

- (iv) To control and disburse moneys meant for the judicial services of the Federation.

The provisions relating to the composition and powers of the National Judicial Council are set out in paragraphs 15 - 17 Part I of THIRD SCHEDULE to the 1995 Draft Constitution,

FEDERAL JUDICIAL SERVICE COMMISSION;

STATE JUDICIAL SERVICE COMMISSION;

AND JUDICIAL SERVICE COMMISSION OF THE FEDERAL CAPITAL TERRITORY, ABUJA.

The Conference retained the Federal Judicial Service Commission and the State Judicial Service Commission as contained in the 1979 and 1989 Constitutions. However, the Conference established a Judicial Service Commission for the Federal Capital Territory, Abuja and also made some changes in the composition and functions of the Commissions as follows:-

- (a) Composition:- The Conference deleted the provision for nomination and appointments of members by the President or Governor. The purpose of this is to insulate the commissions from political considerations in the discharge of their functions as they will now be independent and not subject to Executive or Legislative control.
- (b) The Commissions now have power to recommend to the National Judicial Council suitable persons for appointments to top Judicial Officers, of the Superior Courts. It is the National Judicial Council that will now select or vet the list of nominated candidates and make recommendations to the President or the Governor, as the case may be, for appointment or removal.
- (i) This idea is to centralise the appointment or removal of top Judicial Officers of Superior Courts of record in order to achieve uniformity in standard and quality as well as enhance the independence of the Judiciary.
- (ii) The respective Judicial Service Commissions shall now control and disburse moneys for both capital recurrent expenditures for the Judicial Services of the Federation and States and Federal Capital Territory, Abuja, as the case may be.

12. The Independence of The Judiciary

The universal principle of separation of powers between the three arms of government - Executive, Legislative and Judiciary - appears not to be in operation in Nigeria at Federal and State Levels particularly with reference to the Judiciary. The Judiciary in Nigeria is tied to the apron - strings of the Executives both at Federal and State levels and this erodes the independence of the Judiciary. In other words the Judiciary in Nigeria is so dependent on the Executive that it is regarded as an extension of the Executive. There is

prevailing disenchantment of our populace with the Judiciary - an attitude which has arisen out of the lapses or failings of the Judiciary and the apparent interference in the administration of justice by the Executive and the several instances of brazen and contemptuous disregard of Court orders by functionaries of the Executive arm of Government. Of particular note is the pathetic poor performance of the judiciary (High Courts) which soon after the June 12, 1993 annulment, gave conflicting judgements throughout Nigeria, along ethnic, tribal, religious and political lines, depending on the venue of the courts and the personalities involved.

It is, therefore, necessary that at this point in time to sever our judiciary from the influence of the Executive and Legislative arms of Government. The Judiciary being the bastion of democracy and the last hope for the common man, there is a need for an independent, impartial and courageous Judiciary in our search for a stable and viable polity in Nigeria.

13. Problems of The Judiciary

Many problems have been identified as militating against and in fact violating the independence of the Judiciary in Nigeria today. These problems include:

- (a) Mode of appointment, removal and discipline of Judges;
- (b) Funding;
- (c) Lack of operational facilities;
- (d) Poor conditions of Service / Welfare;
- (e) Poor salaries and retirement benefits;
- (f) Non-enforcement and disobedience of Court Orders and Judgements;
- (g) Insecurity of Tenure.

While some of the above - listed problems have been fairly taken care of in the Draft Constitution the following will still need to be addressed very seriously.

(i) Funding - Financial autonomy

One of the greatest factors militating against the independence of the Judiciary is the total control over state finances being exerted by the Executive. The Judiciary depends almost entirely on the Executive for all its needs.

If the Judiciary is to be truly independent it must have absolute control over its finances. Funding of the Court system must be made independent of the Executive. The Judiciary must be self - accounting.

The Judiciary should prepare its own annual budget and defend same. The approved budgetary allocation for the Judiciary should be disbursed directly to the Judiciary as in the case of Local Governments. The Judiciary should

have its own accounting administration with a Director - General as the Chief Executive / Accounting Officer who should be responsible directly to the Chief Justice of Nigeria or Chief Judge or Head of Superior Courts of record as the case may be.

(ii) Lack of Operational Facilities

Lack of facilities; such as inadequate courtrooms, libraries, housing and transportation are some of the shortcoming which have far-reaching effect on the overall performance of the Judiciary. The provision of these facilities will considerably improve performance of the Judiciary.

(iii) Poor Condition of Service

The conditions of service of our Judges are appalling and deplorable. In most cases, the courtrooms are old and dilapidated, no good libraries, and court proceedings including judgements and rulings in long hand. Basic facilities like stationery, file jackets are not available. In fact litigants are compelled to purchase files for their cases.

In most cases their residential accommodations are poor and poorly furnished. There are no libraries in their residences and no standby generators. No serviceable vehicles are made available for them. Some are obliged to commute to and from offices by public transport.

Our judges are frustrated by these unsavoury conditions under which they perform their duties. A judge in search of comfort and good conditions of service may be easily susceptible to compromising his independence and integrity.

The Conditions of Service of the Chief Justice of Nigeria should at least be at par with that of the President or the President of the Senate.

Good accommodation and serviceable official vehicles should be provided. Court Libraries must be well equipped and regularly updated.

(iv) Poor Salary And Inadequate Retirement Benefits

Judges are poorly paid, poorly - motivated, uninspired and, to large extent, frustrated. It is desirable that Judges' salaries and other benefits should be regularly reviewed upwards and their salaries should not be graded along the lines of Civil Servants.

To enable our Judiciary to be truly independent, contented, comfortable and well - motivated, the salaries of our Judicial officers should be increased in a way that is commensurate with their status and dignity. A Judge should earn his salary for life and on retirement should have his retirement benefits updated in line with prevailing conditions. No Judge should earn less than 240,000.00 per annum. The salary proposals submitted by the Supreme Court for Judicial Officers in their Memorandum on "Remuneration and

other conditions of service on Judicial Officers" in the Federation, is herewith annexed for information and necessary guidance as Annexe "D"

(v) Non-Enforcement of Court Orders And Judgement

Another factor which seriously mitigates against the independence of the Judiciary is the flagrant disobedience of Court orders and judgements and the inability of the courts to ensure the enforcement of such orders. The terrible frustration suffered by the judiciary when its lawful orders are ignored at will should not be viewed lightly. The police usually fail to enforce court orders either because of shortage of manpower or because the Judiciary has no control over them.

The solution is for the Judiciary to reorganised the Bailiffs sections of the Judiciary into a uniformed organisation of men and women under the control of the Deputy Sheriff to perform the duties currently being performed by the Nigeria Police Force as regards the enforcement of Court orders as is the practice in the United States of America where such functionaries are authorise to be armed.

The following diagrams on the Court Structure are herewith annexed:-

- (a) Diagram for existing Court Structure under 1979 Constitution - as annexe "A"
- (b) Diagram for new Court Structure under 1995 Draft Constitution - as annexe "B"
- (c) Diagram for ELECTION AND ELECTION APPEALS TRIBUNALS STRUCTURE as annexe C.

SUPREME COURT RECOMMENDATIONS.

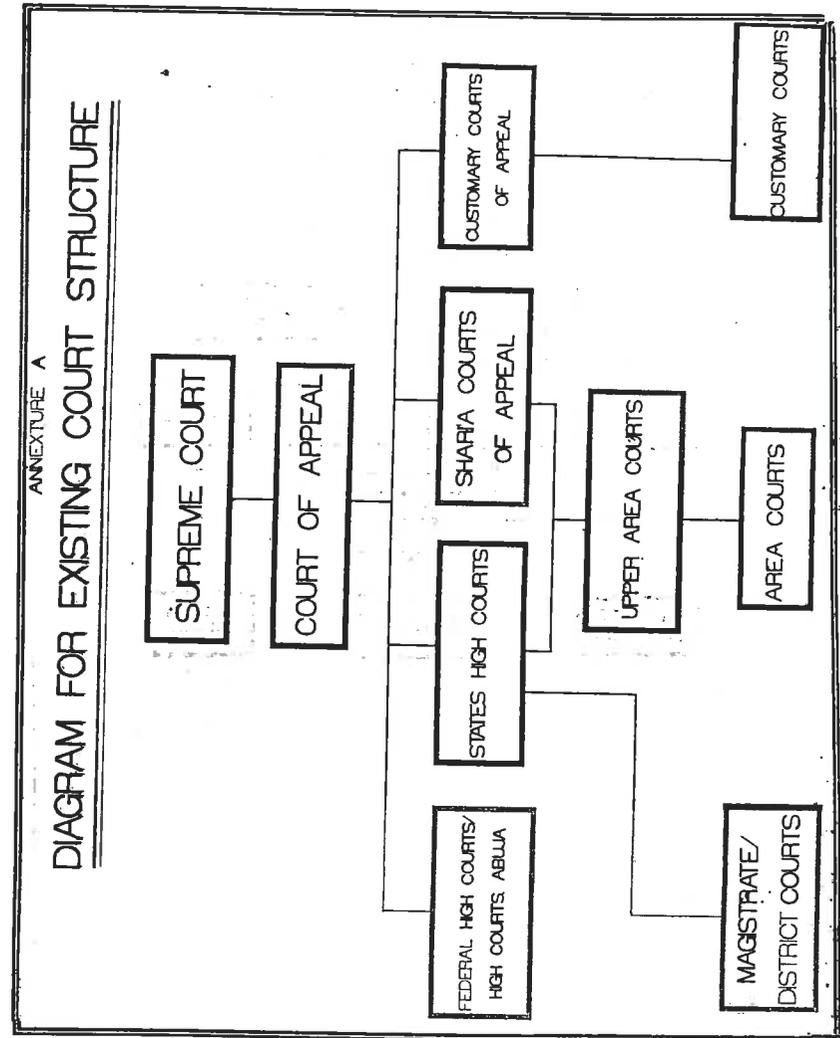
Having regard to the salaries of their counterparts elsewhere with whom they constantly interact, the figures in the Supreme Court recommendations are reasonable. For these reasons only, and after considering the memoranda from the various judiciaries in this country in particular the court of appeal, the Committee resolves and recommended the following salaries for the judges in Nigeria. Although the Courts of Appeal suggested that something should be done about the parity of salaries as between the Justices of the Court of Appeal and the Chief Judges, the Committee decided that in the interest of the whole Judiciary in particular, the Status quo should be maintained the meantime.

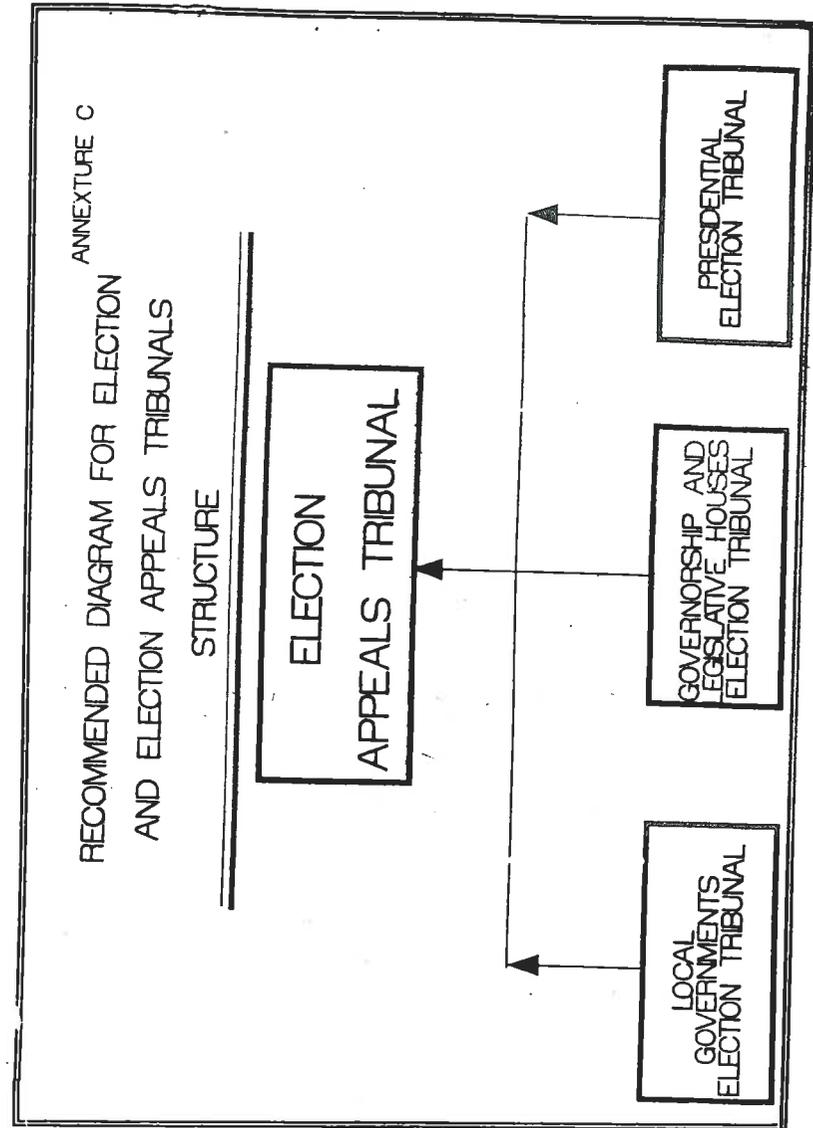
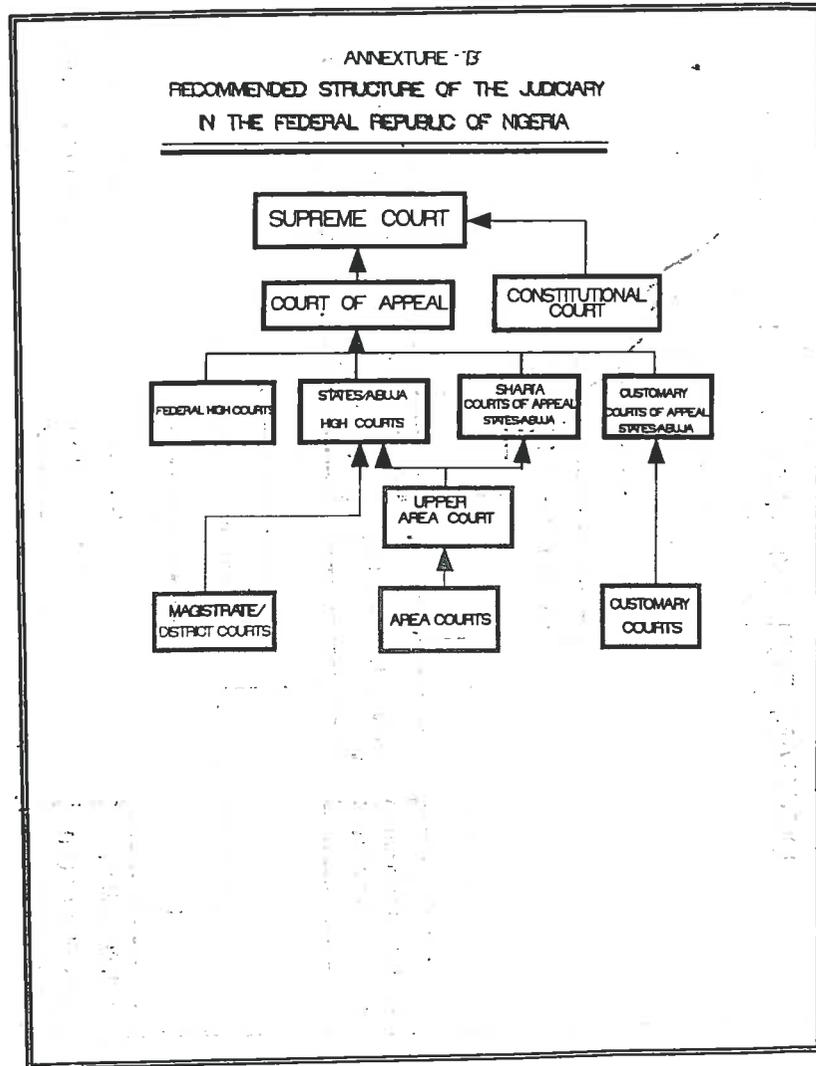
However, in view of the Economic situation in the Country, the Committee recommended and Conference accepted the following salary.

TABLE S-Salary Profile

Chief Justice of Nigeria	"	"	390,000.00 p.a.
Justices of the Supreme Court	"	"	360,000.00 p.a.
President of the Court of Appeal	"	"	360,000.00 p.a.

Justices of the Court of Appeal	"	340,000.00 p.a.
Chief Judges of the Various High Courts	"	340,000.00 p.a.
Grand Kadis and Presidents of the Sharia Customary Courts of Appeal	"	340,000.00 p.a.
Judges of the Various High Courts	"	320,000.00 p.a.
Kadis and Judges of the Sharia and Customary Courts of Appeal	"	320,000.00 p.a.
Chief Registrars of the Various Courts	"	200,000.00 p.a.
Courts Deputy Chief Registrars of the various Courts	"	180,000.00 p.a.
Chief Magistrates Grade 1	"	"180,000.00 p.a.
Chief Magistrates Grade 2	"	"170,000.00 p.a.
Senior Magistrates Grade 1	"	"165,000.00 p.a.
Senior Magistrates Grade 2	"	"160,000.00 p.a.
Magistrates	"	"155,000.00 p.a.
Judges of Upper Area Courts	"	"180,000.00 p.a.
Judges of Area Courts Grade 1	"	170,000.00 p.a.
Judges of Area Courts Grade 2	"	165,000.00 p.a.
Legally qualified Presidents of Customary Courts Grade 1	"	"180,000.00 p.a.
Legally qualified Presidents of Customary Courts Grade 2	"	"170,000.00 p.a.





CHAPTER V

REPORT OF THE COMMITTEE ON FUNDAMENTAL RIGHTS
AND DIRECTIVE PRINCIPLES OF STATE POLICY, AND PRESS
FREEDOM

BACKGROUND

The Committee was given the assignment to deliberate and make recommendations dealing with Chapters in our Constitution on Fundamental Rights and Directive Principles of State Policy.

Directive Principles of State Policy

These principles were first enshrined in Chapter II of the Constitution of the Federal Republic of Nigeria in 1979. These were a package of ideals which Nigeria would strive to achieve because none of these constitute legal rights. In other words, these have never been justiciable. However, it was argued on the one hand that Chapter II of the 1979 Constitution be deleted because any provision that are not justiciable should not be made part of the Constitution. However, there was another argument that since the provisions of Chapter II are ideals which the Government and the people of Nigeria should strive to attain, the Chapter should be retained in the 1995 Constitution. The Committee therefore recommended to the Conference that the Fundamental Objectives and Directive Principles of State Policy be retained in the Constitution of the Federal Republic of Nigeria.

The Committee further examined this Chapter, section by section and made the following recommendations:

- (a) That the motto of the Federal Republic of Nigeria as contained in Section 15 (1) of the 1979 Constitution should read as follows:

"The motto of the Federal Republic of Nigeria shall be Unity and Faith, Peace and Progress"

The Committee observed that the preambles to the successive Constitutions of the Federal Republic of Nigeria gave prominence to the phrase "promoting the good government and welfare of all persons in our country on the principles of Freedom, Equality and Justice, and for the purpose of consolidating the Unity of our people". In addition to this, Section 17(1) of the 1979 Constitution, also declares that Nigeria is founded on ideals of Freedom, Equality and Justice" not unity and faith, peace and progress. Therefore, "Unity is essential to the fabric of the nation, whereas "Equality" before the law will enhance "Justice" which in turn will ensure peace and progress. In view of this, the Committee recommended and the Conference accepted that the motto for the Federal Republic of Nigeria be changed to read:

"Unity, Freedom, Equality and Justice".

This provision has been reflected in Section 16 (1) of the 1995 Draft Constitution.

(b) Right to Education

The right to education has been one of those non-justiciable items on the list of Fundamental Objectives and Directive Principles of State Policy in the 1979 Constitution. The Committee observed that it is high time the Nation became more serious about literacy hence the need to provide education for all in the very near future, especially when the Government has over the years committed itself to the provision of education for all by the year 2000, as well as considering the importance of basic education in our national life. Therefore this right be transferred to another chapter in the Constitution. The Committee recommends that Primary Education for every child and literacy programme for adults be made a right and moved to the relevant section of the Constitution.

This recommendation has been accepted and reflected in Section 45 of the 1995 Draft Constitution as a justiciable provision. It now reads:

- (i) to provide free, compulsory and universal primary education and
- (ii) to introduce free adult literacy to enhance adult literacy throughout the Federation.

(c) Environmental Obligations.

The Committee examined the state of the Nation's environment and observed that the responsibility for protecting our environment should no longer be left in the obscured position it has been relegated to in the past, especially now when international attention is being focussed on the protection and preservation of the environment. The recommendation has been accepted and reflected in Section 21 as environmental obligations.

(d) Obligation of the Mass Media:

Another objective which was not in the 1979 Constitution but has been created by the 1995 Draft Constitution is the obligation of mass media which is now Section 23 of the 1995 Draft Constitution.

(e) National Ethics And Values.

The Committee recommended and Conference accepted that national ethics and values be incorporated in the 1995 Draft Constitution. This provision was not in the 1979 Constitution. (see section 24 of the Draft Constitution)

(f) Citizenship

Nigerian citizenship had been treated and provided for in successive Constitutions of Nigeria, namely:

Under the 1963 Constitution it was sections 7 - 17 and Under the 1979 Constitution it was sections 23 - 39. These constitutional provisions have generally been found to be adequate except in two main areas; namely:

- (i) Lack of a provision on dual citizenship, and an
- (ii) an undue emphasis on State of Origin.

The Committee recommended dual citizenship in Nigeria on the following grounds:

"The gradual but steady drain from Nigeria of experts from all fields of intellectual enterprise and the frequency with which Nigerians willingly renounce their citizenship is a serious disadvantage to the country. To allow Nigerians the benefit of maintaining dual citizenship can turn the situation into an advantage for the country in the area of the much needed transfer of technology, repatriation of capital and attraction of investments, etc hence the recommendation of dual citizenship."

The Conference rejected this recommendation on the ground that acquiring another citizenship in addition to being a citizen of Nigeria is a deliberate act. Therefore, people who do that should not be allowed to retain the Nigerian citizenship.

(g) State of Origin

The Committee recommended that:

In order to foster better national integration devoid of ethnic or sectional bias emphasis should not be made to the state of origin of a Nigerian citizen. A Nigerian citizen is a Nigerian regardless of where he resides.

(h) National Identity

This is an attempt to evolve a common denomination for all Nigerians which will give them a common identity irrespective of differences of their ethnic, religious or cultural background. In other words, it is a kind of rallying point which fuses the people into one. The Committee held the view that the realization of a national identity among Nigerians is threatened and hindered by the existence of mutual distrust and suspicion between religious and ethnic groups. The Committee recommended that Government and its agencies should not be seen to favour any religious or ethnic group.

(i) The Concept of The Nigerian

The concept of the Nigerian is tied to citizenship, as can be seen in sections 23 - 28 of the 1979 Constitution. Most Nigerians acquire their citizenship by birth. In summary, a person is a Nigerian if any of his parents or grandparents is a citizen of Nigeria, or belonged to a community indigenous to, or was born in Nigeria. A parent or grand-parent shall be deemed to be a citizen

of Nigeria, if by birth such a person would have possessed Nigerian citizenship if he had been alive on the date of Independence.

Whereas a person who acquired the citizenship of Nigeria other than by birth could choose to reside and belong to a community of his own choice and thereby, becomes entitled to enjoy the rights and privileges accruing to the indigenes of that community; no provision is made for the accrual of such rights and privileges for a Nigerian who chooses to reside and belong to a community other than the state of his birth.

It is forcefully argued that to make a provision in the Constitution for Nigerian citizens to acquire the indigeneship of another State might limit the rights of Nigerians to move and associate freely and to some extent, negate the Concept of National Integration advocated in the Constitution.

There is already in Section 41 of the 1989 Constitution, sufficient provisions that guarantee freedom from discrimination which, if adhered to, will take care of this problem. The Committee therefore recommended that -

- (i) a Constitutional provision be made for "Residency Rights" which is capable of being enforced as a Legal right for any Nigerian resident in any State in the country, and
 - (ii) all Nigerian citizens residing in any part of the country and desiring to enjoy residency rights should identify with the aspirations of the community in which they live, perform their social responsibilities (e.g. pay their taxes) and contribute meaningfully to the development of the community of their choice.
- (k). The promotion of Patriotism

Patriotism is the state of human mind which promotes the national interest over personal or sectional interests. It is a state of mind which makes the citizen ask what he can do for his country and not what his country can do for him. The Committee held the view that in Nigeria, there is a general feeling of insecurity and lack of trust on the part of the citizen. The Government has not been complying with the provisions of the Constitution on Fundamental Objectives and Directive Principles of State Policy, like the obligations of Government for the provision of basic needs, such as health, shelter and education. There is also evidence of unremedied violation of the Fundamental Rights of the citizens.

Nigerians think of themselves first before the country or national interest. Consequently the citizen has not been meeting his obligations such as payment of taxes and maintaining law and order. Due to the anti-social behaviour of some Nigerians abroad, the image of the country is constantly given negative publicity. The Committee therefore recommended that -

- (i) Government must always observe, adhere and conform to the provisions of the Constitution, particularly the Fundamental Objectives and Directive Principles of State Policy.
- (ii) Government must be seen to uphold and defend the Fundamental Rights of the citizen and ensure the enforcement of those rights.
- (iii) Principles of equality and justice must be exemplified by Government in all its actions because when there is a glaring disparity in standards, the spirit of patriotism is dampened.
- (vi) Discipline must be promoted and maintained, and
- (v) Citizen should be enlightened to know and perform his civic obligations, especially the payment of taxes.

(l) Ethnicity And Marginalization

This is a phenomenon whereby people identify themselves along ethnic, linguistic, tribal or cultural lines and on this basis relate differently to others who do not fall within their own group. Where a dominant group pursues its own interest to the detriment of another group, the latter tends to suffer marginalization in the scheme of things.

The recent upsurge of out-cries of marginalisation from different ethnic groups would suggest that the present Federal structure has not solved the problems of ethnic and tribal rivalries.

After an exhaustive deliberation on this issue, the committee came to the conclusion that Ethnic Marginalisation is real and a potent source of social and political tension.

There are already, enough provisions which if sincerely applied, by Government and its agencies, will adequately diffuse the tension of ethnic marginalisation.

The Committee therefore recommended that Government should ensure that the Federal Character Principle is evenly applied and that discrimination of whatever form is not overtly or covertly encouraged and tolerated by Government or its agencies. Nigerians must be encouraged to aim at merit and excellence rather than rest complacently in the comfort of the Federal Character provision.

(m) Press Freedom

- (i) The Committee recommended that media practitioners should set professional standards similar to those of the medical and legal professions. It is also being recommended that the of harassment for journalists should stop. The Press Council and the Nigerian Broadcasting Organisation (BON) should be given the power to discipline erring practitioners.

Freedom of expression is an essential ingredient to human development and it is inseparably connected to the freedom to hold opinion and to receive and impart ideas and information without interference. In a democracy the press functions as a watchdog that scrutinizes concentration of powers. It also instructs, educates and entertains. A responsible Government is one which enhances and upholds the rights and the freedom of the citizen.

(n) Fundamental Rights

On Fundamental rights the Committee retained all the rights in Chapter II of the 1979 Constitution and added -

- (i) Right to eradicate corruption which has been enshrined in section 35 of the 1995 Draft Constitution.
- (ii) Right to free medical consultation - section 43 of the 1995 Draft Constitution.
- (iii) Right to Primary Education Section 45 of the 1995 Draft Constitution and
- (iv) Right to acquire immovable property anywhere in the Federation.

The Committee recommended, and the Conference approved, that:

"Any person who alleges that any of the provisions of the Chapter on Fundamental Rights has been, is being, or is likely to be contravened in any part of Nigeria in relation to him may apply to the newly established Constitutional Court for redress".

CHAPTER VI

THE REPORT OF THE COMMITTEE ON LAW AND ORDER AND NATIONAL SECURITY

1. General

The Committee of Law and Order and National Security deliberated on the items referred to it by the Conference and made appropriate recommendations. These include the Police, Paramilitary (eg. Customs, Immigration and Prison Services, Federal Road Safety Commission and the National Drug Law Enforcement Agency) as well as Security and Intelligence Agencies.

2. Constitutional Provisions Relating to the Police

The Committee took a hard and critical look at the historical evolution of the Nigeria Police Force and its fundamental role in the maintenance of law and order since colonial times to the present. It also highlighted the various constitutional provisions and other enactments relating to the Force over time and the debilitating problems which have hindered its practical operations and efficiency.

The structural organisation of the Force and its constituent organs of administration, were also critically reviewed, such as the Police Council and the Police Service Commission. The provisions of the 1963 Constitution were found to be more adequate to all others with respect to these two bodies and were so recommended to be retained by the Committee. The Conference approved and they have been embodied in the new Draft Constitution in Sections 214-216 as well as section 154(1) and the Third Schedule to the Draft Constitution. The increased membership provided in the 1979 Constitution was recommended and the Conference approved.

The Committee also made further recommendations of a non-constitutional nature and similar ones with respect to the other security agencies for which they made no recommendation for inclusion in the new Draft Constitution. All the respective recommendations are therefore grouped hereunder for purposes of public policy as adopted by the Conference.

3. Public Policy Issues (Non-Constitutional)

(a) The Police

The Committee recommended as follows:

That the regular changes in the institutions of control of the Force negate the universally accepted practice that the Force should remain accountable to the laws of the Land. Accordingly, the membership of the Police Council and the Police Service Commission should not be frequently tampered with as has been the case.

In order to give States and Local Governments a sense of participation in issues pertaining to maintenance of law and order in their areas, Police Watch Committees should be set up with the following composition:

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- i. State Chief Executive or his representative;
- ii. State Commissioner of Police or his representative;
- iii. Chairman, State Council of Chiefs or his representative.
- iv. A retired High Court Judge
- v. The State Public Complaints Commissioner or his representative.
- vi. Three prominent citizens resident in the state.

The retired High Court Judge and the prominent citizens shall be appointed by the state Chief Executive.

Similarly at the Local Government level the composition should be:

- (i) Chairman, Local Government Council
- (ii) the Divisional Police Officer (DPO)
- (iii) two prominent citizens-resident in the Local Government Area.

In order to conserve and make judicious use of available funds for the well-being of a Federal Police Force, all departments of the Force which were excised from the police force to enforce specific laws should be returned to the Nigeria Police Force as it remains the only law enforcement agency in the Federation. This recommendations was rejected by Conference.

The Nigeria Police Force should be funded from the Federation Account so as to be independent of any particular Federal Administration. The Committee therefore recommended the adoption of the provisions of chapter VII, Paragraphs 105-110 of the 1963 Constitution excluding sub-paragraphs 6 and 7 of Section 105 and any other modification therein to reflect the expressed ideas in this paper.

(b) Federal Road Safety Commission

Introduction

The Federal Road Safety Commission as a paramilitary agency was established by Decree 45 of 1988 now incorporated into the laws of Nigeria as Federal road Safety Act CP 141 of 1990. The Commission was created to complement the work of the police as a measure of reducing road accidents and death tolls on the highways in conformity with the World Health Organization standards.

Considerations

The members deliberated on the desirability or otherwise of this agency and considered a number of issues which include the following:-

- i. That it is an extension of the Nigeria Police Force.
- ii. That it is a duplication of the functions of the traffic division of the Police.
- iii. That the uniform used is more military than civil
- iv. That it is not ideal for its staff to carry arms.
- v. That it is the only independent or autonomous road safety organisation in the world.
- vi. That it is product of dictatorship.

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- vii. That it has been corrupted into taking bribes.
- viii. That its budget is not commensurate with its services.
- ix. That its staff strength is not enough to attract any commendable impact in a federal structure.
- xi. That it should be completely dissolved or restructured.

Recommendation:

The Committee recommended that the FRSC be merged with the Nigeria Police Force. Conference rejected this recommendation and resolved:

That in view of the performance of the Federal Road Safety Commission in the Area of Public enlightenment and reduction in the volume of accidents on our roads, the Commission should continue to operate as hitherto.

c National Drug Law Enforcement Agency

On the above subject-matter the Committee considered as follows:-

- (i) That in Nigeria drug abuse became prominent only after the agency was created in 1990.
- (ii) That adopting the American model of drug enforcement laws complicated Nigeria's case.
- (iii) That it is dangerous to allow a serving military or Police Officer to lead the agency.
- (iv) That it is even more dangerous to restrict enforcement of drugs to one agency.

Recommendations:

The Committee recommended as follows:-

- (i) That the enforcement of drug law should be spread to all the available agencies for efficient and effective control.
 - (ii) That such distribution of control makes for better security and will completely erase the targeting of the members of a particular agency by drug barons.
- d Para-Military: Customs, Immigration And Prisons Services**

The Committee considered the historical antecedence of the above organisations and deliberated on issues of general operations, maintenance and welfare.

Prisons

Recommendations:

- I To achieve meaningful decongestion of the Prisons, the relevant Laws have to be amended to allow the use of viable alternatives to imprisonment viz suspended sentences, fines, community service orders, probation and parole.

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The Courts the Police should realise the need for enhancement of quick dispensation of justice and investigation of cases respectively to reduce the period inmates wait for trials in Prisons.

- II Prisons should be properly classified on the basis of sex. Maximum/Medium/Minimum security, open or farm Centres, Detention Centres, Borstal/Remand Homes and Psychiatric Centres. The implementation of the recommendation that Detention Centres should be established in all Local Government Areas currently not having prisons or where Prisons are located a distance from them, should be pursued to take care of certain classes of inmates and also reduce prison congestion to some extent.
- III Old Prisons should be rehabilitated and concrete perimeter walls erected in all the Prisons that are currently fenced with mud/palm fronds.
- IV The original design should be scaled down where possible and the work completed with prison labour to reduce cost.
- V. More staff quarters should be erected using direct labour.
- VI. Efforts should be made to provide transport in all the Prison formations in phases. The vehicles required are Lorries, Ambulances, Pick-up vans, Staff Buses, Water Tankers, Cars, Touring Vans, Patrol Landrovers.
- VII. There is urgent need to rehabilitate all the radio equipment. Available resources should be used to provide new sets to replace the old and out-dated ones in all the Prison formation in the Country. Other communication gadgets like telephones, walkie-talkie should be provided in all prisons; while close circuit televisions should be made available in all Maximum and Medium/Satellite Prisons.
- VIII. All organs of Government responsible for disposal of cases involving condemned convicts and capital offenders should be made to expedite action on them
- IX The prison Industry and farms require huge capital to operate successfully. There should therefore be generous allocation of fund to this sector.
- X The Prisons Service should be entirely removed from the Ministry of Internal Affairs, and administered solely under the Prisons service Commission, like the Police, for effective performance.
- XI. Efforts should be made to improve the conditions of service for the staff. Providing attractive conditions of service is the best way to attract and retain good quality staff.
- XII. Senior Prisons Officers should be appointed into Public offices after retirement e.g as Directors, Chairmen of Boards, Ambassadorial positions etc, as is the case with other uniformed services. The Prisons service should be made to be involved seriously in the States and National Security matters.

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XIII. The order of Protocol at the National and State functions should be reviewed to take care of the position of Controller-General, Deputy Controllers-General and Asst. Controllers-General and Controllers of Prisons respectively.

(e). National Security and Intelligence (SSS, NIA AND DIA)

(i) Recommendations:

That in view of the special relationship which exists between the State Security Service, National Intelligence Agency, Defence Intelligence Agency and other Intelligence Services with the executive, a powerful controlling body should be created to regulate and supervise their activists and functions in line with what is obtain in Decree No. 8 of 1986.

(ii) Appellation of Director-General (SSS)

There is urgent need to change this appellation. With the Civil Service Reforms of the Babangida Administration, permanent secretaries became known as Directors-General. Over time a tendency arose for the DG of the secret service to be viewed in the same light as DG's of the civil service. The Defence Intelligence Service have taken the practical step of changing to Chief of Defence Intelligence (CDI).

To protect the autonomy of the SSS, the title of its head should be changed to Chief of State Security (CSS) while the title of head of NIA changed to Chief of National Intelligence (CNI).

(iii) The SSS Should not be Fragmented

The Intelligence Community cannot be considered for fragmentation or regionalisation. A look at the United States of America security system underscores this point. While respective states have their police organisations, the Federal Bureau of Intelligence (FBI) which performs equivalent functions of the SSS, operates as a Federal organisation. Even in the defunct Soviet Union, the KGB exercised great influence and control in all the Communist States. A service based on a regional structure will be impeded by the multitude of connecting interests and jeopardise the fundamental tenets of the enterprise while a Federal unitary service that reflects the Federal character will however ensure greater protection of the sovereignty of the State.

(iv) To Avoid Abuse:

To avoid abuse and excessive control, the provisions of Decree No. 19 of 1986 (NS Agencies) that the SSS shall perform such other responsibility affecting internal security within Nigeria as the Armed forces Ruling Council or the President, Commander-in-Chief of the Armed Forces, as the case may be, deems necessary, should be expunged.

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The functions of the SSS should be more specific. To put an end to the practice which exposes the Intelligence Service to constant threats of overhaul and accusations of being agents of Government; which it may not even support, there is the need for the formation of a National Security Agencies Council (NSAC) to oversee the activities of the SSS, NIA and DIS. The purpose of establishing the NSAC is to check the abusive usage of the intelligence service, particularly the SSS; Members of NSAC should include:-

(v) Membership Responsibilities of the NSAC

The President
The Vice-President from the President zone
The National Security Adviser
The Attorney-General of the Federation & Minister of Justice
The DG, SSS (CSSS)
The DG, NIA (CNI)
The CDI,
The SGF

The NSAC should have the following responsibilities:-

- I Policy formulation & admin. of Intelligence Service administration
- II Matters relating to Promotion & Discipline of Members of Staff on GL.14 and above
- III Advise C-in C on appointment of heads of the respective Intelligence Service
- IV Meet once in 3 months or as situations warrant, it should incorporate the work of the United States Intelligence Oversight Board (IOB) which ensures that any activities within the intelligence service which appear to be improper or questionable, are examined and appropriately redressed.
- V While the SSS is answerable to the President, National Assembly should have the oversight powers over its activities.

(vi) Appointment of the Head of the Secret Services:

- I. Appointment should be political, but the appointee should be a serving member of the Intelligence or service a retired member of good record or repute not below the rank of a Director. This is to protect the SSS (DG) from professional misdirection, undue political influence, and external influence.
- II. Appointment should be made by the President, on the advise of NSAC, and ratified by the National Assembly.
- III. A tenure of 5 years is proposed for the CSS. This is premised on a constitutional provision of a five-year Presidential tenure. A succeeding president is thereby proposed allowed a one year of sufficient briefing before

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another CSS is appointed. The tenure for the CSS should be such that a succeeding President is allowed 1 year of briefing before another CSS is appointed.

(vii) The Removal from Office or Termination:

The President should declare such intention and this should be debated by the National Assembly. National Assembly should not independently determine his removal without reference to and endorsement by the President.

(viii) The Appointment of Deputy Chiefs of State Security:

- I Three Deputy Chiefs are Recommended;
- II Appointed by the President on the recommendation of the NSAC;
- III Tenure of functionaries of DCSS are to be determined by the NSAC.
The purpose of this arrangement is not to starve the SSS of capable professionals and impair effective continuity.

(ix) ESTABLISHMENT

The Constitutional provision for security should:-

- I Specify the creation of a National Security Advisory Committee to serve the interests of the Intelligent Services.
 - II Statutorily specify the creation of the SSS and the NIA as agents of the State.
 - III Create the office of National Security Adviser (NSA), who shall be a political appointee of the President, who shall, when necessary, receive inputs from the Intelligence community. It should be stressed that the NSA is not a co-ordinator of Security Agencies.
 - IV Provide for the secret service allocations under the special services subhead of the Presidency.
 - V Specify the appointments of the Intelligence Chiefs by the President with confirmation of the National Assembly.
 - VI Specify the right of the National Assembly or Senate sub-committee on Intelligence to summon the Intelligence Chiefs from time to time, for briefing on Intelligence.
- (x). Specify that Intelligence agencies, their budgets, their personnel and operations are classified and therefore not subject to disclosure.
- j Structure and Administration.
 - I Three Deputy Directors-General (or Deputy Chiefs of State Security should be provided for by the Constitution
 - II. Change the title Director General to Chief of State Security (CSS)
 - III. The SSS should remain a Federal body

- IV Abrogation of the clause such other functions as the government in power may deem necessary, to check abuse and misuse.
- V Create National Security Agencies Council (NSAC) to further control abuse of the services.
- f. The SSS should be answerable to the President.
 - (xi) Appointment and Tenure:
 - I The CSS is to be appointed by the President on the advice of the NSAC from a list of eligible officers within and outside the Services.
 - II The President reserves the right to terminate the appointment of the CSS and inform the NSAC.
 - (xii) Funding:
 - I The CSS should be the Chief Accounting Officer of the SS, with the sole authority to certify the spending of the service funds. The present practice whereby the Services receives allocation from the Presidency on the whims and caprices of the NSA/SGF should be stopped. It is not practised anywhere in democratic culture. It is fraught with bureaucratic impediments adversely limiting Services functions.
 - II Budgetary allocations should be remitted directly to the Services under the aegis of the Presidency, example from existing Federal laws which require the disclosure of budgets and expenditure of various governments departments.
 - III Services' funds as in other civilised and democratic societies should be exempted from auditing.
 - IV The defence of the Services budget proposal should be conducted in camera before the National Assembly Appropriation Committee, and the proceedings should be classified.
 - V Priority should be accorded to remittance of budgetary allocations to the service to forestall undue financial constraints, in effectiveness and frustration.

(f). CUSTOMS

- (i). Designated 'Customs Areas' should come directly under the administrative control of the Nigeria Customs. Movement of people and goods into and out of 'Customs Areas' should be controlled by the Customs as their training and orientation adequately prepare them for such assignments.
- (ii). There are enough qualified lawyers within the Customs Service to handle all customs-related cases in the Law Courts. Since they will operate under the existing disciplinary frame-work, it will enhance professionalism in the Service and achieve the desired effect of arresting the ever-increasing menace of litigations.

- (iii). The revenue derivable from import duties will far out-strip its present level if Customs personnel are deployed as Customs Attaches in the Embassies and High Commissions of our major trading countries.
- (iv). To stem further loss of revenue from waiver of duty and issuance of duty exemption certificates, such decisions should, as far as practicable, not be delegated.

CHAPTER VII

REPORT OF THE COMMITTEE ON NATIONAL DEFENCE

The Committee on Defence considered in details all the relevant issues including:-

- * Roles, functions and organisation of the Armed Forces, that is the Army, Navy, Airforce and other models e.g. integrated Armed Forces.
- * Reorganisation of the Armed Forces for professionalism and support for democracy in Nigeria.
- * Orientation of the Armed Forces towards democratic transition.
- * Roles, functions and organisation of paramilitary special forces, e.g. the Custom Service and the Immigration Service.

In the course of the consideration of the Report, the Conference concluded that there is no conducive and enabling environment for a democratic culture to grow and flourish in Nigeria because of the frequent intervention of the military in the governance of the nation. Out of 34 years of Independence, the military has been in power for 24 Years. This has led to the general belief that the real problem to the establishment and survival of democracy in Nigeria is the military institution. Many suggestions were proffered to prevent military *coup, d'etat*. Some suggested total disbandment of the Army, or total emasculation or drastic reduction in size. Some even suggested semi-independent Regional Armies.

After considering all these options, the merits and demerits of each suggestion for an orderly reduction of the size of the Armed Forces, specific recommendations were made. Although the conference unanimously agreed that frequent military coup d'etat stultified democracy in Nigeria it did not spare the political class - the harbingers of military intervention - who often rigged elections or bought votes. Such actions are unacceptable and do not provide for good and sound democratic practice. A peaceful election where the losers learn to accept the verdict of the people with dignity and good faith is the ideal that the nation must aspire to reach.

While realising that there is no magic-wand approach to stopping military coup d'etat, certain far-reaching, short and long term recommendations were made to ensure that the military stay in the barracks to afford them the opportunity to regain their lost glory, respect, professionalism and be equipped to perform their constitutional role.

Public officers who bluntly disregard constitutional provisions and trample on laws of the land with utter impunity cause public dissatisfaction and encourage military intervention.

Armed Forces:

The Conference recommended that Nigeria needs not more than 50,000 troops in the three Armed Forces. The exposure of the Armed Forces personnel to public limelight has caused undesirable and unprofessional corruptive influences. Their

presence in such urban centres where they supervise sales of fuel and other task force duties should be minimised or eliminated altogether.

A conscious rationalisation policy is advocated by empanelling a board of officers of senior cadre and creditably retired senior officers from the three services to deal with such problems as separation, professionalism and question of overexposed officers who cannot clearly fit snugly into the barracks environment any longer.

Voluntary separation should be encouraged and all officers so separated must be paid their benefits promptly and resettled. Some senior officers who cannot be absorbed into the service must be encouraged to take up jobs with the U.N.O.; the OAU or offered as training assistance to other countries.

The Conference recommended that our troops on peace-keeping missions abroad should be recalled within the shortest possible time to facilitate rationalisation of the Armed Forces. Training to occupy the soldier fully should be intensified during peace time.

Salaries and allowances of Armed Forces personnel are to be reviewed and their security of tenure and other welfare matters such as accommodation must be tackled vigorously. No member of the Armed Forces must be retired on personal sentiment, such action must follow a thorough investigation or trial by court martial.

Training

The Conference affirmed that professionalism is the key to today's Armed Forces. An ill - trained soldier cultivates an idle mind. Such is more of a liability than an asset. Nigeria has local training institutions at all levels for training officers and men. Sadly, the standards of these institutions have fallen drastically. Consequently, the Conference recommended that the country should seek the co-operation of friendly countries for Training Assistance teams at the level of Command and Chief Instructor levels. In order to cut costs, engender professionalism, all these training institutions should remain joint.

To bridge the yawning communication gap between the military and the political class, which has bred suspicion, training and reorientation coupled with further education, formal and informal interactions with the military class will ameliorate the situation.

The political class must interact more with the military by arranging planned visits to formations and conferences and seminars. All resentment of the Armed Forces were borne-out of the Military's domination of the political system and the affluence being exhibited by some senior military officers both serving and retired.

2 National Security

On the roles of the various Intelligence agencies, to wit - the DMI, NIA, -SSS which have, over the years assumed dangerous dimensions, the Conference recommended that the DMI which was established to collate military intelligence

should be reintegrated into the military where it belongs, the National Intelligence Agency belongs to the Ministry of Foreign Affairs and should be returned to that ministry to perform its functions. The State Security Services should remain the national body responsible for security.

3 Immigration Service

The Conference recommended the trimming down of the size of the service and an improvement in the training facilities of the service. It further recommended an urgent need for computerisation of the Service so that it can be made compatible with the facilities available at the Directorate of National Civic Registration Board.

4 The Custom Service

The constant movement of this service between the Ministries of Internal Affairs and Finance has resulted in uncoordinated policy-formulation and implementation. The Conference recommended that the Nigeria Customs Service should rest finally with the Ministry of Finance and should be properly trained and equipped to carry out its assigned functions, including preshipment inspection.

CONFERENCE RESOLUTIONS

The following resolutions were adopted:

1. Armed Forces

Establishment and Composition

- a. There shall be an Armed Forces for the Federation
- b. The Armed Forces shall consist of a Standing Army, Standing Navy and Standing Air Force, with commensurate compliment of reserves for the three services as back-up, and a befitting military industrial establishment for support.
- c. The Armed Forces shall be established in such a manner that it will provide a well - trained, properly-equipped, modern and technologically advanced military force capable of executing its functions under this Constitution.
- d. Recruitment into, and promotion in, the Armed Forces shall reflect the Federal Character of Nigeria as prescribed in the Constitution.
- e. Provision shall be made by an Act of the National Assembly for ensuring:-
 - (i) Adequate remuneration for the members of the Armed Forces and their welfare.
 - (ii) Payment of adequate compensation in the event of death, physical or mental disability resulting from the exercise of constitutional duties.

Functions

The Armed Forces may, subject to the Constitution, be employed for:-

- (a) Service in the defence of the Nation, for the protection of its sovereignty and territorial integrity.
- (b) Service in the preservation of life, health and property.

- (c) Service in the preservation and protection of the environment.
- (d) Service in compliance with the international obligations of Nigeria with regard to other Nations and international bodies.
- (e) Service in the provision or maintenance of essential services
- (f) Service in support of National efforts for socio-economic upliftment.
- (g) Such other functions as may be prescribed by an Act of the National Assembly.

The Armed Forces, shall be maintained for the purpose of:-

- (a) defending Nigeria from external aggression;
- (b) maintaining its territorial integrity and securing its borders from violation on land, sea, or air;
- (c) suppressing insurrection and acting in aid of civil authorities to restore order when called upon to do so by the President, but subject to such conditions as may be prescribed by an Act of the National Assembly; and
- (d) performing such other functions as may be prescribed by an Act of the National Assembly.

The Army, Navy, Air Force and other branches of the Armed Forces shall, subject to the 1995 Constitution, be organised and administered in accordance with provisions made in that behalf by an Act of the National Assembly

Command and Operational employment

- (a). The President, as Commander-in-Chief of the Armed Forces of the Federation, shall have powers to appoint the Chief of Defence Staff, the Chief of Army Staff, the Chief of Naval Staff and the Chief of Air Staff in consultation with the National Defence Council and approval of the Senate.
- (b). The Service Chiefs shall exercise day-to-day military executive command over their respective services subject to the directions of the Minister responsible for Defence.
- (c). The Chief of Defence Staff, who is also the Chairman, Joint Chiefs of Staff Committee shall have responsibility for:-
 - (i) Joint operations;
 - (ii) Joint training and Joint Training Establishments;
 - (iii) Joint Medical Services;
 - (iv) Reserves Administration;
 - (v) Defence Industries, allied Defence Production and Research and Development;
 - (vi) Military Intelligence; and
 - (vii) General coordination including inspection of the state of readiness of the Armed Forces.

He shall have no day-to-day military executive command over the Armed Forces in peace time.

In a state of National Defence, the Chief of Defence Staff shall have operational military executive command of the Armed Forces through the Minister responsible

for Defence subject to the overall directives of the President, Commander-in-Chief of the Armed Forces.

In a state of National Defence the President, Commander-in-Chief of the Armed Forces, may deploy the Armed Forces, subject to the provisions of the Constitution, for a period of not more than 72 hours, and thereafter only on the approval of the National Assembly.

2 *Para-Military Forces of the Federation.*

The Federation shall subject to any Act of the National Assembly made in that behalf, establish, equip and maintain a Customs Service, an Immigration Service, a Prison Service and such other branches of the para-military forces of the Federation as may be considered adequate and effective for the purpose of:-

- (a) Service of Internal Security nature;
- (b) Service in support of civil authority as determined by an Act of the National Assembly;
- (c) Service in the preservation of life, health and property;
- (d) Service in the preservation and protection of the environment;
- (e) Service in the provision or maintenance of essential services;
- (f) Service in support of National efforts for socio-economic upliftment;
- (g) Service in support of National revenue generation effort; and
- (h) Service in support of the National effort to promote good image for Nigeria.

Command and Operational Control:

- (a). The powers of the President, Commander-in-Chief of the Armed Forces shall include power to determine the operational use of the Para-military forces of the Federation.
- (b) The President Commander-in-Chief of the Armed Forces shall have powers to appoint the Commandant of Customs, the Commandant of Immigration and the Commandant of Prisons on the recommendation of the Para-military Forces Council.
- (c). The appointment, promotion and disciplinary control of all other members of the Para-military will be made by the Para-military Forces Council in consonance with any Act of the National Assembly.
- (d). The National Assembly shall have powers to make laws for the powers exercisable by the President on the Para-military Forces of the Federation.

The Composition of the Para-military Forces Council:

- a. The Para-military Forces Council shall comprise the following members namely:
 - (i) A Vice-President as the Chairman;
 - (ii) The Minister responsible for Internal Affairs;
 - (iii) The Commandant of Customs;
 - (iv) The Commandant of Immigration;
 - (v) The Commandant of Prisons;

(vi) Such other persons as may be appointed by the President.

b The Council shall have powers:

- (i) To advise the President on the appointments of the Commandant of Customs, the Commandant of Immigrations and the Commandant of Prisons.
- (ii) To appoint persons to offices other than those specified in sub-paragraph (i) of this paragraph.
- (iii) To dismiss and exercise disciplinary powers over persons holding any office referred to in sub-paragraph (ii) of this paragraph.

Bilateral Agreements:

It is essential for Nigeria as a developing nation to seek the military friendship assistance and protection of other countries who have or who should have interests to protect in Nigeria through bilateral arrangements.

Bilateral non-Aggression Treaties:

As the major potential military power in the immediate neighbourhood, it is essential for Nigeria to re-assure her neighbours of her good intentions for regional peace. In this direction, the nation should as soon as possible enter into bi-lateral non-aggression pacts with all the nations that share borders with her viz:

- (a) Cameroun Republic;
- (b) Central African Republic;
- (c) Republic of Chad;
- (d) Niger Republic;
- (e) Republic of Burkina Faso;
- (f) Republic of Togo;
- (g) Benin Republic;
- (h) Republic of Sao Tome and Principe.

Training Assistance Agreements:

Nigeria should go into training assistance agreements with some developed countries. Their personnel should be brought into our military training institutions to beef up indigenous training staff. Nigeria should offer Training Terms to other friendly and even not so friendly countries. Exchange of training staff generates confidence and the teacher/student relationship in itself is a deterrent factor to international confrontations and provides psychological advantage to Nigeria.

NATIONAL GUARD

The Committee on National Defence recommended the establishment of a Para-military force to be known as National Guard. According to the Committee,

1. The force would be administratively independent of the Armed Forces and Police, and would be commanded by a Commander who shall be appointed by the President.
2. There should be eight Zonal Commands, each responsible for a number of States, and an Headquarters Command based in the Federal Capital.
3. The Force should be trained, equipped and oriented to perform its functions as prescribed by the Constitution.
4. Recruitment into the Force should reflect the Federal Character of Nigeria as prescribed by the Constitution.

The Committee suggested the following function for the National Guard:

- (a) Service of internal security nature in co-operation with the Police Force;
- (b) Service in support of civil authority as determined by an Act of the National Assembly;
- (c) Protection of Key Points and Vital Points including our foreign missions and on and off-shore oil installations
- (d) Service in the preservation of life, health and property;
- (e) Service in the preservation and protection of the Environment;
- (f) Service in the provision or maintenance of essential services;
- (g) Service in support of National efforts for socio-economic up-liftment and
- (h) Such other functions as may be prescribed by an Act of the National Assembly.

Operation Deployment

The Committee recommended that the President shall have overall operational command of the National Guard through the Minister responsible for Internal Affairs. However, the President may, at his discretion and for the purposes that are not of Internal Security nature, delegate his power of deployment of the National Guard to the Governor of a State.

The President, Commander-in-Chief of the Armed Forces, may deploy the National Guard, subject to the provisions of the Constitution, for a period of not more than 72 Hours, and thereafter, only on the approval of the National Assembly.

The Conference deliberated on the recommendation for the establishment of National Guard on the 23rd November, 1994, and finally rejected the recommendation in its entirety for the following reasons:

1. Though the Committee wanted to create a buffer force between the Army and the Police, the functions assigned to the National Guard were almost identical with the functions of the Armed Forces and the Police.
2. That the idea of establishing National Guard initially was not in a collectively National interest or national will of Nigerians, but probably emanating from personal egoistic interest of some individuals in power.
3. That the only place where you find National Guard fitting in properly is either a regime which is either dictatorship or totalitarian type.

4. That because of the immaturity of our political system, the President instead of using the National Guard in quelling of riots, may use them in suppression of his political opponents.

After the Conference had rejected the establishment of National Guard, some members of Conference sought on the floor of the Conference to establish what they called National Volunteer Defence Corp to serve as a voluntary organisation designed to assist in the defence and protection of our democratic institutions enshrined in the Constitution and to work against any further military intervention in our political process.

This was also rejected by the Conference.

CHAPTER VIII

THE REPORT OF THE COMMITTEE ON ECONOMY, POPULATION AND REVENUE GENERATION.

Background.

The National Constitutional Conference looked into the Nation's economy, population policy and revenue generation, through its Committee on Economy, Population and Revenue Generation. Memoranda submitted by Nigerians on the subjects were very little. On Population, no memorandum was received; on the Economy, the trend of thought portrayed that experienced experts should have a critical review of the state of our economy before recommending anything; while on Revenue Generation, most memoranda dealt with the principles of revenue allocation, and merely made reference to some sources of generation. With such limited help, the expertise of members and the evidence of the public and other experts were relied upon in arriving at the conclusions of the Conference.

PART I ECONOMY

1. Nigerian Economy

The Conference recommends that we, as a nation, should start again; by giving agriculture the pride of place; rationalising Government participation in the Nation's major industries, creating political stability in order to encourage foreign investment inflow, and using appropriate fiscal and monetary policies to make the Central Bank relevant. To ensure compliance with these recommendations, the following Conference decisions have been inserted in the Draft Constitution in one way or the other;

(a) Provisions under the Economic Objectives and State Policy

The conference emphasised the Committee's recommendation that agriculture should be the cornerstone of Nigeria's industrial development. The State shall within the context of a free market economy ideals and objectives for which provisions are made in this Constitution:

- (i) Harness the resources of the nation and promote national prosperity and an efficient dynamic and self-reliant economy;
- (ii) Manage and regulate the national economy in such a manner as to secure the maximum welfare, freedom and happiness of every citizen on the basis of social justice, equality of status and opportunity;
- (iii) Without prejudice to the right of any person to participate in areas of the Economy within the major sectors of the Economy, protect the right of every citizen to engage in any economic activity.

(b) Provisions under State Policies

The State shall direct its policy towards ensuring:-

- (i) The promotion of a planned, balanced economic development including the diversification of industries and prudent dispersal of industrial projects and infrastructure facilities throughout the Federation;
- (ii) That the material resources of the State are harnessed and distributed equitably and judiciously to serve the common good of the people;
- (iii) That the economic system is not operated in such a manner as to concentrate wealth or the means of production and exchange in the hands of few individuals or of a group;
- (iv) That the economic system is operated in such a manner as to guarantee adequate shelter, food, water supply, reasonable minimum living wage, old age care and pensions, unemployment and sick benefits and welfare for the disabled are provided for all citizens;
- (v) The cause of an agrarian revolution by ensuring food self-sufficiency and making agriculture the cornerstone of Nigeria's industrial development
- (vi) Promotion of exports of both finished goods and all agricultural products for earning the necessary foreign exchange.
- (vii) That economic integration in Africa is pursued in such a manner as to promote an efficient use of our resources and to quicken the pace of sustainable economic development.

2. Agriculture

In view of the Conference resolution about the importance of agriculture, Agricultural Objectives were made a separate section in the Draft Constitution. In promoting agriculture and ensuring food security for the nation, an increase in the resources available to the Nigerian Agricultural and Co-operative Bank was recommended, also a significant percentage of the loans funds in the financial system be directed into the agricultural sector, at concessionary rates. In addition, adequate funding of agriculture must be a priority in the following areas:-

- (a) Funding of Research and Development Institutes
Research and Development Institutes and Universities should be funded at not less than 2% of the National Budget.
- (b) Extension Services
Agricultural development programmes extension services should be used as channels of distribution of seeds and other improved inputs.
- (c) Mechanisation
Mechanisation should be encouraged through free training for operators and mechanics, while animal traction related items or implements should be provided to farmers at 50% subsidy, to popularise land tools technology.
- (d) Seeds and Seedlings
Production of Seeds and Seedlings should be intensified.
- (e) Central Marketing Organisation

Establishment of appropriate Pricing Policy guaranteeing minimum price computed by Government and operated by a Central Marketing Organisation of the private sector.

(f) Support for Exports

Providing adequate support for exports by instituting zero tariff for the next 10 years in the manufacture of agricultural inputs.

(g) Fisheries

(h) Forestry

(i) Irrigated Agriculture.

Agriculture being essentially a private sector affair, Government's role should be to create an enabling environment and facilities for those investing in agriculture, to remain and continue to produce.

(j). Storage

Nigeria's population is fast growing. It is vital to continue to create a situation of food security. It is therefore recommended that all tiers of government should intensify efforts in the Food Storage Programmes. State Governments should aim to store 10% of the total food produced under the Buffer Stock Programme while the Federal Government is expected to store 5%. The private sector should store the remaining 85% in the on-farm storage programme.

3. Rationalisation of Growth

In order to promote a faster, more balanced growth of the national economy, as well as a more satisfying all-round and even development for all parts of the country, the decentralisation of the economy is recommended in the following areas:

(a) Decentralisation of Financial Institutions

Policy-making and top management of the financial institutions in which the Federal Government or overseas partners hold 30% or more of the equity capital should be decentralised. Zonal offices for such companies shall be established with a Deputy Managing Director as Chief Executive Officer in each zone, with members of the boards being representatives of various sections of the country.

(b) Relocation of Central Bank to Abuja

The relocation of Central Bank of Nigeria and Security Printing and Minting Company in the Federal Capital Territory, Abuja, should be accelerated and branch offices of the CBN must be established in every State Capital.

(c) Decentralisation of Economic Infrastructure

Major economic infrastructure services like Nigeria Ports, NITEL, Nigerian Airports Authority, NEPA, NIPOST, Nigeria Railway Corporation, and NAFCON must be decentralised and located in 2 or more zones as may be appropriate.

iv. LAND OWNERSHIP AND TENURE

The Conference recommends that the Land Use Decree be reviewed in line with the recommendations made by the Nigeria Law Reform Commission in 1991. The committee rejected the suggestion that the law be completely abrogated since it is generally accepted that the law works well in the Northern States of Nigeria. The problems with the law in the Southern States can be ameliorated if the Act is amended along the lines proposed by the Nigerian Law Reform Commission.

v. Use of Fiscal and Monetary Policies

The growing evidence is that the independence of a Central Bank in any country largely determines its level of macro economic stability and sustenance of economic growth. The Conference therefore urges that the independence of the Central Bank of Nigeria be real. The fiscal deficit / GDP ratio, currently over 12% is excessive and must be cut down through trimming down expenditure and expanding the revenue base as below:

- (a) through a drastic downward review of project costs which are reputed to be the highest in the developing world;
- (b) increased revenue generation measures;
- (c) rationalisation of government participation in economic activity; and
- (d) review of the size of the public sector labour force.

With a supportive fiscal policy, monetary stability can be sustained by the CBN. The balance of payments that has continued to be under persistent pressure, will greatly benefit from policies aimed at achieving external debt reduction, inflow of foreign investments, and expansion in non-oil export receipts.

6. Regulating the Economy

The Conference felt that the following provisions be strongly highlighted to Government although not included in the Constitution:

- (a) Towards the achievement of managing and regulating the National Economy, deficit spending should not exceed ten (10) percent of the total (capital and recurrent) Federal Budget.
- (b) The Central Bank of Nigeria should be responsible for monetary policy to the exclusion of any other body or person.
- (c) The Governor and members of the Board of the Central Bank of Nigeria shall be appointed by the President with the approval of the Senate for a period of five years. The Governor can be removed from office for failure to discharge his responsibilities by the President acting on an address supported by two-thirds of the Senate.

Part II

POPULATION

1. Constitutional Provisions

The Conference has inserted the following provisions in the 1995 Draft Constitution:

- (a) A National Population Policy should be entrenched in the Constitution, and a National census be conducted once every 10 years.
- (b) The composition of the National Population Commission under Decree 89 of 1992 is at variance with the Constitution. The Decree makes allowance for a Chairman and 7 members while the 1979 Constitution makes provision for a Chairman and one member from each State. The Constitution should be amended to reflect the provisions of the Decree.

2. 1991 Census

- (a) Cancellation of 1991 Census

The Conference further recommended that the 1991 Census should be cancelled and projections of the 1963 Census should be used for every section of the country and in this regard Sections 67 and 69 of the 1979 Constitution should be amended accordingly.

- (b) Weight of Population in Political Privileges

It is further recommended that in order to avoid the chronic problems associated with census in Nigeria we should de-emphasise population as a factor in the sharing of political privileges such as demarcation of Federal Constituencies and in revenue allocation from the Federation Accounts. The weighting given to population should have the lowest ranking confining the results for use in social welfare, and health planning purposes.

- (c) National Identity Card project.

The National Identity Card Project should be continued. With time this will provide an alternative source of base data for testing or verifying the accuracy of census in addition to its goal of aiding in crime detection and other security purposes as well as serving as a voters' register.

- (d) Registration of Births, Deaths, Marriages, etc.

Vigorous pursuit of registration of births, deaths, marriages and migration will discourage or eliminate the use of statutory declaration of age which are often false or fraudulently procured.

Part III

REVENUE GENERATION

1. Revenue Sources

The Conference identified important revenue generation sources which should be under the control of Federal Government to include Customs and Excise,

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Export Duties, Exchange Control, Mines and Minerals including Oil Fields, Oil Mining, Geological Surveys and Natural Gas, Taxation of Incomes, Profits and Capital Gains, VAT and other Incomes that make up the Federation Account and Water from sources affecting more than one State. These have been reflected in the Federal List. Rural Development, Rural Infrastructure and Rural Water Supply affecting more than one local government within a State was however recommended to be under the control of the State and hence have been reflected in the Concurrent List.

2. Petroleum Resources
Petroleum Inspectorate Commission

The Conference recommended.

- (a) The establishment of a Petroleum Inspectorate Commission charged with the statutory responsibilities of Department of the Petroleum Resources so as to enhance effective discharge of their functions.
- (b) Reduction of Joint Venture Shares
Government may reduce participating interest in the Joint Venture operations to about 51%. This is consistent with the current drive for privatisation of some Government-owned companies.
- (c) Future Contracts and Renewals
Since it has become increasingly difficult for NNPC to meet up its joint venture obligations, all future contracts and renewal of expiring leases on Joint Venture Calls should be on the basis of profit-sharing contract.
- (d) Nigerian National Petroleum Corporation (NNPC)
 - (i) NNPC shall be an independent commercial venture vested with absolute autonomy and control over the proposed 51% participating interest in Joint Ventures and other contractual interests in all other companies operating in the oil industry. This will eliminate cash calls and other excessive funds outlay from the Federal Government and emphasis thereafter should be directed towards taxation, PPT, Royalty, CIT and others, to enhance revenue accruable to the Federal Government and the Federation Account
 - (ii) Government to own and retain 60 percent share in all upstream (Exploration and Production) contracts, in oil and gas, in order to maximise national revenue while contracts with foreign companies shall be such as would minimise government upfront expenditure and upfront risk. An example of the type of contracts is the profit sharing contract.
 - (iii) The NNPC should be fully commercialised and developed into a fully integrated government owned international oil company in accordance with what obtains in several other net oil-exporting countries in the Third World, with 100 percent Government interest but with minimum Government interference.

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(e) Discontinuance of Dedicated Projects Allocations.

Dedicated Projects Allocation should be discontinued, while the equivalent revenue on 100,000 barrels per day should be credited to the Federation Account.

(f) Ownership Rights for Offshore Operations

Laws relating to ownership rights on offshore operations be enacted to guarantee ownership rights to the Federal Republic of Nigeria, with a proviso that revenue accruing from States where registration of instruments are made relating to any lease, licence, permit or right issued or granted to any person in respect of territorial waters and continental shelf of Nigeria, shall be held by such State.

(g) Resources of Territorial Waters and Exclusive Economic Zones

The boundaries of States should be clearly defined to exclude territorial waters and the 200 nautical miles Exclusive Economic Zones as guaranteed by International Law and practice so as to avoid interstate conflicts. Inland and internal waters should remain part of the State boundary, and the mineral resources of these zones shall belong to Federal Republic of Nigeria.

(h) Onshore and Offshore Revenue for Federation Account

The dichotomy between onshore and offshore explorations shall not be taken into account for the purpose of revenue generation to the Federation Account. This is in accordance with current practice.

(i) Price of Crude to NNPC

That a fully commercialised NNPC and subsidiaries buy domestic crude at official selling price with a built in-subsidy of 25%.

(j) Utilisation of Revenue Generated as a Result of Improved Pricing of Crude.

The increased revenue realised from the improved pricing of domestic crude should be distributed amongst the Federation Account, Special Economy Recovery Account to fund free Health and Education at all levels and a third account towards the development of Solid Mineral Resources

(k) Pricing of Domestic Consumption

The following pump prices are recommended for petroleum product consumed locally

PMS-N7.00 per litre

AGO-N6.50 per litre

Fuel oil-N4.50 per litre

Kerosene-N3.00 per litre

The prices should be uniform nation-wide and profit realised from these sales should be shared between the Federal Government and NNPC in 70/30 ratio

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with the Government's share being used for the purpose of improving Transportation, Agriculture, Tertiary Education, Communication, etc.

(l) Oil Terminals Dues and Assistance to Local Government Areas

The Oil Terminal Dues collectable by Nigeria Ports Plc should be increased to US\$ 0.05 (5 cents) per barrel of oil lifted from Nigeria shores for export and Nigerian Ports Plc should use part of the revenue so realised to assist the development of Local Government Areas at the Oil Terminals.

3. Solid Minerals

Constitutional Provision

In view of the importance of Solid Minerals, the Conference recommended that the ownership and control of all solid minerals should remain with the Federal Government and this has been incorporated into the Federal Legislative List of the 1995 Draft Constitution. Accordingly, the following are recommended:

(a) Ministry of Solid Mineral Resources

The conference recommends that a separate Ministry for Solid Mineral Resources be established to be responsible for the promotion, legislation, monitoring and supervision of solid minerals. In promoting the development of the resources, special attention should be given to the development of those aspects of mining - exploration, development works and provision of necessary infrastructure such as roads, power and water - that are capital intensive.

(b) Mining, Coal and Iron Ore

The Nigerian Mining Corporation and The Nigerian Coal Corporation should operate on a commercial basis and the National Iron Ore Mining Project being so vital to the Iron and Steel industry should be accelerated and developed to a full-fledged company.

(c) Rationalisation of Government Agencies

A number of other Government Agencies created for the purpose of exploration, exploitation, data acquisition, research and development in the solid minerals sector, such as, the Steel Raw Materials Exploration Agency, the National Metallurgical Development Centre and the Raw Materials Research and Development Council, should be rationalised with their functions properly designed under the proposed Ministry of Solid Minerals Resources so as to avoid duplication of efforts.

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(d) Solid Minerals Development Bank

Due to the unique nature of mining and the difficulty in securing finance for the industry, the Federal Government should establish a Minerals Development Bank to assist in financing of mining projects.

(e) Technical Manpower

Government in association with the mining companies and professional bodies should ensure the development of the technical manpower needed to adequately sustain the envisaged expansion of the solid minerals sector.

4. Taxation

On Taxation, the Conference recommended: as follows

(a) Collection

(i) All governments of the country should pay special attention to their Revenue Agencies to make them very efficient;

(ii) Special budgetary approach similar to the Ghanaian experiment explained in the full report of this Committee attached in the appendix should be adopted for the Revenue Agencies;

(iii) Tax evasion and other tax offences should be retained as criminal offences;

(iv) Tax payment should be made a precondition for the allocation of benefits and privileges including appointment into public posts and election into National Assembly, Conferment of Merit awards and other National Honours;

(v) Displacement by major industrial or Federal Government activity should attract tax on the turnover of the activity. Such a tax should be earmarked for the areas affected by the industrial or Federal Government activity to ameliorate the negative effects of such activity.

(b) Tax Bills

Tax Bills should be given accelerated hearing in the National Assembly.

(c) Value Added Tax

The request by the (FIRS) Federal Revenue Service to be allowed 50% of the 20% share going to the Federal Government is supported and recommended as an incentive for improving the administration of the new tax.

5 Revenue Collection Agencies

On Revenue Collection Agencies, the Conference recommends that a new budgetary approach for the revenue agencies be adopted. The new proposal is for the Budget Office to adopt an approach similar to Ghana IRS in budgeting for the revenue agencies both at the State and Federal Levels. Towards this end, the Budget Office with the Revenue Agency will set revenue target to be

achieved and agree on a definite percentage of the annual revenue estimate as the cost of collection. The internal budgeting of the Revenue Agencies will still be submitted to the Budget Office for monitoring purposes. The obvious effect of this new proposal is that the Revenue Agencies will be determining their priority areas for the purpose of meeting their objectives. The agreed cost of collection will be a direct charge to the gross collection to arrive at the net proceed before distribution.

6 Recovery of Ill-gotten Wealth

The conference recommended the establishment of a National Tribunal for the Recovery of ill-gotten wealth. The Tribunal should be a seven member body of Nigerians of proven integrity, one of whom shall be a Judge. The functions of the Tribunal should include the collection of information from anywhere in the world relating to property whether in the form of money in any form or landed property in any form, owned by public officials, including political office holders from 1st January, 1984.; The tribunal should have powers to try public servants, office holders, all citizens of Nigeria and aliens who engage in corrupt practices and economic sabotage, and prescribe appropriate punishment including jail terms, recovery of all ill-gotten wealth and in extreme cases death penalty. Any body found guilty by the Tribunal should have such property which in the opinion of the Tribunal had been illegitimately acquired as a result of the office held, confiscated. Such confiscated property should not be returned by any Government.

CHAPTER IX

COMMITTEE ON REVENUE ALLOCATION

BACKGROUND

Revenue allocation in Nigeria is such a highly politicised issue that it shares with General Elections, Census, and State Creation the peculiarity of being among the most destabilising factors in the Nigerian polity.

The Committee on Revenue allocation was of the conviction that the Nation has to devise a less crisis-laden approach to the question of revenue allocation.

In establishing the basis for its many resolutions and recommendations the Committee defined the goals and objectives of an efficient Revenue Allocation. The Committee held that "efficient revenue allocation is aimed at achieving the goals of national unity, economic growth, balanced development, self-sufficiency and high standard of living for the citizens". The Committee further held that "allocation should be strictly based on equity and justice, and should serve as inducement to the federating units to achieve self generating growth. A good revenue allocation formula induces the federating units to try to excel in economic growth and revenue generation; and since it is based on equity and justice, it breeds peace".

Relationship between Revenue Allocation and Revenue Generation

The Committee rightly saw a special relationship between revenue allocation and revenue generation. To the Committee, the fundamental development issue, in a true Federation, is the generation of revenue with accelerated economic and social development

The Committee opined that revenue allocation should serve as a supplementation and catalyst to revenue generation since a revenue allocation formula that tends more towards revenue sharing than revenue generation is a serious depressant to economic development that generates ethnic rivalry and rancour, and makes government less productive.

The Committee was confronted by a realisation that there are doubts in some quarters as to whether revenue allocation formula should be entrenched in our country's Constitution. The Committee saw the merits and demerits of the options as follows:-

(a) Merits

Revenue allocation in Nigeria is such a highly politicised issue that it shares with General Elections, Censuses, and States creation the dishonour of being some of the most destabilizing factors in the Nigeria body politic. The nation has to devise a way of neutralising the crisis in order to achieve peace and stability. Entrenching the frequency of the review of the formula in the Constitution is one way out. Ensuring that the formula is not left to the

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whims and caprices of power politicians is an imperative. A first step would be to entrench some criteria in the Constitution. It is a fact that our founding fathers had the wisdom and foresight to entrench it in the 1963 Constitution. Since it was removed in all subsequent Constitutions, it has been perceived by some sections of the Federation as unjust.

(b) Demerits

In terms of not entrenching it in the Constitution, it is argued that a Constitution is an iron-cast document that should not be frequently subjected to amendment. Since principles affecting revenue generation are very dynamic, not entrenching the formula in the Constitution ensures that appropriate flexibility is built into the major fiscal decisions of the Government and people of Nigeria.

Having exhausted all arguments on the merits and demerits of entrenching revenue allocation formula in the Constitution, the Committee resolved as follows:

"That the formula is to be entrenched in the Constitution as a schedule to it. At the same time, flexibility should be built in by also entrenching in the Constitution a provision that the revenue formula should be reviewed once every four years by the National Revenue Mobilisation Allocation and Fiscal Commission (NRMAFC). The Commission should be constituted with a member from each State of the Federation. The recommendations of the NRMAFC shall be submitted to the National Assembly for approval".

MAJOR RESOLUTIONS

On the strength of this position the Committee made the following major resolutions:

(It is pertinent to state here that the final forms of some of these resolutions were influenced by the decisions of the consensus committee which the Conference set up to resolve some of the knotty issues in the recommendations of the Committee.)

RESOLUTION 1

(i) That the Committee should visit a few ecological disaster areas and some gigantic projects that have consumed a chunk of national resources, and yet remained unproductive, uncompleted or abandoned.

(ii) That the Committee should invite some prominent public figures to shed light on national finance.

(iii) That all the memoranda on Revenue Allocation which constituted 27% of all Memoranda submitted to the National Constitutional Conference Commission should be studied.

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(iv) That members should liaise with other committees whose works have bearing with revenue allocation.

RESOLUTION 2

The Committee resolved

That all moneys collected, received or raised by the Federation except the independent revenue of the Governments shall be paid into the Federation Account. Any amount standing to the credit of the Federation Account shall be distributed among the Federal Government, State Governments, Local Governments and Special Funds after the application of the Principle of Derivation. That no transactions in respect of the Revenue of the Federation shall take place outside of the Federation Account.

RESOLUTION 3

That Revenue Allocation in Nigeria must supplement revenue generation and guarantee equity, justice and fairness. It should serve as inducement to self-generating growth.

RESOLUTION 4

That the formula is to be entrenched in this Constitution as a Schedule to it. At the same time, flexibility should be built in by also entrenching in the Constitution a provision that the revenue formula should be reviewed once every four years, by the National Revenue Mobilisation, Allocation and Fiscal Commission (NRMAFC). The Commission should be constituted with one member from each State of the Federation. Recommendations of NRMAFC shall be submitted to the National Assembly for approval.

RESOLUTION 5

That the current Revenue Allocation exercise must strive to remove areas of dissatisfaction and include areas which will promote harmony and unity in the country.

RESOLUTION 6

That higher allocation than hitherto should be made to the State Governments in the new dispensation.

RESOLUTION 7

That the underlisted principles should be used in the new dispensation:

Derivation

Population

Equality of States/Local Government Areas

Land Mass and Terrain

Population Density

Internal Revenue Efforts

**REPORT OF THE
CONSTITUTIONAL CONFERENCE
VOLUME II
CONTAINING THE RESOLUTIONS
AND RECOMMENDATIONS**

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7. My Lords Spiritual and Temporal

8. Honourable Delegates

9. Distinguished Ladies and Gentlemen

10. Our entire nation, all Nigerians within and outside of this Hall, and indeed the international community as a whole, are aware that the Constitutional Conference we are inaugurating today is unique in its setting and circumstances. The antecedents are unparalleled in the annals of our history. This Conference is not another in the chain of sporadic Constitutional experimentation, but it arises from the impact and bitter-lessons of the recent past and the need to channel all our political creativity towards implanting enduring institutional arrangements that can ensure steady consolidation and growth of democratic nation-state.

11. Those of you gathered here today as members of the Constitutional Conference have, either by offering yourselves for election or accepting the invitation to serve, demonstrated commitment, patriotism, and readiness for self sacrifice in the higher national interest. I congratulate and commend you all for coming forward to join hands with all other patriotic forces who have chosen the path of dialogue and consensus rather than the anti-democratic road of a one option solution to our national advance towards a democratic civil society.

12. You have the mandate to deliberate upon the structure of the Nigeria nation-state and to work out the modalities for ensuing good governance; to device for our people a system of government, guaranteeing equal opportunity, the right to aspire to any public office, irrespective of state of origin, ethnicity or creed, and thus engender a sense of belonging in all our citizens.

13. Our nearly thirty-four years of sovereign existence have been beset with a history of continuous political uncertainties. We have had crisis of legitimacy, crises of succession, crises of authority and crises of nationally acceptable leadership. Our country is today resolved to terminate this vicious cycle of crises.

ADDRESS

General Sani Abacha, GCON; fss.DSS, Mni
Head of State, Commander In-Chief of the Armed Forces of the Federal Republic of Nigeria,

Inauguration of the National Constitutional Conference
on Monday 27th June, 1994.

- Chief of General Staff,
- Members of the Provisional Ruling Council,
- Members of the Federal Executive Council,
- The Chairman of the Constitutional Conference
- Your Excellencies, Members of the Diplomatic Corps,
- My Lords Spiritual and Temporal,
- Honourable Delegates,
- Distinguished Ladies and Gentlemen.

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4. Our nearly thirty-four years of sovereign existence have been beset with a history of continuous political uncertainties. We have had crisis of legitimacy, crises of succession, crises of authority and crises of nationally acceptable leadership. Our country is today resolved to terminate this vicious cycle of crises.

5. The proponents of a conference that will assume sovereign powers must draw a distinction between the situation in Nigeria and that of those countries which went through traumatic sovereign national conferences. In all other cases, the issue was how to resolve the competition for political power and control between an incumbent regime and opposition groupings. As you all know, we in the present government in Nigeria are committed to ensuring that there is speedy and unimpeded transition to a civil democratic rule in which we shall not be participants. We are, in short, arranging to surrender power through a peaceful and orderly process. In our circumstance therefore, there cannot at the same time be two sovereign entities in our country.
6. We do realise our responsibilities to the nation and therefore acknowledge the need for a forum where there can be frank and free discussions of those matters on an agenda designed to cover virtually everything that could possibly be of legitimate concern to any Nigerian. The agenda for your conference has been drawn up by the Constitutional Conference Commission from over one thousand memoranda submitted by all strata of society across the length and breadth of our country. Government made no input either by way of submitting any memorandum or drawing up your agenda.
7. At the same time, we are aware that you are more than just a Constituent Assembly. You do not have before you a prepared draft constitution. You have instead a comprehensive agenda, suitably itemised for detailed discussion. Our role is merely that of facilitators. Recognising as we do, that there cannot be a presumption of greater patriotism and commitment to national unity than that which can be made in favour of eminent Nigerians like you Honourable Members, no fear should be entertained that any one will lightly set aside your decision and conclusions. There need therefore, be no apprehension as to the nature of the freedom of the proceedings here.
8. The problems facing Nigeria today are beyond the mere act of Constitution making as an end in itself. History invites you today to bear the burden of our nation's regeneration. The Constitution which ushered in independence was based on the British Parliamentary Model. The 1979 Constitution was a radical departure which introduced a presidential system. In 1989, yet another Constitution, affirmed the basics of its immediate predecessor, while deferring in matters of detail. And now, there are calls for an entirely new order which is neither the presidential nor parliamentary system in their pure forms.
9. Our generation is old enough to remember the difficulties of the parliamentary system. At the local level, it featured political parties with their constituency-based strengths giving rise to highly intense communal rivalries. Entire areas from which a slim majority may have voted against the ruling party in the region were easily identified and penalised.
10. Intense regional consolidation was the bulwark upon which rested the strength of our early national leaders. Little effort was made to give the parties nation-wide

- presence. Consequently, the nation was held to ransom by leaders who did not bother to court national acceptance by any energetic cross-region campaign for support. Instead, they were content to stake their claims to national leadership by brazenly flashing the menace of their ethnicity and regionalism.
11. The presidential system is criticised as concentrating too much power in the hands of the President and various state Chief Executives. It is said that this is unhealthy for an evolving democracy such as ours. It has been argued also that it places immense influence and responsibility in the hands of ministers and other aides who are not elected and not answerable to the party of their peers in the legislature. Indeed, they may be apolitical, not subscribing to any party. There has also been criticism that given our emergent economy, the presidential system is too expensive, bloated with an over-extended bureaucracy and the Chief Executives' and other functionaries are tempted to corruption by their access to public funds.
 12. In the light of the identified short-comings of both the parliamentary and presidential systems, some have argued that a middle course of a presidential system which responds to forceful parliamentary checks and balances should be tried, on the basis that it recognises and respects the peculiar circumstances of a diverse and multi-ethnic nation such as ours. Other alternatives have also been canvassed, including that ethnicity or geography based rotational system of presidentialism be adopted. It is up to this august conference to consider all the options and come up with a consensus. In the final analysis, what should be uppermost in our minds, is the need to lay the foundations of an inclusive system which will guarantee a stable society through its sensitive accommodation of all shades of political opinion, harnessed by full participation of all the component units of our land. I expect that you will also consider such restraints on government as will ensure that no man will be oppressed and that no group will dominate or be marginalised.
 13. The provisions of universal adult suffrage by secret ballot which we have incorporated into our electoral system is in keeping with practices that obtain in most democracies. However, in a developing country such as ours there is the need to entrench the right to maintain vigilance and police the activities of our elected representatives. It is of vital importance that your deliberations resolutely consider such constitutional instruments as are necessary to ensure that the engagement of our people in the democratic process goes beyond mere participation in elections.
 14. The fitful convulsions of political and emotional over-reactions which have intermittently agitated our young and budding democracy have been instigated by the lack of conscious culture of national consensus conceived in the broadest sense. The democratic nation we are building will be best sustained by co-ordinative rather than sub-ordinative relationships with proper sympathy for equal claims to political power, legitimacy and social justice.
 15. A just and fair society must enjoy a trusted judiciary. A judiciary which is not insulated from political control or financial pressures is soon weakened and put in

disarray. Under such conditions brigandage replaces societal orderliness and the right to life and property. The judiciary is a vital custodian of our individual liberties. While no constitutional system or the instruments which govern it can be perfect or made watertight against human abuse, we demand that our judges be courageous, impartial and honest. In recent times, our judiciary has been especially subjected to the strains and pressures arising from ethnic, political and social considerations. The events immediately preceding the annulled presidential election, illustrate the aberrations which have intruded into our judicial process. We had the puzzling and unpleasant experience of our High Courts delivering contradictory judgments on the same issue within the same period, depending on where litigation was instituted and by whom.

16. We must seek to strengthen the instruments governing our judiciary so that it can better play its role as the stabilizing factor in our future democratic system. While the judiciary should be given ample scope to function effectively and speedily, it is in the interest of the judiciary itself that constitutional instruments should exist which both guarantee its independence and retain the confidence of the society.
17. Let me emphasize that a properly functioning judiciary requires an effective and responsive process of law enforcement. We need to keep in mind the need always to motivate our law enforcement agencies. The police Force and other law enforcement agencies should be well equipped and catered for. As guardians of the peace and custodians of security and good order in society, the Police also play vital role in promoting and protecting fundamental human rights. The activities of our law enforcement agencies should be open to the scrutiny and political control of the people's chosen representatives. Law enforcement agencies which become a law unto themselves grossly violate society's trust and contradict the basic principles of a democratic society.
18. The law enforcement and security agencies must, therefore, be suitably restrained by appropriate constitutional instruments. It has been rightly said that the conduct, status and image of such agencies in any society provide a rough index of that society's standards of civilised behaviour. Their ability to secure and maintain law and order requires public confidence, support, and co-operation. For this reason, the freedom which we have undertaken to consolidate for our people should be emboldened by Constitutional provisions which will leap to the defence of a citizen against any excesses or over-zealousness.
19. The primary goal of any nation's defence and security policy is the preservation of its sovereignty and territorial integrity. There is no gainsaying the fact that the effective defence and security of a nation is reinforced by the commitment of a contented citizenry in support of its Armed Forces. The Armed Forces should never be removed from the concerns and anxieties of the society it serves. The interventions of the Armed Forces in the political affairs of our country may have derived from this bond. Sometimes, there were obviously other reasons.

20. This Conference has a crucial responsibility to examine why out of the nearly 34 years of our independence, 24 years have been spent under military rule. It is clearly manifest, not least among the Armed Forces themselves, that there is a groundswell of opinion that the cycle of military interventions be terminated. It has become imperative that through a permanent, irrevocable and binding arrangement we permanently end the coup culture in Nigerian politics. We will do well to identify and rectify the systematic fault lines, rather than dwell on simplistic behavioral explanations, if we are to make any sensible progress in this regard.
21. With regards to our economy, our aspiration is to evolve one that is dynamic, vibrant and self reliant, an economy that will guarantee full and equal opportunities for all our citizens and enable them to realise to the fullest their creative and productive capacities. Every Nigerian should have the right to undertake any enterprise, practice any profession, and be free to explore his talents to the fullest extent.
22. The Nigerian economy has been traumatized in the past decade. We have endured a difficult structural adjustment programme for many years. Our economic orientation which always encourage indigenous entrepreneurship, rejects the straight jacket of doctrinaire economic concepts while at the same time opening its doors to foreign participation. Nigeria holds a pride of place in promoting close co-operation in our Africa sub-region in particular, as well as throughout the continent. This acknowledges the spirit of oneness which we feel towards our brother states. All progressive thoughts look forward to the day when it will be feasible to integrate our economy into a wider sub-region system. We have a collective responsibility to ensure that Nigeria is not economically marginalised in the emerging world order.
23. A contentious and controversial issue that has dogged our nation's political history is the question of revenue allocation. The primacy of this problem is evidenced by the series of memoranda which the Constitutional Conference Commission received on the subject. Since independence successive Administrations have grappled with the question of an equitable statutory distribution of revenue from the Federal Account. In fact, this issue predates our independence when the question was whether allocation should be based on derivation or on need. We have always looked for a formula which takes into account the facts of nationhood, and the overall national interest. Any useful and long lasting revenue allocation formula has to conform with the political structure of the country. One of the valid observations which has been made is that, revenue allocation should complement rather than substitute revenue generation.
24. Each tier of government should have sufficient financial, human and material resources to discharge all the functions assigned to it in the Constitution, if distribution of powers between them is to be meaningful. Equally important, the grievances and the demands of certain sections of the country for increased allocation, arising from their peculiar circumstances in revenue generation, may need to be taken into consideration.

25. From the beginning of three regions with a Federal Territory of Lagos as a special case the structure of our nations has progressed to today's 30 States and the Federal Capital Territory of Abuja. The demands for the creation of more states arose from complaints that development was not evenly spread. State creation was seen as a way of bringing development closer to the grassroots. It is a right in the democratic process that these demands should be freely aired and given a fair hearing. But, this can only be done against the background of their economic and other wider implications.
26. Education and general enlightenment are crucial for national development and understanding. Our educational system must be one that ensures the availability of an indigenous skilled work-force for the economic growth of our industries. Education, health and shelter are among the inalienable rights which a democratic government should guarantee its people.
27. Education is a pre-requisite for equal opportunity and should be extended to all, irrespective of sex or creed. In this respect, the contributions of our women in our national development should be recognised. We should guard against any practices that offend the dignity and self esteem of our womenfolk. Even the very democratic structures, practices and processes we are now committed to putting in place will only take root and be strengthened if we fully develop an enlightened and educated citizenry.
28. The institution of traditional rulers is an enduring part of our heritage. It plays a crucial role as the custodian of culture and traditions. Expectedly, our traditional rulers are closely linked with the grassroots, and so understand the problems of our people intimately. In our search for peace, order and stability in our society, the institution could be a veritable instrument. It is in the overall interest of our people, that the role of this institution in our national life be acknowledged and that clear provisions are made for its functions.
29. Nigeria is a secular state. We have acknowledged this in all our previous constitutions and it is not advisable that we deviate from this course. Religion is an instrument for building moral bricks in our society and it should remain within the realms of personal faith and group choice. It must never be allowed to interfere with our collective desire to build a unified and indivisible nation.
30. The quest to combat indiscipline and corruption in our society is an ongoing struggle which draws its inspiration from several provisions in existing Constitution. Our quest for accountability in public life should move away from emphasis in pious appeals to conscience to institutionalised legislation enforced within the context of respect for individual rights and lawful aspirations.
31. Nigeria is a signatory to the Universal Declaration of Human Rights and African Charter on Human and Peoples Rights. Our commitment as a nation to the principles enunciated in those charters are therefore not in doubt. In any society, a free press demonstrates the maturity of the social order, of tolerance and of a

- universal spirit of give and take. A free press is an entitlement in any society because it provides a platform for the mobilisation and free exercise of the right of expression. However, a free press, while it champions and acts as a watch-dog of public interest, must respect the individual's right to privacy.
32. The rights of a citizen to free expression must not offend national sensitivities or become the instrument of abuse of the rights of another. The media in Nigeria has been frequently described by its practitioners themselves as the most vigorous and critical in the African continent. We have a long tradition of private and state ownership of the press which has created a dynamism that is almost unique in Africa. New technologies in the industry have generated a rapid growth in numbers. This has brought in its wake a formidable competition for readership. Too frequently, due caution has been thrown to the winds in a spate of publications which are sometimes societally divisive and seditious.
 33. Despite the emplacement of a national Broadcasting Commission and the inauguration of a Nigerian Press Council, government has been periodically compelled to take the unpleasant step of direct intervention to moderate the recklessness sometimes incompatible with the responsibility to inform, entertain and educate. Nevertheless, the guarantee of a free press should remain a cardinal tenet of our Constitution. I do believe that the time has come for the origination of Constitutional means to bring about a balance between the freedom of expression on the one hand and on the other, the protection it gives to the individual and society as a whole. The freedom of the press should enhance and not erode the larger issues of national interest, peace, cohesion and stability.
 34. Distinguished delegates, the practice of democracy has differed from one nation to another. We are gathered here today to fashion out the foundations of our own home-grown democratic culture. A common denominator of all forms of democracy is the belief that power which is legitimate is that which derives from the authority and consent of the people. It must provide for a credible and inviolable procedure for orderly succession.
 35. The quality of leadership of this country must include courage, vision and a sense of history. A leader in a pluralist society such as ours, has to be able to persuade, inspire trust and confidence and possess a capacity to attract men and women of talent into public office. Indeed, of necessity, he should have the capacity to transcend all the various cleavages that hang around our country's neck like an albatross, such as the propagation of ethnic, regional and religious extremism. Whatever consensus emerges from this Conference, it is my hope that your recommendation will not detract from, endanger or diminish the unity of the Nigerian State.
 36. Our problems are not insurmountable. It is a historical fact that all states which have progressed into nation-hood at one time or another faced problems similar to those we have experienced in the last three decades. It is the courage to face up to

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these problems and the will to tackle them that would ensure the success of your deliberations.

37. Such courage has fortunately been the spring of our rich political and cultural heritage. Our founding fathers remained undaunted by the inevitable stresses of forging national unity out of our diversity. You are the heirs of a legacy that is rapidly transforming the suspicions of different linguistic groups into a peaceful tapestry of inter-ethnic affinity.
38. In addressing your onerous task in this Conference, history urges you to eschew all personal or parochial impulse that could compromise the execution of your sacred duties. This exercise is a unique and delicate responsibility. You have been chosen as the representatives of the people who believe that you are in a position to find enduring solutions to our country's problems. I enjoin you to resist any diversionary motive and to desist from intemperate and disruptive pronouncements which would be a reprehensible disservice to our people. This assignment is beyond any personal or sectional group motives or vested interests. You should therefore not allow yourselves or this forum to be used by others to perpetuate acts inimical to the smooth conduct of the programme of this Conference.
39. Much heat and little light has been generated on the issue of the terminal date of this Administration. No amount of assurances that our rescue mission is short, decisive and conclusive seem to persuade the regular cynics who find the media speculation of our "motives" and "plot" very financially rewarding. We are aware that it is neither in our personal interest nor that of the nation to perpetuate ourselves in power. Nothing could be farther from our plans. It ought to have been clear even to the most doubting Thomases that once political parties begin to emerge from the first quarter of 1995, the next logical process would be activities leading to elections into the various tiers of governance which the Constitutional Conference will recommend.
40. How do we now begin to settle for an exit date when it is unclear what the Constitutional Conference will decide? The amount of time required to establish the framework for realising the various decisions of the Conference depends on the nature of those decisions. An attempt to fix a date totally without reference to the decisions of the Conference will not only appear to jump the gun, but would surely be seized upon by a fresh rash of cynics to suggest the Administration is teleguiding the Conference. We are also not unmindful of the high price the last Administration had to pay when it set dates only to change them because of one exigency or the other. We wish to avoid that mistake and urge that our actions and commitment to the democratic process should speak for themselves.
41. Attacking this Administration for unfounded ill-motives is not the solution to the complex problems that beset the nation today. Nor will the resort to violence help the cause of democracy in our Nigerian experience. It must be appreciated that we are all in this ship together, and must strive to keep it afloat. No set of Nigerians looks forward to early democratic rule more than patriotic Nigerians who are

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serving in this Administration. Blackmailing them will not deter them from helping to nurture a peaceful transition to civil rule.

42. Distinguished delegates, you are standing at the threshold of history and the eyes of the world are now upon you. Our people have great expectations from your work. Those who are here today must regard themselves as those to whom destiny had entrusted the task of national consolidation. We, Government, and you, the people's representatives in the Constitutional Conference, have today entered into sacred partnership on behalf of our nation. You do your duty diligently and we shall not fail in ours.
43. The Constitutional Conference is hereby inaugurated.
44. Long live the Federal Republic of Nigeria.

B Part I LIST OF DELEGATES

STATE: ABIA

1. Hon.EGWUONWU UKOHA KALU
2. Hon.ONYEAMA SAM NWOSU
3. Hon.DR. JOSHUA C. OGBONNAYA
4. Hon.CHIEF EMEA UDUOJI
5. Hon.DR. AGBAFOR IGWE
6. Hon.CHIEF E.O.N. NWIGWE
7. Hon.CHIEF O. O. ONYEKWERE
8. Hon.CHIEF CHIDI UBANI
9. Hon.CHIEF LAMBERT NMECHA
10. Hon.BARR CHIEF OJO MADUEKWE
11. Hon.DR. I.C. MADUBUIKE
12. Hon.MAZI SAM IKOKU

STATE: ADAMAWA

1. Hon.DONALD ALAHIRA
2. Hon.PROF. JUBRIL AMINU
3. Hon.ALH. ABUBAKAR GIREI
4. Hon.CHIEF ELIAS NATHAN
5. Hon.ALH. ATIKU ABUBAKAR
6. Hon.DANIEL SHA-KIRI
7. Hon.BALA J. NGILARI
8. Hon.PROF. MUSA YAKUBU
9. Hon.MR. YAKUBU TSALLA
10. Hon.COM. PASCHAL BAFYAU
11. Hon.ALH. MOHAMMED GAMBO JIMETA
12. Hon.DR. MAHMUD TUKUR

STATE: AKWA-IBOM

1. Hon.OBONG VICTOR ATTAH
2. Hon.BARR. P. ANSELEM EYO
3. Hon.DR. EKENG A. ANAMDU
4. Hon.DR. A.S. OKPONGETTE
5. Hon.MR. PATRICK J. ETTIE
6. Hon.CHIEF DONALD D. ETIEBET
7. Hon.OBONG S. ATTANG
8. Hon.DR. M. AMANA
9. Hon.CHIEF R. UMOREN
10. Hon.DENNIS INYANG
11. Hon.ANIETIE OKON
12. Hon.MR EDET BASSEY ETIENAM

STATE: ANAMBRA

1. Hon.MONSIGNOR N.C. OBIAGBA
2. Hon.DR. ALEX I. EKWUEME
3. Hon.CHIEF EMEKA O. OJUKWU
4. Hon.PROF. PITA EJIOFOR
5. Hon.DR. P.N.C. ATANMUO
6. Hon.CHIEF (DR) D. NWORAH
7. Hon.MR. BASIL IWUOBA
8. Hon.CHIEF CHARLES A. MODEBE
9. Hon.BAR. JOY EMODI (MRS.)
10. Hon.CHIEF I.K. MOKELU
11. Hon.MR. MIKE AJEGBO
12. Hon.CLEMENT AKPAMGBO (SAN)

STATE: BAUCHI

1. Hon.MOHAMMED A. IBRAHIM
2. Hon.DR. MAHMOOD YAHAYA
3. Hon.DAN'AZUMI MUSA
4. Hon.IBRAHIM Y. ABDULAH
5. Hon.DR. SULEIMAN KUMO
6. Hon.AJUJI WAZIRI
7. Hon.ADAMU M. BULKACHUWA
8. Hon.DR. G. LARABA ABDULLAHI
9. Hon.MOHAMMED A. MOHAMMED
10. Hon.ALHAJI BELLO KIRFI
11. Hon.ALHAJI ABUBAKAR TUGGAR
12. Hon.SENATOR UBA AHMED
13. Hon.HRH ALH. Y. M. DANYAYA, (EMIR OF NINGI)

STATE: BORNO

1. Hon.ENGR. IBRAHIM ALI
2. Hon.ALH. GANA AHMADU
3. Hon.SENATOR ABBA H. SADIQ
4. Hon.ENGR. MOH. ABBA GANA
5. Hon.DR. ISTIFANUS MANGA
6. Hon.MUSA KWAYA TERA
7. Hon.ALH. AJI MASTA LAWAN
8. Hon.MUHAMMAD JIDDA
9. Hon.ALH. ABBA GANA TERAB
10. Hon.ALH. MOHAMMED GONI
11. Hon.SENATOR ALI MADU SHERRIF
12. Hon.BRIGADIER GENERAL ABBA KYARI (RTD)

LIST OF DELEGATES continued

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3. Hon.PROF. IYORWUESE HAGHER
4. Hon.ENGR. SAMUEL ORAYER UTOO
5. Hon.BAR. DANIEL GBIHI VEMBE
6. Hon.DR. JOSHUA ATUME ADAGBA
7. Hon.CHIEF STEPHEN O. LAWANI
8. Hon.BARR. JOSEPH A. OMAKWU
9. Hon.MR. IJOGO DANIEL AGOGO
10. Hon.JACK TILLEY GYADO
11. Hon.CHIEF AGBO MADAKI
12. Hon.WANTAREGH PAUL UNONGO
13. Hon.HRH DR. A. AJENE OKPABI, (OCHI IDOMA.)

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3. Hon. CHIEF JOHN OKPA
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8. Hon.DR. E. NSAN
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12. Hon.DR. CHIEF E. ASIKPO-OKON

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3. Hon.PROF. E. A. OPIA
4. Hon.CHIEF R.O. INJE
5. Hon.MR. M.O. KRAGHA
6. Hon.CHIEF P. KPOGBAN
7. Hon.PRINCE M.M. FULUDU
8. Hon.CHIEF A.K. UBEKU
9. Hon.MR. O. ADAMS
10. Hon.MADAM E.P.O. AJOSE-ADEOGUN
11. Hon.CHIEF MATHEW ORIGBO
12. Hon.CHIEF D.P.O AKPEKI

LIST OF DELEGATES continued

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4. Hon.MR. MIKE OLOYO
5. Hon.MARK O. OKUN
6. Hon.PROF. P.A. IGBAFE
7. Hon.DEACONESS A. UZAMERE
8. Hon.DR. G. E. AGBONKINA
9. Hon.MR. BEN EDO-OSAGIE
10. Hon.CHIEF TONY ANENIH
11. Hon.PROF. O.A. OSUNBOR
12. Hon.CHIEF TAYO AKPATA

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2. Hon.PRINCE RICHARD O. OZOBU
3. Hon.PROF. SAM C. UKPABI
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10. Hon.OBI MADUEKE
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12. Hon.COLONEL C.C. UDE (RTD)
13. Hon.MR. BRENDAN UGWU

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9. Hon.DR. J.C. ODUNNA
10. Hon.DR. EZEKIEL IZUOGU
11. Hon.MR. ISRAEL NJEMANZE
12. Hon.H.R.H EZE DR. ONU EGWUNWOKE (MON) (EZE OHA 1 OF IHITEOHA URATTA)

LIST OF DELEGATES continued

STATE: JIGAWA

1. Hon.UMARU YERIMA KAZAURE
2. Hon.ABDU LAWAL BABURA
3. Hon.IBRAHIM ISMAILA
4. Hon.GARBA ADAMU GUMEL
5. Hon.IDRIS MOH. DIGINSA
6. Hon.IBRAHIM SHEHU KWATOLO
7. Hon.DR. SABO BAKO
8. Hon.WADA ABUBAKAR KIYAWA
9. Hon.YUSUF SANI MAITAMA
10. Hon.ALHAJI SULE LAMIDO
11. Hon.DR. BEITA YUSUF
12. Hon.AVM MUKHTAR MOHAMMED (RTD)

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2. Hon.ALH. MOHAMMED. M. HARUNA
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6. Hon.REV. GARBA DOGO
7. Hon.ALH. MOHAMMED S. ZUNTU
8. Hon.ALH. NUHU BABAJO
9. Hon.PROF. ANGO ABDULLAHI
10. Hon.ALHAJI UMARU DEMBO
11. Hon.MR. DAVID SADAUKI
12. Hon.DR. UMARU DIKKO

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2. Hon.DR. MOH' RABIU MUSA
3. Hon.UMAR USMAN TOFA
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5. Hon.ALH. MAGAJI ABDULLAHI
6. Hon.SHEHU M. SHANONO
7. Hon.BALARABE BELLO
8. Hon.MUSA SALIHU
9. Hon.GARBA ABBA SUMAILA
10. Hon.ALH. TANKO YAKASAI
11. Hon.MUSA MAGAMI
12. Hon.COL. ISA KACHAKO (RTD)

LIST OF DELEGATES continued

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4. Hon.MAJ-GEN. S. M. YAR'ADUA (RTD)
5. Hon.ALH. MAGAJI MOHAMMED
6. Hon.ALH. I.A. DANMUSA
7. Hon.ALH. SANI Z. DAURA
8. Hon.ALH. A.M. BINDAWA
9. Hon.ALH. M. LAWAL KAITA
10. Hon. JUSTICE MAMMAN NASIR GCON
11. Hon.MALLAM MAMMAN DAURA
12. Hon.DR LEMA JIBRILU

STATE: KEBBI

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2. Hon.HALIRU MOH. ALELU
3. Hon.ABUBAKAR L. D/GARI
4. Hon.ABDULLAHI ABUBAKAR
5. Hon.MOH' SANI KANGIWA
6. Hon.ALH. HALIRU M. BUNZA
7. Hon.SULEIMAN D. UMAR
8. Hon.ALH. ALIYU JIBRIN YELWA
9. Hon.DR. SANI UDU
10. Hon.SENATOR BALA TAFIDAN YAURI
11. Hon.ALHAJI BELLO ALKALI
12. Hon.BARRISTER DANLADI BAMAIYI
13. Hon.H.R.H ALH. S.Y. ABARSHI (EMIR OF YAURI)

STATE: KOGI

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2. Hon.DR. S. O. OLORUNFEMI
3. Hon.BAR. ADAMU-O. MUSA
4. Hon.DAN KADIRI YUNUSA
5. Hon.ARC. G. Y. ADUKU
6. Hon.DR. SULE ODOMA
7. Hon.ALIYU USMAN AJAOKUTA
8. Hon.UMAR ABATEMI USMAN
9. Hon.DR. UMAR F. ABDUL - AZEEZ
10. Hon.CHIEF S. B. AWONIYI
11. Hon.SENATOR AHMADU ALI, fss, CON
12. Hon.ALHAJI MAHMUD ATTA

LIST OF DELEGATES continued

STATE: KWARA

1. Hon.ABUBAKAR G. ZIKI
2. Hon.ALH. M. I. LAFIAGI
3. Hon.ENGR. Y. F. AFOLABI
4. Hon.ALH. Y.A. FOLORUNSHO
5. Hon.ALH. IDRIS MAHMUD
6. Hon.DR. OLUSOLA SARA KI
7. Hon.ALH. KHALEEL BOLAJI
8. Hon.CHIEF S. S. AJIBOLA
9. Hon.MR. YEKINI O. ALABI
10. Hon.DR. A. ALUKO
11. Hon.ALHAJI M. YARU
12. Hon.CHIEF J. O. A. SHITTU

STATE: LAGOS

1. Hon.OTUNBA ADEBOLA ADENUSI
2. Hon.CHIEF BABATUNDE ADEOKUN
3. Hon.MR. GBOLAHAN FUNSHO
4. Hon.MR. WAHEED I. HASSAN
5. Hon.DR. SIMI JOHNSON
6. Hon.DR. E. A. KOLAJO
7. Hon.CHIEF TELE OLUKOYA
8. Hon.MR. ABIODUN OLUSIKU
9. Hon.ALHAJI HAKEEM ONIBUDO
10. Hon.MR. R. A. B. SALAMI
11. Hon.CHIEF ADEMOLA EDU
12. Hon.MR. OLANREWaju OPE

STATE: NIGER

1. Hon.MALLAM IBRAHIM ISIYAKU
2. Hon.MALLAM IBRAHIM ALIYU
3. Hon.DR. SHEM ZAGBAYI NUHU
4. Hon.MUSA BABOKO MOHAMMED
5. Hon.MAL. GARBA WUSHISHI
6. Hon.ALH. GARBA MOHAMMED
7. Hon. ALH. ZUBAIRU N. DAUDA
8. Hon.ABUBAKAR MAGAJI
9. Hon.IDRIS ALHASSAN KPAKI
10. Hon.COLONEL SANI BELLO (RTD)
11. Hon.ALH. TANKO KUTA
12. Hon.MAJOR BELLO NDAYAKO

LIST OF DELEGATES continued

STATE: OGUN

1. Hon.ADEKUNLE ADESINA
2. Hon.DEACON OLAWALE A. LAWAL
3. Hon.CHIEF N. ADETUNJI ODUWUSI
4. Hon.SEN. JONATHAN O. ODEBIYI
5. Hon. PROF. AFOLABI OLABIMTAN
6. Hon.CHIEF M. ALANI AKINDE
7. Hon.MRS. STELLA MABADEJE
8. Hon.FRANCIS JIDE ODUSANYA
9. Hon.JONATHAN ROWAIYE
10. Hon.CHIEF DAYO ABATAN
11. Hon.CHIEF WOLE AWOLOWO
12. Hon.CHIEF D.K. AIHONSU
13. Hon.H.R.H OBA DR. ADEDAPO TEJUOSO; (KARUNWI III - OSILE OF OKE-ONA, EGBA.)

STATE: ONDO

1. Hon.CHIEF A. A. ADENIYI
2. Hon.AMB. B. AYODELE
3. Hon.E.A. ABOLUWODI
4. Hon.DR. IBUKUN OGUNDIPE
5. Hon.MR. O. ADEWALE
6. Hon.MR. J. B. AMIRA
7. Hon.CHIEF BANJI OLOWOFELA
8. Hon.CHIEF B. AKINNOLA
9. Hon.DR. A. IJOSE
10. Hon.DR BODE OLAJUMOKE
11. Hon.CHIEF AYO OGUNLADE
12. Hon.CHIEF REUBEN FAMUYIBO

STATE: OSUN

1. Hon.A. B. AKANDE
2. Hon.DR. J. O. OLADIMEJI
3. Hon.CHIEF J. A. ALABI
4. Hon.DR. YEMI KAYODE-ADEDEJI
5. Hon.CHIEF J. O. ADESAKI
6. Hon.DR. E. B. FAMOJURO
7. Hon.CHIEF A. MORAKINYO
8. Hon.DR. O. ATANDA
9. Hon.COL. D. B. LAOYE (RTD)
10. Hon.CHIEF A. OGUNDOKUN
12. Hon.PROF. ADEMOLA ADESINA
13. Hon.AMB. DR. DAPO FAFOWORA

LIST OF DELEGATES continued

STATE: OYO

1. Hon.CHIEF OLUSEGUN OLADIMEJI
2. Hon.CHIEF AKINADE AKINJOBI
3. Hon.DR. JAMES LARINDE AKINLEYE
4. Hon.DR. ABDUL JELILI AMOLOYE
5. Hon.MR. JOHNSON A. BANKOLE
6. Hon.CHIEF ABAYOMI A. AKINTOLA
7. Hon.SEN. RASHEED LADOJA
8. Hon.ALH. YEKINI ADEOJO
9. Hon.ADEROJU P. ADEGBEMI
10. Hon.DR VICTOR OLUNLOYO
11. Hon.CHIEF SUNDAY ADEWUSI
12. Hon.CHIEF TADE IPADE-OLA

STATE: PLATEAU

1. Hon.MAURICE L. DASHE
2. Hon.J. HENRY BURROMVYAT
3. Hon.CELESTINE G. DANJUMA
4. Hon.UMARU A. SULAIMAN
5. Hon.SOLOMON EWUGA
6. Hon.AHMADU ABUBAKAR
7. Hon.JETHRO M. AKUN
8. Hon.JONAH DAVID JANG
9. Hon.ALI AKU
10. Hon.SENATOR JOHN WASH PAM
11. Hon.JOHN JATAU KADIYA
12. Hon.ALH. ABDULLAHI ADAMU

STATE: RIVERS

1. Hon.MR. REGINALD WILCOX
2. Hon.DR. I. S. MARTYNS-YELLOWE
3. Hon.CHIEF OKOGBULE WONODI
4. Hon.DR. WALTER. G. OLLOR
5. Hon.DR. DOMINIC U. ANUCHA
6. Hon.CHIEF A. I. UCHENDU
7. Hon.DEACON FOSTER OGOLA
8. Hon.MS. ELIZABETH I. KOMBO
9. Hon.DR. PETER C.O. ODILI
10. Hon.SENATOR DAN ETETE
11. Hon.JUSTICE A. G. KARIBI-WHYTE
12. Hon.HRH. CHIEF S. WOLUCHEM; (EZE APARA REBISI.)

LIST OF DELEGATES continued

STATE: SOKOTO

1. Hon.DR. KABIR SULEIMAN
2. Hon.ABUBAKAR M. DOGO
3. Hon.ATTAHIRU D. BAFARAWA
4. Hon.IBRAHIM GUSAU, (SARKIN MALAMAI)
5. Hon.ALIYU WAZIRI
6. Hon.UMARU DAHIRU
7. Hon.AHMAD HALIRU BINJI
8. Hon.GARBA ILA GADA
9. Hon.SENATOR ALHAJI S. BAKWAI
10. Hon.ALH. S. MOH DAN SADAU
11. Hon.ALH. ALIYU GWADABAWA
12. Hon.ALH. DR. GARBA NADAMA

STATE: TARABA

1. Hon.ALHAJI UMARU SALEH
2. Hon.DR. M.T. LIMAN
3. Hon.ALHAJI A. A. BARDE
4. Hon. ISA MOHAMMED SAMBO
5. Hon.NAPOLEON G. ADAMU
6. Hon.HALILU B. KABRI
7. Hon.A.D. IDRIS WAZIRI
8. Hon.CHIEF DAVID D. DODO
9. Hon.DR. N. B. ANDETUR
10. Hon.DR. AHMED V. JALINGO
11. Hon.BARR. BABA ADI
12. Hon.DR. SALEH ABUBAKAR

STATE: YOBE

1. Hon.TJANI MUSA TUMSA
2. Hon.ALH. HASSAN YUSUF
3. Hon.KASSIM G. GAIDAM
4. Hon.ABUBAKAR B. GALADIMA
5. Hon.GONI BABA GANA
6. Hon.ALH. ABUBAKAR MELE
7. Hon.ALH. ADAMU DAYA
8. Hon.YAKUBU YASIDI DOKSHI
9. Hon.ALH. M. BARDE
10. Hon.ALH. BUNU SHERIFF MUSA
11. Hon.ALH. KALOMA ALI
12. Hon.AIR CDRE I.ALKALI (RTD)

LIST OF DELEGATES continued

Federal Capital Territory, Abuja

1. Hon. AYUBA J. NGBAKO
2. Hon. SUNDAY K. IYAKWO
3. Hon. MAJ-GEN. A. B. MAMMAN (RTD)
4. Hon. ALHAJI M. KUCHAZI

Note ** means absent
* means Member who died in the course of the Conference.

B PART II MEMBERS OF THE VARIOUS COMMITTEES

I. COMMITTEE ON THE POLITICAL STRUCTURE AND FRAMEWORK OF THE CONSTITUTION

- | | | | |
|-----|--------------------------------------|---------------|----------|
| 1. | Hon. Professor Musa Yakubu | - Adamawa | Chairman |
| 2. | Hon. Mr. Sam Ikoku | - Abia | Member |
| 3. | Hon. Alhaji Bello Kirfi | - Bauchi | " |
| 4. | Hon. Wantaregh Paul Unongo | - Benue | " |
| 5. | Hon. Alhaji M. I Lawal | - Borno | " |
| 6. | Hon. J. Ushie | - Cross River | " |
| 7. | Hon. Oti Adams | - Delta | " |
| 8. | Hon. F.M. Okun | - Edo | " |
| 9. | Hon. Professor Sam Ukpabi | - Enugu | " |
| 10. | Hon. Dr. Ekang Anamadu | - Akwa Ibom | " |
| 11. | Hon. Dr. Umaru Dikko | - Kaduna | " |
| 12. | Hon. Maj. Gen. Shehu Yar'adua (Rtd) | - Katsina | " |
| 13. | Hon. Alhaji Khalil Bolaji | - Kwara | " |
| 14. | Hon. Wada Abubakar Kiyawa | - Jigawa | " |
| 15. | Hon. Deacon Lawal | - Ogun | " |
| 16. | Hon. Chief Bayo Akinnola | - Ondo | " |
| 17. | Hon. P.A. Adegbemi | - Oyo | " |
| 18. | Hon. Professor Adegbemi | - Osun | " |
| 19. | Hon. Dr. Odoma | - Kogi | " |
| 20. | Hon. Alhaji Bukar Mela | - Yobe | " |
| 21. | Hon. Alhaji S.M. Kangiwa | - Kebbi | " |
| 22. | Hon. Alhaji Abdullahi Adamu | - Plateau | " |
| 23. | Hon. Alhaji Ibrahim Gusau | - Sokoto | " |
| 24. | Hon. T.U. Nwala | - Imo | " |
| 25. | Hon. Mr. Waheed I Hassan | - Lagos | " |
| 26. | Hon. Idris Kpaki Alhassan | - Niger | " |
| 27. | Hon. Major General A.B. Mamman (Rtd) | - FCT | " |
| 28. | Hon. Mr. Wilcox R. | - Rivers | " |
| 29. | Hon. Dr Chief A.I. Ekwueme | - Anambra | " |
| 30. | Hon. Senator Isa Kachako | - Kano | " |
| 31. | Hon. Alhaji Abubakar Garba | - Taraba | " |

II COMMITTEE ON THE EXECUTIVE

1	Hon.Chris Nwankwo	- Enugu	Chairman
2	Hon.Mr. Ellas Nathan	- Adamawa	Member
3	Hon.Chief I.K. Mokeli	- Adamawa	"
4	Hon.Alhaji A.M. Bulkachuwa	- Bauchi	"
5	Hon.Jack Tilley Gyado	- Benue	"
6	Hon.Alhaji Muhammed Goni	- Borno	"
7	Hon.Dr. (Chief) E. Asikpo-Okon	- Cross Rivers	"
8	Hon.M.O. Kragha	- Delta	"
9	Hon.Mr. R.A. B. Salami	- Lagos	"
10	Hon.Col. A. Laoye (RTD)	- Osun	"
11	Hon.Umaru Dahiru	- Sokoto	"
12	Hon.Engr. Bunu Sherrif Musa	- Yobe	"
13	Hon.Suleiman U.A.	- Plateau	"
14	Hon.Alhaji Haluru M. Bunza	- Kebbi	"
15	Hon.Alh. I. Abubakar Danmusa	- Katsina	"
16	Hon.Alhaji Tanko Yakasai	- Kano	"
17	Hon.Ibrahim Isiyaku	- Niger	"
18	Hon.Chief O. Awolowo	- Ogun	"
19	Hon.Dr. D.U. Anucha	- Rivers	"
20	Hon.Dr. M.T. Liman	- Taraba	"
21	Hon.Ayuba Jacob Ngbako	- FCT	"
22	Hon.Sen. Dr. Olusola Saraki	- Kwara	"
23	Hon.Ben Edo-Osagie	- Edo	"
24	Hon.Senator Ahmadu Ali	- Kogi	"
25	Hon.Mr. A. Bankole	- Oyo	"
26	Hon.Obong Victor Attah	- Akwa Ibom	"
27	Hon.Dr. S.O. Mbakwe	- Imo	"
28	Hon.Ibrahim Ismaila	- Jigawa	"
29	Hon.Dr. A. Igwe	- Abia	"
30	Hon.F Aboluwodi	- Ondo	"
31	Hon.Professor Ibrahim James	- Kaduna	"

III. COMMITTEE ON THE LEGISLATURE AND LEGISLATIVE LISTS

1.	Hon.W.O. Inah	- Cross River	Chairman
2.	Hon.Alhaji A. Tuggar	- Bauchi	Member
3.	Hon.Chief Ray Inije	- Delta	"
4.	Hon.Celestine Okeagu	- Enugu	"
5.	Hon.Malam Garba Wushishi	- Niger	"
6.	Hon.Dr. J.A. Rowaiye	- Ogun	"
7.	Hon.Senator D. Etete	- Rivers	"
8.	Hon.Amb. A.B. Ayodele	- Ondo	"
9.	Hon.Gbolahan Funsho	- Lagos	"
10.	Hon.Professor G.M. Umezuruike-	- Imo	"
11.	Hon.Alhaji Lawal Kaita	- Katsina	"
12.	Hon.Dr. J.A. Amoloye	- Oyo	"
13.	Hon.Kayode Adedeji	- Osun	"
14.	Hon.Chief Ojo-Maduekwe	- Abia	"
15.	Hon.D.G. Vembeh	- Benue	"
16.	Hon.Professor S. Oriaifo	- Edo	"
17.	Hon.Sule Lamido	- Jigawa	"
18.	Hon.Gana Baba Goni	- Yobe	"
19.	Hon.Dr. Chris Abashiya	- Kaduna	"
20.	Hon.Senator Magaji Abdullahi	- Kano	"
21.	Hon.Alhaji Baba J. Yauri	- Kebbi	"
22.	Hon.Barr. Adamu Musa	- Kogi	"
23.	Hon.Dr. Amuda Aluko	- Kwara	"
24.	Hon.Abubakar Ahmadu	- Plateau	"
25.	Hon.Salisu Bakwai	- Sokoto	"
26.	Hon.Idris Waziri	- Taraba	"
27.	Hon.Senator Abba H. Sadiq	- Borno	"
28.	Hon.Bar. S.K. Iyako	- FCT	"
29.	Hon.Obong Sam Atang	- Akwa Ibom	"
30.	Hon.Dr. Mohammad Tukur	- Adamawa	"
31.	Hon.Chief C.A. Modebe	- Anambra	"

VI COMMITTEE ON THE JUDICIARY

1.	Hon. Alhaji Mamman Daura	- Katsina	Chairman
2.	Hon. Barr. S.N. Onyeama	- Abia	Member
3.	Hon. Senator A Waziri	- Bauchi	"
4.	Hon. Bar. Muhammadu Jidda	- Borno	"
5.	Hon. Dr. Sam Orji	- Enugu	"
6.	Hon. Mr. E.E. Okpiabhele	- Edo	"
7.	Hon. Sunday K. Iyakwo	- FCT	"
8.	Hon. Barr. Danladi Bamaiyi	- Kebbi	"
9.	Hon. Alhaji Mahmoud Atta	- Kogi	"
10.	Hon. Maxwell V. Onyeukwu	- Imo	"
11.	Hon. Ibrahim Isiyaku	- Niger	"
12.	Hon. Chief Olayide Odusanya	- Ogun	"
13.	Hon. Obafemi Adewale	- Ondo	"
14.	Hon. Chief A. Alabi	- Osun	"
15.	Hon. Air Com. Ibrahim Alkali (RTD)	- Yobe	"
16.	Hon. Barr. J. O. A. Shittu	- Kwara	"
17.	Hon. Alhaji Shehu Shanono	- Kano	"
18.	Hon. Barr. Ali Aku	- Plateau	"
19.	Hon. Barr. Anselem Eyo	- Akwa Ibom	"
20.	Hon. Dr. Chris Abashiya	- Kaduna	"
21.	Hon. Ahmed Haliru Binji	- Sokoto	"
22.	Hon. Monsignor. N.C. Obiagba	- Anambra	"
23.	Hon. Barr. Agbo Madaki	- Benue	"

V COMMITTEE ON FUNDAMENTAL RIGHTS & DIRECTIVE PRINCIPLES OF STATE POLICY & PRESS FREEDOM.

1.	Hon. Dr. G. Laraba Abdullahi	- Bauchi	Chairman
2.	Hon. Alhaji Aminu Bello Masari	- Katsina	Member
3.	Hon. Mrs Stella Mabadeje	- Ogun	"
4.	Hon. Chief Abiodun Olusiku	- Lagos	"
5.	Hon. Dr. Larinde Akinleye	- Oyo	"
6.	Hon. Dr. J.O. Oladimeji	- Osun	"
7.	Hon. HRH Eze S. N. Woluchem	- Rivers	"
8.	Hon. Rev. G.G. Dogo	- Kaduna	"
9.	Hon. Mr. Mike Ajaegbo	- Anambra	"
10.	Hon. Garba Abba Sulaiman	- Kano	"
11.	Hon. Bar. Maxwell Onyewkwu	- Imo	"
13.	Hon. Alhaji Atiku Abubakar	- Adamawa	"
14.	Hon. F.M. Okun	- Edo	"
15.	Hon. Dr. Sam Oji	- Enugu	"
16.	Hon. Dr. I.C. Madubuike	- Abia	"
17.	Hon. Agbo Madaki	- Benue	"
18.	Hon. Alhaji Adamu Daya	- Yobe	"
19.	Hon. Alhaji Gana Ahmadu	- Borno	"
20.	Hon. Alhaji Abdullahi Adamu	- Plateau	"
21.	Hon. Chief A.A. Adeniyi	- Ondo	"

VI COMMITTEE ON LAW AND ORDERS AND NATIONAL SECURITY

1.	Hon.Maj. General A. B. Mammam (Rtd)	- FCT	Chairman
2.	Hon.Alhaji Muhammed Gambo Jimeta	- Adamawa	Member
3.	Hon.E.O. Nwigwe	- Abia	"
4.	Hon.Chief Basil Iwuoba	- Anambra	"
5.	Hon.Dr. Mahmud Yahaya	- Bauchi	"
6.	Hon.Brig Abba Kyari (Rtd)	- Borno	"
7.	Hon.S. Adewusi	- Oyo	"
8.	Hon.Alhaji Sani Zango Daura	- Katsina	"
9.	Hon.Alhaji Umaru Dembo	- Kaduna	"
10.	Hon.Simeon S. Ajibola	- Kwara	"
11.	Hon.Chief A.A. Adeniyi	- Ondo	"
12.	Hon.O. J. Oladimeji	- Osun	"
13.	Hon.Attahiru D. Bafirawa	- Sokoto	"
14.	Hon.Deocon Olawole Lawal	- Ogun	"
15.	Hon.Lanre Ope	- Lagos	"
16.	Hon.Prince Israel Njemanze	- Imo	"
17.	Hon.Senator Isa Kachako	- Kano	"
18.	Hon.J.J. Kadiya	- Plateau	"
19.	Hon.Mukhtar Mohammed	- Jigawa	"
20.	Hon.Major Bello Ndayako	- Niger	"
21.	Hon.Prof.I. Hagher	- Benue	"
22.	Hon.Napoleon Adamu G.	- Taraba	"
23.	Hon.Kassim Gaidam	- Yobe	"
24.	Hon.Chief Steve Okwor	- Enugu	"
25.	Hon.Chief Victor Atta	- Akwa Ibom	"
26.	Hon.Dr. P. O. Idaga	- Cross River	"
27.	Hon.Nduka Obaiqbana	- Delta	"
28.	Hon.Usman Obatemi	- Kogi	"
29.	Hon.Chief T. Anenih	- Edo	"
30.	Hon.A. C. Dakingari	- Kebbi	"

VII COMMITTEE ON NATIONAL DEFENCE

1.	Hon.Brig. Abba Kyari	- Borno	Chairman
2.	Hon.Col. C.C. Udeh	- Enugu	Member
3.	Hon.AVM Mouktar Mohammed	- Jigawa	"
4.	Hon.Musa Magami	- Kano	"
5.	Hon.Aliyu Gwadabawa	- Sokoto	"
6.	Hon.Col. Sani Bello (Rtd)	- Niger	"
7.	Hon.Morris Ibekwe	- Imo	"
8.	Hon.Air Comdr. I. Alkali	- Yobe	"
9.	Hon.Alhaji Bala Tafida	- Kebbi	"
10.	Hon.Chief Emeka Odumegwu Ojukwu	- Anambra	"
11.	Hon.Alh. Sani Zango Daura	- Katsina	"
12.	Hon.Paul Unongo	- Benue	"
13.	Hon.Mohammad Gambo Jimeta	- Adamawa	"
14.	Hon.Chief A.S.N. Egbo *	- Delta	"
15.	Hon.Chief Dayo Abatan	- Ogun	"
16.	Hon.Victor O. Olunloyo	- Oyo	"
17.	Hon.Col. D. Laoye (Rtd)	- Osun	"
18.	Hon.Maj. Gen. A.B. Mammam (Rtd)	- FCT	"
19.	Hon.Dr. Emmanuel Kolajo	- Lagos	"
20.	Hon.Dr. G. Agbonkina	- Edo	"
21.	Hon.Chief Onyekachi Oyekwera	- Abia	"
22.	Hon.G.G. Dogo	- Kaduna	"
23.	Hon.Dr. M. Amana	- Akwa Ibom	"
24.	Hon.Senator Patric Ani	- Cross Rivers	"
25.	Hon.Obafemi Adewale	- Ondo	"
26.	Hon.Dr. S. Kumo	- Bauchi	"
27.	Hon.S.Ajibola	- Kwara	"
28.	Hon.Dr. I.S. Yellowe	- Rivers	"
29.	Hon.Commdr. David J. Jang (Rtd)	- Plateau	"
30.	Hon.Dr. Usman Jalingo	- Taraba	"
31.	Hon.Senator Ahmadu Ali	- Kogi	"

VIII COMMITTEE ON THE ECONOMY, POPULATION AND REVENUE GENERATION

1.	Hon.Chief Lambert Nmecha	- Abia	Chairman
2.	Hon.Yakubu Tsala	- Adamawa	Member
3.	Hon.Alhaji M. Aminu Ibrahim	- Bauchi	"
4.	Hon.S.O. Utoo	- Benue	"
5.	Hon.Chief M. Origbo	- Delta	"
6.	Hon.Dr. David Attoe	- Cross Rivers	"
7.	Hon.Professor O.A. Osunbor	- Edo	"
8.	Hon.Engr. Ibrahim Ali	- Borno	"
9.	Hon.Otunba Bola Adenusi	- Lagos	"
10.	Hon.Idris Muhammed Dingissa	- Jigawa	"
11.	Hon.Dr. Sani Udu	- Kebbi	"
12.	Hon. Alh. Ahmad Musa Bindawa	- Katsina	"
13.	Hon.Yunusa Dan Kadiri	- Kogi	"
14.	Hon.Zuhairu Dauda	- Niger	"
15.	Hon.Victor Olunloyo	- Oyo	"
16.	Hon.Danjuma C.G.	- Plateau	"
17.	Hon.Chief A. I. Uchendu	- Rivers	"
18.	Hon.Aliyu Waziri Budinga	- Sokoto	"
19.	Hon.Alhaji Umaru Salch	- Taraba	"
20.	Hon.Alhaji Kashin Gana Geidam	- Yobe	"
21.	Hon.Chief S. Atang	- Akwa Ibom	"
22.	Hon.P.N.C. Atanmuo	- Anambra	"
23.	Hon.Moh. Saiciman Zantu	- Kaduna	"
24.	Hon.M.S. Lafiagi	- Kwara	"
25.	Hon.Dr. Dahiru Yahaya	- Kano	"
26.	Hon.Prof. G.M. Umezurike	- Imo	"
27.	Hon.Dr. Kayode Adedeji	- Osun	"
28.	Hon.J.B. Amira	- Ondo	"
29.	Hon.Chief N.A. Oduwusi	- Ogun	"
30.	Hon.Alhaji Mohammed Kuchazi	- FCT	"
31.	Hon.Brendan Ugwu	- Enugu	"

IX COMMITTEE ON REVENUE ALLOCATION

1.	Hon.Arch. G. Y. Adiukwu	- Kogi	Chairman
2.	Hon.Daniel Sha Kiri	- Adamawa	Member
3.	Hon.Aniette Okon	- Akwa Ibom	"
4.	Hon.Alh. Gana Ahmadu	- Borno	"
5.	Hon.Senator Patrick Ani	- Cross Rivers	"
6.	Hon.Alh. Mohammad Mohammed	- Bauchi	"
7.	Hon.Price Mathew Fuludu	- Delta	"
8.	Hon.Dr. Greg Agbonkina	- Edo	"
9.	Hon.Prince R. Ozobu	- Enugu	"
10.	Hon.Alh. M. Kuchazi	- FCT	"
11.	Hon.Mohammed Sulaiman Zuntu	- Kaduna	"
12.	Hon.Idris Mahmud	- Kwara	"
13.	Hon.Alhaji Hakeem Onibudo	- Lagos	"
14.	Hon.Dr. Dahiru Yahaya	- Kano	"
15.	Hon.Chief A. Akinde	- Ogun	"
16.	Hon.Dr. A. Ijose	- Ondo	"
17.	Hon.Dr. O.A. Atanda	- Osun	"
18.	Hon.Yusuf Maitama Sani	- Jigawa	"
19.	Hon.Garba Ila Gada	- Sokoto	"
20.	Hon.Alhaji Adamu Daya	- Yobe	"
21.	Hon. Halilu Bakari Kabri	- Taraba	"
22.	Hon.Ibrahim Aliyu	- Niger	"
23.	Hon.Engr. Egwuonwu Kalu	- Abia	"
24.	Hon.Chief A.A. Akintola	- Oyo	"
25.	Hon.Alh. Mammam Daura	- Katsina	"
26.	Hon.Aku Ali	- Kebbi	"
28.	Hon.Chief Edwin Osugbu	- Imo	"
29.	Hon.Foster Ogola	- Benue	"
31.	Hon.Prof. P. Ejiofor	- Anambra	"



X COMMITTEE ON POWER SHARING		
1.	Hon.Prof. P.A. Igbafe	- Edo
2.	Hon.Dr. I.S. Madubuike	- Abia
3.	Hon.Dr. Mfon Amana	- Akwa Ibom
4.	Hon.Moh. Bello Kirifi Waziri	- Bauchi
5.	Hon.Prof. I. Hagher	- Benue
6.	Hon.Dr. E. Nsan	- Cross Rivers
7.	Hon.Chief A.K. Ubeku	- Delta
8.	Hon.Nduka Umoke	- Enugu
9.	Hon.Alh. Maileka B. Mohammed	- Kebbi
10.	Hon.Dr. J. C. Odunna	- Imo
11.	Hon.Dr. S. O. Olorunfemi	- Kogi
12.	Hon.Abba Dabo	- Kano
13.	Hon.Ismail Isa	- Katsina
14.	Hon.Shem Zagbaya Nuhu	- Niger
15.	Hon.Alhaji Tele Olukoya	- Lagos
16.	Hon.Ayuba Jacob Ngbako	- FCT
17.	Hon.Chief Dayo Abatan	- Ogun
18.	Hon.Chief Ayo Ogunlade	- Ondo
19.	Hon.Dr. O. Oladimeji	- Oyo
20.	Hon.J. Akun	- Plateau
21.	Hon.Abubakar B. Galadima	- Yobe
22.	Hon.Dr. Garuba Na-dama	- Sokoto
23.	Hon.Chief Okogbule Wonodi	- Rivers
24.	Hon.Dr. A. U. Jalingo	- Taraba
25.	Hon.Prof. Ango Abdullahi	- Kaduna
26.	Hon.Mohammed Abba Gana	- Borno
27.	Hon.Dr. O. J. Oladimeji	- Osun
28.	Hon.Dr. Sabo Bako	- Jigawa
29.	Hon.Y. A. Folorunsho	- Kwara
30.	Hon.Chief E. O. Ojukwu	- Anambra
31.	Hon.Abubakar Atiku	- Adamawa

XI. COMMITTEE ON POLITICAL PARTIES			
1.	Hon.Chief Tele Olukoya	- Lagos	Chairman
2.	Hon.Mrs Joy Emordi	- Anambra	Member
3.	Hon.Patrick Ette	- Akwa Ibom	"
4.	Hon.Senator Uba Ahmed	- Bauchi	"
5.	Hon.Engr. Mohammed A.S. Gana	- Borno	"
6.	Hon.Chief (Dr) I.I. Murphy	- Cross River	"
7.	Hon.S.O. Lawani	- Benue	"
8.	Hon.Chief Ray Inije	- Delta	"
9.	Hon. Chief Steve Okwor	- Enugu	"
10.	Hon.Alh. Haliru Muhammed Alelu	- Kebbi	"
11.	Hon.Alh. Usman Abatemi	- Kogi	"
12.	Hon.Dr. Ezekiel Ezuogu	- Imo	"
13.	Hon.Chief T. Anenih	- Edo	"
14.	Hon.Burromyat H.	- Kogi	"
15.	Hon.Dr. Rabi'u Musa	- Kan	"
16.	Hon.Abubakar Magaji	- Niger	"
17.	Hon.J.B. Amira	- Ondo	"
18.	Hon.Chief M. A Oduwusi	- Ogun	"
19.	Hon.Dr. A.A. Akinjobi	- Oyo	"
20.	Hon.Saidu M. Dansadu	- Sokoto	"
21.	Hon.Alh. Musa Musawa	- Katsina	"
22.	Hon.Prince Baba Adi	- Taraba	"
23.	Hon.Dr. D.U. Anucha	- Rivers	"
24.	Hon.Alh. M. Yaru	- Kwara	"
25.	Hon.Alh. Mohammed M. Haruna	- Kaduna	"
26.	Hon.Alh. Halifa Hassan Yusufu	- Yobe	"
27.	Hon.Chief Abiola Ogundokun	- Osu	"
28.	Hon.Prof. Jibril Aminu	- Adamawa	"
29.	Hon.Sule Lamido	- Jigawa	"
30.	Hon.Ayuba Jacob Ngabako	- FCT	"

X II COMMITTEE ON ELECTIONS AND ELECTROL PROCESS			
1.	Hon.Dr. Duro Fajuro	- Osun	Chairman
2.	Hon.Dr. J.S. Ogbonnanya	- Abia	Member
3.	Hon.Dr. S.I. Shanda	- Benue	"
4.	Hon.Barr Muhammed Bako	- Yobe	"
5.	Hon.Gregory T. Ngaji	- Cross River	"
6.	Hon.Dr. Godsmark Edward Ugwu	- Enugu	"
7.	Hon.Richard Umoren	- Akwa Ibom	"
8.	Hon.Garba Abba Sulaiman	- Kano	"
9.	Hon.Alh. Musa Musawa	- Katsina	"
10.	Hon.Mr. Babatunde Adeokun	- Lagos	"
11.	Hon.Musa Baboko Mohammed	- Niger	"
12.	Hon.Saidu Dansadau	- Sokoto	"
13.	Hon.Abubakar Idris	- Kaduna	"
14.	Hon.Chief A. S. N. Egbo *	- Delta	"
15.	Hon.Engr. Ibrahim Ali	- Borno	"
16.	Hon.Yekini Adeojo	- Oyo	"
17.	Hon.Alh. M. Yaro	- Kwara	"
18.	Hon.Prof. P. A. Igbafe	- Edo	"
19.	Hon.Otunba Ruben Famuyibo	- Ondo	"
20.	Hon.A. I. Uchendu	- Rivers	"
21.	Hon.Sulaiman U.A.	- Plateau	"
22.	Hon.Dr. J. C. Odunna	- Imo	"
23.	Hon.Chief Basil Iwuoba	- Anambra	"
24.	Hon.Umar Yerima Kazaure	- Jigawa	"
25.	Hon.Bello M. Alkali	- Kebbi	"
26.	Hon.Mrs Stella Mobadeje	- Ogun	"
27.	Hon.Alh. Usman Aliyu	- Kogi	"
28.	Hon.Alh. Mohammed Kuchazi	- FCT	"
29.	Hon.Chief D. D. Dodo	- Taraba	"
30.	Hon.Barr.Bela Ngilari	- Adamawa	"
31.	Hon.Dr. S. Kumo	- Bauchi	"

XIII COMMITTEE ON NATIONAL VALUES AND LINGUA FRANCA			
1.	Hon.HRH Alh. S. Y. Abarshi, Emir of Yauri	Kebbi	Chairman
2.	Hon.Dr. Agbafor Igwe	- Abia	Member
3.	Hon.HRH Alh. Y. M. Danyaya, Emir of Ningi	- Bauchi	"
4.	Hon.HRH A.A. Okpabi	- Benue	"
5.	Hon.Mrs. E. P. Ajose-Adeogun	- Delta	"
6.	Hon.Chief Tayo Akpata	- Edo	"
7.	Hon.Barrister R. K. Ochi	- Enugu	"
8.	Hon.Chief Tade Ipadeola	- Oyo	"
9.	Hon.Bello Ndayako	- Niger	"
10.	Hon.Napoleon G. Adamu	- Taraba	"
11.	Hon.Umar Usman Tofa	- Kano	"
12.	Hon.Lawal Kaita	- Katsina	"
13.	Hon.Alh. Abatemi Usman	- Kogi	"
14.	Hon.Rochas Okorocho	- Imo	"
15.	Hon.Rev. M. G. Ibiagba	- Anambra	"
16.	Hon.Dr.Burromcyat Henry	- Plateau	"
17.	Hon.David Sodauki	- Kaduna	"
18.	Hon.All. Aji M. Lawan	- Borno	"
19.	Hon.Atiku Abubakar	- Adamawa	"
20.	Hon.R. Wilcox	- Rivers	"
21.	Hon.Patrick J. Ette	- Akwa Ibom	"
22.	Hon.Dr. Emmanuel Nsan	- Cross River	"
23.	Hon.Abiodun Olusiku	- Lagos	"
24.	Hon.Dr. Duro Fajuro	- Osun	"
25.	Hon.J. A. Rowaiye	- Ogun	"
26.	Hon.Kassim G. Gaidam	- Yobe	"
27.	Hon.Chief Bayo Akinnola	- Ondo	"
28.	Hon.Abubakar M. Dogo	- Sokoto	"

XIV COMMITTEE ON SOCIAL WELFARE

1.	Hon.Dr. Simi Johnson	- Lagos	Chairman
2.	Hon.Prof. Jibril Aminu	- Adamawa	Member
3.	Hon.Dr. G.A. Adagba	- Benue	"
4.	Hon.Abba Gana Terab	- Borno	"
5.	Hon.Musa Magami	- Kano	"
6.	Hon.Alhaji A. L. Dakingari	- Lebbi	"
7.	Hon.Umar Yarima Kazaure	- Jigawa	"
8.	Hon.Dr. F. Abdul-Azeez	- Kogi	"
9.	Hon.Dr. J.O. Itotoh	- Edo	"
10.	Hon.Chief A. Akinjobi	- Oyo	"
11.	Hon.Dr. Lema Jibrilu	- Katsina	"
12.	Hon.Mr. P.O.O. Akpeki	- Delta	"
13.	Hon.Alhaji Tijjani Tumsa	- Yobe	"
14.	Hon.Dr. Kabir Sulaiman	- Sokoto	"
15.	Hon.Chief I. K. Mokele	- Anambra	"
16.	Hon.Adamu M. Bulkachuwa	- Bauchi	"
17.	Hon.M. L. Dashe	- Plateau	"
18.	Hon.Engr Y. F. Afolabi	- Kwara	"
19.	Hon.Dr. Ukeje Nwokeforo	- Imo	"
20.	Hon.Prof. A. Adesina	- Osun	"
21.	Hon.D. K. Aihonsu	- Ogun	"
22.	Hon.Dr. Shem Nuhu Zegbayi	- Niger	"
23.	Hon.Abubakar Idris	- Kaduna	"
24.	Hon.Dr. J. C. Ogbonnaya	- Abia	"
25.	Hon.Dr. N. B. Andetur	- Taraba	"
26.	Hon.Chief Brendan Ugwu	- Enugu	"
27.	Hon.Ms. Elizabeth Kombo	- Rivers	"
28.	Hon.E. B. Etienam	- Akwa Ibom	"
29.	Hon.Engr. Banji Olowofela	- Ondo	"

XV COMMITTEE ON CIVIL SERVICE AND PARASTATALS

1.	Hon.Alhaji J. Yelwa	- Kebbi	Chairman
2.	Hon.Dr. Gambo Laraba Abdullahi	- Bauchi	Member
3.	Hon.I.D. Agogo	- Benue	"
4.	Hon.Chief P. Kpogban	- Delta	"
5.	Hon.Edward Ugwu	- Enugu	"
6.	Hon.Dr. Edwin Osuegbu	- Imo	"
7.	Hon.Prof. Ango Abdullahi	- Kaduna	"
8.	Hon.Musa Salisu	- Kano	"
9.	Hon.Abubakar Ziki	- Kwara	"
10.	Hon.Laide Odusanya	- Ogun	"
11.	Hon.J. J. Kadiya	- Plateau	"
12.	Hon.Elizabeth Itari Kombo	- Rivers	"
13.	Hon.Deaconess Ayo Uzamere	- Edo	"
14.	Hon.Lawal Abdul Babura	- Jigawa	"
15.	Hon.Chief Richard U. Umoren	- Akwa Ibom	"
16.	Hon.Tade Ipadeola	- Oyo	"
17.	Hon.Abubakar Girei	- Adamawa	"
18.	Hon.Dr. O. Atanda	- Osun	"
19.	Hon.Alh. Tanko Kuta	- Niger	"
20.	Hon.Dr. Bode Olajumoke	- Ondo	"
21.	Hon.R. B. Salami	- Lagos	"
22.	Hon.Barr. L. Mgbade	- Cross River	"
23.	Hon.Musa Kwaya Tera *	- Borno	"
24.	Hon.Chief D.D. Dodo	- Taraba	"
25.	Hon.Alh. Usman Aliyu	- Kogi	"
26.	Hon.Barr E. O. Nwigwe	- Abia	"
27.	Hon.Alh. Magaji Mohammed	- Katsina	"
28.	Hon. Dr. Garba Nadama	- Sokoto	"
29.	Hon.Bunu Sherrif Musa	- Yobe	"
30.	Hon.Dr. P. N. C. Atanmuo	- Anambra	"

XVI COMMITTEE ON FOREIGN POLICY

1.	Hon.Ambassador Beita Yusuf	- Jigawa	Chairman
2.	Hon.Senator John Wash Pam	- Plateau	Member
3.	Hon.Chief Ojo Maduekwe	- Abia	"
4.	Hon.Dr. Yahaya Mahmood	- Bauchi	"
5.	Hon.Prof. Peter Ejiofor	- Anambra	"
6.	Hon.Barr. J. A. Omakwu	- Benue	"
7.	Hon.Mr Obi Madueke	- Enugu	"
8.	Hon.Dr. P. U. Idagba	- Cross River	"
9.	Hon.Prof. S. O. Oriafio	- Edo	"
10.	Hon.Adamu O. Musa	- Kogi	"
11.	Hon.Mr. Ademola Edu	- Lagos	"
12.	Hon.Prof. Ibrahim James	- Kaduna	"
13.	Hon.Chief Rochas Okorochoa	- Imo	"
14.	Hon.Chief Elias Nathan	- Adamawa	"
15.	Hon.Alh. Ibrahim Gusau	- Sokoto	"
16.	Hon.Dr. Rabi'u Musa	- Kano	"
17.	Hon.Alh. Khaleel Bolaji	- Kwara	"
18.	Hon.Ahmed Musa Bindawa	- Katsina	"
19.	Hon.Garba Mohammed	- Niger	"
20.	Hon.Barr. Baba' Adi	- Taraba	"
21.	Hon.Alh. Mohammed Goni	- Borno	"
22.	Hon.Chief O. Wonodi	- Rivers	"
23.	Hon.Barr Anselem Eyo	- Akwa Ibom	"
24.	Hon.Chief D. P. O. Akpeki	- Delta	"
25.	Hon.Prince Oluwole Awolowo	- Ogun	"
26.	Hon.Ambassador A Ayodele*	- Ondo	"
27.	Hon.Alhaji Tijani Tumsa	- Yobe	"
28.	Hon.Tade Ipadeola	- Oyo	"
29.	Hon.Chief Abiola Ogundokun	- Osun	"
30.	Hon.Suleiman Umar	- Kebbi	"

XVII COMMITTEE ON CREATION OF STATES AND LOCAL GOVERNMENTS

1.	Hon.Dr. C. O. Peter Odili	- River	Chairman
2.	Hon.Chief Chidi M. A. Ubani	- Abia	Member
3.	Hon.Dr. A S Okpongette	- Akwa Ibom	"
4.	Hon.Senator A. Ali Sherrif	- Borno	"
5.	Hon.Alh. Ibrahim Yerima Abdullahi	- Bauchi	"
6.	Hon.Barr. J. A. Omakwu	- Benue	"
7.	Hon.Chief John Okpa	- Cross River	"
8.	Hon.Mr. Mike Oloyo	- Edo	"
9.	Hon.Senator Andrew O. Nwankwo	- Enugu	"
10.	Hon.Alh. Ibrahim Shehu Kwatalo	- Jigawa	"
11.	Hon.Alh. Nuhu Babajo	- Kaduna	"
12.	Hon.Alh. Abdullahi Abubakar	- Kebbi	"
13.	Hon.Barr. A. S. Abimbola	- Kogi	"
14.	Hon.HRH Eze Onu Egwunwoke	- Imo	"
15.	Hon.Major Gen. A. B. Mammam (Rtd)	- FCT	"
16.	Hon.Alh. Garba M. Mohammed	- Niger	"
17.	Hon.Mr. Solomon Ewuga	- Plateau	"
18.	Hon.Alh. Balarabe Bello	- Kano	"
19.	Hon.Alhaji Yakubu Yasidi Dokshi	- Yobe	"
20.	Hon.Dr. E. Ayo Kolajo	- Lagos	"
21.	Hon.Chief Sunday Adewusi	- Oyo	"
22.	Hon.Dr. Kabir Sulaiman Chafe	- Sokoto	"
23.	Hon.Mr. Donald Alahira	- Adamawa	"
24.	Hon.Mr. David K. Aihonsu	- Ogun	"
25.	Hon.Chief A. Alabi	- Osun	"
26.	Hon.Alhaji M. S. Lafiagi	- Kwara	"
27.	Hon.Dr. I. Ogundipe	- Ondo	"
28.	Hon.Prof. Eric Agume Opia	- Delta	"
29.	Hon.Chief C. N. Modebe	- Anambra	"
30.	Hon.Dr. Lema Jibrilu	- Katsina	"
31.	Hon.Dr. N. B. Andetur	- Taraba	"

XVIII COMMITTEE ON TRANSITION PROGRAMME

1.	Hon.Engr. Barnabas Germade	- Benue	Chairman
2.	Hon.Senator John Wash-Pam	- Plateau	Member
3.	Hon.Isa Mohammed	- Taraba	"
4.	Hon.Alh. Kaloma Ali	- Yobe	"
5.	Hon.Shehu Shanono	- Kano	"
6.	Hon.Garba Adamu Gumel	- Jigawa	"
7.	Hon.Ahmed Haliru Binji	- Sokoto	"
8.	Hon.Dr. Ukeje-Nwokeforo	- Imo	"
9.	Hon.Alh. Tanko Kuta	- Niger	"
10.	Hon.Chief Emea C. Oji	- Abia	"
11.	Hon.Arc. Barnabas Y. Bala	- Kaduna	"
12.	Hon.Justice A. G. Karibi-Whyte	- Rivers	"
13.	Hon.Nduka Obaigbena	- Delta	"
14.	Hon.Chief Abiola Ogundokun	- Osun	"
15.	Hon.Chief Tayo Akpata	- Edo	"
16.	Hon.Mr Waheed I. Hassan	- Lagos	"
17.	Hon.Alh. Yekini Adejo	- Oyo	"
18.	Hon.Alh. Aminu Bello Masari	- Katsina	"
19.	Hon.Engr. Banji Olowofela	- Ondo	"
20.	Hon.Mr. Basseyy Etienam	- Akwa Ibom	"
21.	Hon.Dr. Farouk Abdul-Azeez	- Kogi	"
22.	Hon.Barr. Bala J. Ngilari	- Adamawa	"
23.	Hon.Alh. Bello Alkali	- Kebbi	"
24.	Hon.Alh. Abubakar Tugga	- Bauchi	"
25.	Hon.Chief Alani Akinde	- Ogun	"
26.	Hon.Dr. Istifanus Manga	- Borno	"
27.	Hon.Barr. L. Mgbade	- Cross River	"
28.	Hon.Dr. C. O. Peter Odili	- Rivers	"
29.	Hon.Dr. Dike Nworah	- Anambra	"
30.	Hon.Dr. Amuda Aluko	- Kwara	"

XIX LIST OF MEMBERS OF STANDING ORDERS COMMITTEE

1.	Hon.Justice A. G Karibi Whyte	- Rivers	Chairman
2.	Hon.Justice Mammen Nasir GCON	- Katsina	Member
3.	Hon.Bode Olajumoke	- Ondo	"
4.	Hon.A. S. N. Egbo *	- Delta	"
5.	Hon.Abubakar Tuggar	- Bauchi	"
6.	Hon.C. O. Akpangbo (SAN)	- Anambra	"
7.	Hon.Magaji Abdullahi	- Kano	"
8.	Hon.Ibrahim Aliyu	- Niger	"

XX LIST OF MEMBERS OF BUSINESS COMMITTEE

1.	Hon.Senator Olusola Saraki	- Kwara	Chairman
2.	Hon.Senator John Wash-Pam	- Plateau	Deputy
3.	Hon. Umaru Dahiru	- Sokoto	Secretary
4.	Hon.Chief Sen. Donald Etiebett	- Akwa-Ibom	Member
5.	Hon.Dr. Chris Abashiya	- Kaduna	"
6.	Hon.Mohammed Kaloma Ali	- Yobe	"
7.	Hon.HRH Oba Adedapo Tejuosho	- Ogun	"
8.	Hon.Chief Sunday Adewusi	- Oyo	"
9.	Hon.Chief Dr. Sam Mbakwe	- Imo	"
10.	Hon.Ahmadu U. Jalingo	- Taraba	"

LIST OF MEMBERS OF THE CONSTITUTION DRAFTING COMMITTEE

1.	Hon. Justice Mamman Nasir, GCON	- Katsina	Chairman
2.	Hon. Chief (Senator) Donald Etiebet	- Akwa-Ibom	Member
3.	Hon. Barr. S. N. Onyeama	- Abia	"
4.	Hon. Barr. Reuben Ochi	- Enugu	"
5.	Hon. Chief J. O. A. Shittu *	- Kwara	"
6.	Hon. Barr. Eddy E. Okpiabhele	- Edo	"
7.	Hon. Senator A. A. Ali, Fss; CON	- Kogi	"
8.	Hon. Dr. Umaru Dikko (Barrister)	- Kaduna	"
9.	Hon. Dayo Abatan	- Ogun	"
10.	Hon. Yemi Kayode Adedeji	- Osun	"
11.	Hon. Chief Abayomi A. Akintola	- Oyo	"
12.	Hon. Otunba Bola Adenusi	- Lagos	"
13.	Hon. Dr. Walter G. Ollor	- Rivers	"
14.	Hon. Ibrahim Isiyaku	- Niger	"
15.	Hon. Balarabe Bello	- Kano	"
16.	Hon. Kassim Gaidam	- Yobe	"
17.	Hon. Umaru Dahiru	- Sokoto	"
18.	Hon. Dr. T. Uzodinma Nwala	- Imo	"
19.	Hon. Dr. Saleh Abubakar	- Taraba	"
20.	Hon. Chief Agbo Madaki	- Benue	"
21.	Hon. C. O. Akpangbo (SAN)	- Anambra	"
22.	Hon. Barr. (Prince) A. S. Abimbola	- Kogi	"
23.	Hon. F. Ita-Giwa	- Cross-River	"
24.	Hon. D. G. Vembeh,	- Benue	"
25.	Hon. Barr. Maxwell Onyeukwu	- Imo	"
26.	Hon. Mohammed Jidda	- Borno	"
27.	Hon. Dr. Bode Olajumoke	- Ondo	"
28.	Hon. Dr. Dominic U. Anucha	- Rivers	"
29.	Hon. Mohammed Barde (Deceased) *	- Yobe	"
ii.	CHIEF LEGAL DRAFTSMAN		
	Hon. Mr. Justice Obafemi Aina		
iii.	IN ATTENDANCE		
	Hon. Dr. Bashir A. Ikara	National Constitutional Commission	
	Hon. Alh. Dr. Shehu A. Musa CFR	"	"
	Hon. Chief Oladipo Jimilehin	"	"
	Hon. Dr. Walter I. Ofonagoro	"	"

C. INTRODUCTION

CONSTITUTION-MAKING IN MODERN NIGERIA:
A HISTORICAL SKETCH

Part I CONSTITUTIONAL DEVELOPMENT (1914-1989)

1. Background

Modern Constitution-making in Nigeria dates from the Amalgamation, in 1914 of the Colony of Lagos and the Protectorates of Southern and Northern Nigeria. Chronologically, there are identifiable phases in this process with each phase accommodating a number of constitutional developments leading to gradual involvement of Nigerians in their own governance. The 1994/95 Constitutional Conference represents the latest phase of constitution-making in Nigeria.

2. The Order-in-Council - 1914.

During the first phase, lasting from 1914-1950, the British Colonial Office was solely responsible for constitution-making in Nigeria and Nigerians were not consulted.

The Amalgamation of 1914 was executed in three constitutional instruments i.e. The Nigeria Protectorate Order-in-Council, 1913; The (Nigeria Council) Order-in-Council, 1912; and the Letters Patent, 1913. These constituted what can be called Nigeria's first Constitution. Under these instruments, there was an Executive Council for the whole country and a 30-member Advisory Deliberative Council constituted by the Governor for the whole country. Seventeen of these were ex-officio and thirteen were unofficial members, seven of whom represented commercial, shipping, mining and banking interests while only six members represented the Indigenous population. These constitutional instruments vested executive power in one person, the Governor, who acted at his own discretion. Secondly, though there was one Governor for the whole territory, both the North and South maintained different policies and concepts of colonial administration. The executive and legislative councils were dominated by British officials appointed by the Governor, to whom they owed allegiance, and did not involve Nigerians in government beyond seeking their advice and opinion.

3. The Clifford Constitution - 1922.

The Clifford Constitution of 1922 created an Executive Council composed entirely of British officials and a Legislative Council whose function was limited to the Colony and Southern Protectorate, while in respect of the Northern Protectorate the legislative function was vested in the Governor. The limited elective system into the legislature gave rise to political action among educated Nigerians. Herbert Macaulay formed the National Democratic Party (NDP). In 1938 the Nigerian Youth Movement was also formed and when it collapsed it was succeeded by the

National Council of Nigeria and the Cameroons (NCNC). The West African Students' Union in London was later to submit a memorandum in 1941 to the Governor of Nigeria, the Sultan of Sokoto, the Oni of Ife, the Oba of Benin and the Alake of Egba land demanding for a Federal Constitution for Nigeria. The pressure for reform succeeded to the extent that Sir Richards, as Governor of Nigeria, made proposals for a new Constitution aimed at promoting the unity of Nigeria, providing adequately for its diverse elements and securing greater participation by them in their own affairs.

4. The Richards' Constitution - 1946.

The Richards' Constitution of 1946 incorporated these proposals and created the Northern, Eastern and Western Provinces. During the period 1951 - 1959 Nigerians were given the opportunity to actively participate in the formulation of their Constitution. The making of The Macpherson's Constitution of 1951 began with the setting up of a Select Committee of the Legislative Council to review the 1946 Richard's Constitution. Between 1949 and 1950 Nigerians were consulted through questionnaires at Village and District meetings, at Provincial and Divisional Conferences, at Regional Conferences, and lastly at a General Conference at Ibadan. At the Ibadan General Conference, a draft Constitution was adopted which formed the basis of the Nigeria (Constitution) Order in Council of 1951 otherwise known as the Macpherson's Constitution.

5. The Macpherson's Constitution - 1951.

Under the Macpherson's Constitution an Executive Council was established and a Lieutenant - Governor appointed in each region. The existing Legislative Council was replaced by an enlarged central legislature known as the House of Representatives which had power to legislate for the peace, order and good government of the whole country subject, however, to the veto of the Secretary of State for the Colonies. Members of the House of Representatives were elected by the regional Houses of Assembly from among their own members, having themselves been elected partly by persons entitled to be registered as voters and partly by electoral colleges. For the first time, both the Central and Regional Legislative Houses were composed of elected Nigerians who were in the majority. Both the Regional and Central Executive Councils became the principal instrument of policy - making thus giving way to rule by elected representatives of the people. By far the most appreciable advance was the quick evolution of political party governments in the Regions, the NCNC in the East, the Action Group in the west and the NPC in the North.

However, the 1951 Constitution reflected the increasing trend towards regionalism as the Regions ceased to be mere administrative units and became political entities vested with both executive and legislative powers. Moreover the 1951 Constitution could not enure the Eastern Region crisis of 1951, the 1953 crisis in the centre between the Northern and Southern representatives, and ethnic rivalry. As a result of these crises two Constitutional Conferences were held, in London in

1953 and Lagos in 1954, to review the Constitution. At these Conferences it was agreed between the representatives of the three major political parties in power in each of the Regions on the one hand and the Secretary of State for the Colonies on the other, to create the fullest possible authority for the Regions under a truly Federal Constitution. This gave birth to the Lyttleton Constitution of 1954.

6. The Lyttleton Constitution - 1954.

Under the 1954 Constitution Nigeria was divided into 5 component parts - Northern, Western and Eastern Regions, the Southern Cameroons and the Federal Capital Territory of Lagos. All legislative and executive powers were transferred to the Regions with some reserved exclusively and others in part for the centre. The Eastern and Western Regions were to achieve internal self-government in 1957 and the Northern Region in 1959. Most importantly, Nigerians virtually took over the Legislative Houses. Though the system of franchise varied from Region to Region, generally the direct system of election replaced the indirect system. Both the Governor-General and the Regional Governors ceased to be members of the Legislative Houses. A Federal Supreme Court was established as were a High Court of Lagos, and a High Court of the Regions and of the Southern Cameroons. The 1954 Constitution worked smoothly until 1957 - 1958 when there were further Constitutional Conferences in London at which the Independence Constitution was proposed. Two important political developments followed the 1957 Conference: first, the Eastern and Western Regions achieved self-government on August 8, 1957; and secondly, Alhaji Abubakar Tafawa Balewa became Nigeria's first Prime Minister on September 2, 1957.

7. The Constitutional Conference of 1958.

The concern for Independence necessitated the 1958 Constitutional Conference which discussed the Independence Constitution and agreed to write in the Constitution a list of Fundamental Rights to protect Nigerians against arbitrary use of power by government or its agents or organs. It was also agreed that the Northern Region should attain self-government on March 15, 1959 and that Independence for Nigeria should be attained on October 1, 1960. Agreement was also reached on revenue allocation, creation of new regions, boundary adjustments, and amendment to the Constitution.

The period covering the first 5 years of Nigeria's Independence i.e. the First Republic 1960 - 1965, covers the third phase of Constitution - making in Nigeria. This period is important in Nigeria's political history in that for the first time Nigerians took total control of their country's internal and external affairs.

8. The Independence Constitution

A Constitutional Conference was convened in 1960 which had before it a draft of the Independence Constitution. The Conference ratified the decision of the House of Assembly of the Southern Cameroons to cease to be part of Nigeria at Independence, and approved the Independence of Nigeria with full responsible status

within the Commonwealth effective from October 1, 1960. Both the Federal and Regional Governments operated the bicameral West Minister model of parliamentary government. The Regions and their boundaries were safeguarded by an elaboration of boundaries. Provisions were entrenched to safeguard important constitutional provisions such as those relating to the Federal framework, fundamental rights, citizenship, legislative powers, executive powers, the courts and revenue allocation. Despite these improvements, the executive authority of the Federation as in the Region was vested in Her Majesty, exercisable in her behalf by the Governor-General or the Governor as the case may be. In order to remove the remaining colonial vestiges in the Independence Constitution, proposals were made for a change to a Republican status. In July 1963, a Constitutional Review Conference was held in Lagos whose decisions led to the making of the Republican Constitution of 1963

9. The 1963 Constitution.

The 1963 Constitution provided for a President as the Head of State and the repository of the Federal executive authority while in the Regions executive power was vested in the Governors. The President was elected by a secret ballot of the National Parliament which comprised the House of Representatives consisting of elected members and the Senate consisting of nominated members. At the Regions were elected members of the Houses of Assembly and nominated members of Houses of Chiefs. The Parliament made laws for the Federation and controlled public funds through placement of restrictions on withdrawals, debate and enactment of appropriation bill and monitoring of audit reports on the Accounts of the Federation. Two Legislative Lists were entrenched, namely the Exclusive Legislative List for the Centre and the Concurrent Legislative List for both the Centre and the Regions. The Supreme Court became the highest appellate court instead of the Privy Council in London. A National Police Force was provided for, in addition to Native Authority Police. The 1963 Constitution did not operate for more than two and a half years. Indeed even before its promulgation there were signs of discord, tension and disagreements, leading the nation into a series of crises: The Action Group crisis of 1962, the revenue allocation disputes, the treasonable felony trial of Chief Awolowo and 20 other members of his party, the census controversy of 1962-64, the alignment and realignment of political parties before and after the 1964 federal elections, the dispute between the President and the Prime Minister over the 1964 elections, the crisis in the Western Region elections of 1965 and the civil violence that followed. All these crises watered the seed of discord that eventually led to the fall of the First Republic and to the Military take-over of government in January, 1966. Under the military, several constitutional amendments and proposals were introduced for a more enduring constitution for Nigeria.

10. The Study Groups - 1966.

In February, 1966, three Study Groups were set up on Constitutional, Administrative and Institutional problems in the Federation. Among other things, the Study Group on Constitutional Review was to review all aspects of the 1963

Constitution including the structure, division of powers and the electoral and party political system; identify those factors militating against national unity and the emergence of strong central government; and recommend possible safeguards. Before the Committee made any progress it was stopped by the promulgation of the Constitution (Suspension and Modification) (No. 5) Decree No. 34 of 1966.

11. Decree No. 34 of 1966.

Under this Decree Nigeria ceased to be a federation and instead became known as "Republic of Nigeria"; the Regions were abolished and each became known as "Group of Provinces" under a Military Governor appointed by the Head of the National Military Government; and a national public service was set up with the unification of all the existing public services of the regions. Decree 34 of 1966 which made these constitutional changes was abrogated following the coup that brought Lt - Colonel Yakubu Gowon to power who set up an advisory group of civilians to advise the government on constitutional changes. The Constitution (Suspension and Modification) (No. 9) Decree, 1966 returned the country to the position prior to Decree 34. An Ad Hoc Conference of the advisory group of civilians was convened but before deliberations were finalised attempts to solve the constitutional impasse shifted to Aburi, Ghana.

Following the disagreements over the implementation of the Aburi accord, the Federal Military Government promulgated Decrees which first vested the Legislative and Executive powers of the Federation on the Supreme Military Council and restored fully the executive and legislative powers of the Regions and then further subdivided the Regions into 12 States. It was in reaction to these constitutional developments that the then Military Governor of the Eastern Region, Lt-Colonel Odumegwu Ojukwu declared the Region independent. A civil war ensued which lasted 30 months. After the war and the reincorporating of the Eastern Region, General Yakubu Gowon, the Head of State set for himself a nine - point programme for return to civil rule including reorganisation of the armed forces, national reconstruction, implementation of the National Development Plan, elimination of corruption, creation of more states, revision of the revenue allocation system, a new constitution, national census, reorganisation of party political system and popular elections at both Federal and State levels. Increased disenchantment with his regime and the indefinite postponement of the return to civilian rule culminated in another coup d'etat on July 29, 1975.

12. The 1979 Constitution.

The Government announced a 5 stage programme of transition to civil rule including the setting - up of a Constitution Drafting Committee in September, 1975 to produce and submit to the Supreme Military Council a Draft Constitution. Members of the Committee were selected on the basis of two per State and were learned Nigerians in disciplines relevant to constitution -making. At the inaugural meeting of the Committee, Brigadier Murtala Muhammed gave an insight into what the Supreme Military Council expected of the draft to be produced:

- (a) A federal system of government based on democracy and rule of law guaranteeing fundamental human rights,
- (b) establishment of genuine and truly national political parties,
- (c) an Executive presidential system of government,
- (d) an independent judiciary,
- (e) establishment of Corrupt Practices Tribunal and Public Complaints Bureau, and
- (f) Constitutional restriction on the number of states to be created.

A Constituent Assembly was then established in August, 1977 by the Constituent Assembly Decree No. 50 of 1977 to deliberate on the Draft Constitution drawn up by the Constitution Drafting Committee. During the debates, the most controversial issues were those on creation of new states, establishment of Federal Sharia Court of Appeal, the ban on corrupt public officers from contesting for or holding public offices for sometime under the new constitution and the scope of the powers of the Constituent Assembly i.e. whether it was to deliberate on the Draft Constitution or to proceed to enact the Constitution after deliberation. Despite the argument that a Representative Assembly possesses a legitimacy superior to that to be derived from the stamp of any other authority (*salus populi suprema lex*), the Military Government made 22 amendments to the Assembly's Constitution which the Head of State said were meant to strengthen it and ensure stability, progress and continuity. The Military then handed power to the elected public officers on October 1, 1979 from which date the 1979 Constitution took effect ushering in a new Constitutional Government. The 1979 Constitution provided, in the main, for an Executive President who was also the Head of Government and Commander-in-Chief of the Armed Forces. His office, powers and functions were clearly spelt out. A two chamber National Assembly was established comprising the Senate whose members were elected on the basis of equality of States and the House of Representatives whose members were elected on the basis of population. Both Houses were vested with legislative powers. The Executive and Legislative arms at the Federal Level were similarly reflected at the state level except for a unicameral legislature in the States. Provisions were included relating to Fundamental Objectives and Directive Principles of State Policy spelling the philosophical or ideological justification of the state of Nigeria and the principles, ideals, goals and objectives of the social and economic order.

13 The 1989 Constitution.

The problems of the 1979 Constitution, which in several quarters have been acclaimed Nigerias best, related more to the implementation of its contents than to any fundamental shortcomings on the part of its provisions. Political and financial recklessness of political office holders ruined the economy and created a dangerous scism among the parties and between the Federal Government and some State Governments. The ship of State drifted aimlessly in dangerous waters and the democratic ideals of the 1979 Constitution were placed in jeopardy. Not many were surprised, therefore, when the Military came back after only four years of its

coming into force. Under General Mahamadu Buhari, the military introduced sweeping and austere measures aimed at ridding the country's politics of corruption and restoring sanity in the conduct of its affairs. Mass arrests and trials of political office holders by tribunal were instituted, as a result of which several political office holders were given long prison terms for alleged offences of embezzlement and corruption. The austere economic policies of the General Buhari regime caused severe hardship and a faction of the military took advantage of this to stage a counter-coup which in 1985 brought General Ibrahim Badamasi Babangida to Power. General Babangida was to later set the stage for the making of the 1989 Constitution. As a prelude the government of General Babangida established a Political Bureau to sensitise Nigerians politically and receive and collate their ideas and opinions on a possible future political system. A Constitution Review Committee (CRC) was set up in 1984 which examined the 1979 Constitution and made relevant changes for the consideration of the Armed Forces Ruling Council (AFRC). The CRC was followed by a Constituent Assembly established under decree, to deliberate on the CRC recommendations. These deliberations did not result in fundamental changes to the 1979 Constitution except for the provision of a two-party system, establishment of Traditional Councils and conferring on States the power to create Local Government Development Areas. Others include provision of a list of the duties of the citizen; addition of three more fundamental rights - right to own property, to free medical care and to free education - computation of fractions for the purpose of return of elected persons to offices; composition of governing bodies of statutory corporations and bodies; foreign loans; establishment of Election Tribunals; a Chapter on the Local Government System; the Federal Capital Territory, Abuja; and restriction on citizens' by registration or naturalisation from holding elective or appointive offices. The 1989 Constitution, as it came to be called, despite the Constitution (Promulgation) Decree No. 12 of 1992 did not wholly come into operation. Portions of it were promulgated piecemeal beginning with Local Government (Basic Constitutional and Transitional Provisions) Decree No. 15 of 1989 under which Local Government Councils were constituted; the States Government (Basic Constitutional and Transitional Provisions) Decree No. 50 of 1991 under which civilian Governors and members of the Houses of Assembly were elected; and the Federal Government (Basic Constitutional and Transitional Provisions) Decree under which the National Assembly was constituted and the Presidential Election of June 12, 1993 held. However the government of General Babangida annulled the elections of June 12, setting the stage for the latest phase of Constitution making in Nigeria.

Part II THE CONSTITUTIONAL CONFERENCE 1994 to 1995.

Background

Frustration and opposition to the repeated interference by the military in governance and the democratic process, disillusionment with the performance and conduct of people in government and deep dissatisfaction with perceived injustice in power sharing, revenue allocation, State and Local Government creation and with virtually all aspects of national life have been building up in Nigeria for a long time but especially since the mid - '80's when corruption, economic and institutional decline reached unprecedented proportions. When the epileptic progress of the transition programme of the Babangida regime was brought to yet another abrupt halt by the annulment of the Presidential elections of June 12, 1993, it sent shock waves across the system and forced Babangida to abdicate power to an Interim National Government under Chief Ernest Shonekan. With the Military seizure of power from the Interim National Government of Chief Ernest Shonekan, a call for return to democracy heightened, bringing all the other issues and divisions in the nation's politics into sharp focus. When the military took over power from the Interim National Government of Chief Ernest Shonekan in 1993, the new Head of State, General Sani Abacha, stressed the determination of his Government to restore power to civilians based on a genuine process of democracy and hinted that Government will convene a National Constitutional Conference at which the nation's problems will be discussed and solutions proposed to them. Amidst calls from several quarters for a Sovereign National Conference, Government finally set in motion the machinery for the take-off of a National Constitutional Conference.

The Constitutional Conference Commission.

In January 1994 the Constitutional Conference Commission was established by Decree No. 1 of 1994 and was charged with the responsibility to;

- (a) organise a National Constitutional Conference;
- (b) serve as the Secretariat of the Constitutional Conference;
- (c) invite memoranda from all parts of the Federation and from interest groups on the agenda of the Conference; and
- (d) collate documents and sample memoranda for submission to the Conference.

Composition and Structure

Nation-wide non-partisan elections were held on May 28, 1994 at which 273 delegates, each representing a Conference District, were elected to sit at the Constitutional Conference. The election at the District level was preceded by elections at ward level (the ward being the basic electoral unit) in which voters elected delegates to the District level to partake in electing the District's delegate to the Conference.

In addition to the elected Conference delegates, the Provisional Ruling Council nominated 96 other persons, three from each State of the Federation and three others representing the Nigerian Labour Congress, the Nigerian Union of Teachers

and the National Union of Nigerian Students to the Conference. The Chairman and Deputy Chairman of the Conference were appointed by the Head of State.

The 369 member Conference thus avoided being dominated by a single group, interest or section in the country, and brought together persons chosen on the platform of constituencies small enough to facilitate the equal participation of all. In addition, the occupational, gender and age profiles of the members exhibited the greatest possible diversity, featuring serving and retired persons and professionals in widely differing fields of human and national endeavour, such as law, medicine, engineering, religion, politics, academia, administration, banking, industry, the armed forces, law enforcement and security services (retired personnel only), the media, traditional rulers, technocrats and local community leaders and opinion - moulders. The gender profile, 361 males to 8 females, reflects the under - representation of women in national affairs despite their numerical strength. Though small, the female representation on the Conference was of great significance in that it proved to be an important means by which women affairs were canvassed at the Conference. Similarly, the small number of delegates in the 35 -40 years age bracket turned out to be vocal advocates of youth issues especially in relation to qualification to hold elective public office.

Objectives.

Decree No. 3 of 1994 spelt out the objectives of the Constitutional Conference in the following terms:

"The objectives of the Conference shall be to deliberate on all matters specified in the agenda of the Conference submitted by the Constitutional Conference Commission Decree 1994 and

- (a) to pass resolutions and conclusions which shall form the framework for the good governance to;
 - (i) guarantee freedom and equality, equity and justice and even-handed opportunities for social, political, educational and economic participation and enjoyment;
 - (ii) establish a system of Government reflecting the general consensus of Nigerians with due regard for our national expectations and aspiration as a united and indivisible Federal entity;
 - (iii) preserve the unity and territorial integrity of the Nigerian State within an equitable framework;
 - (iv) guarantee the promotion of social, economic and political cohesion of Nigeria;
 - (v) promote good governance, accountability and probity in public affairs;
 - (vi) identify areas and proffer solution to public mal - administration at any tier of government;

- (vii) promote love, understanding and mutual respect among the citizenry; and
 - (viii) acknowledge and encourage the harnessing of individual and collective initiatives aimed at the overall growth and development of the country; and
- (b) to propose a new Constitution which shall be promulgated into law by the Provisional Ruling Council"

5 Procedure

Procedural rules for the Conference were spelt out in Schedule 5 of the Constitutional Conference Decree No. 3 of 1994. Pursuant to this Schedule, the Conference established a Standing Orders Committee and a Business Committee.

In the selection of members of these two Committees, the Conference paired the States of the Federation, each pair nominating one person whom the Conference then confirmed. In addition to the Business and Standing Orders Committee, the Conference also established 19 other Committees each of which was to discuss and make recommendations upon specific items on the Conference agenda for the consideration of the whole Conference. Each State of the Federation, and the Federal Capital Territory, Abuja, was allowed a single representative on each Committee. The Chairmen of these Committees were appointed from those States whose delegates did not feature on the Standing Orders or Business Committees. Thus from the beginning the Conference took important steps to ensure equal opportunity and fair representation in constituting its organs, thereby building up confidence and trust among its members.

The Conference passed through three stages in the course of its deliberations: a Plenary stage, lasting from July 11 to August 3, 1994 at which there was general debate on issues on the agenda and the Inaugural address of the Head of State; a Committee stage, lasting from August 4 to September 27, 1994, during which the 18 of the 19 Committees set up by the Conference conducted debate on their respective Terms of Reference, receiving contributions and memoranda from interested or relevant persons and institutions and conducting visits as appropriate; and, lastly, a Committee of the whole Conference, lasting from September 28, to December 8, 1994, when the reports of 18 of the 19 Committees were received and debated by the whole Conference, which then took final decisions on all items presented by the Committees or raised in the course of debate. The Conference then adjourned till January 9, 1995, to allow the Constitution Drafting Committee to produce a draft of the Constitution as well as the Conference Report for its consideration.

6. The Plenary Session

The National Constitutional Conference was inaugurated by the Head of State and Commander-in-Chief of the Armed Forces of Nigeria, General Sani Abacha, on June 27, 1994 at the National Assembly Hall, Abuja.

The first session of the Conference on June 28, was taken up with generalised discussion dominated by procedural matters and issues pertaining to the inadequate arrangements made for the welfare of delegates. The Conference agreed to adjourn till July 11, to give the authorities time to complete arrangements for its proper takeoff.

Between July 11, 1994, when Conference resumed sitting and August 3, 1994, delegates debated issues raised in the speech of the Head of State and the Conference Agenda as prepared by the National Constitutional Conference Commission from the memoranda submitted to it by the general public. The speech of the Head of State covered issues which were identical to those on the Conference Agenda and this informed the decision of the Conference to address them together.

In his speech, the Head of State stressed the independence of the Conference and underlined its broad mandate. Referring to the respective attractions of the Presidential and Parliamentary systems of government, he urged the Conference to fashion out a system which will accommodate divergent political interests, ensure full participation of all and incorporate such restraints on government and the elected representatives of the people as will prevent the oppression, domination or marginalisation of any group.

Noting that ethnic, political and social pressures have of recent turned the Nigerian judiciary into a factor in the crises that engulfed the nation and eroded its image, General Abacha underlined the need for constitutional instruments that will guarantee the independence of the Judiciary and restore public confidence in it.

On law enforcement, the Head of State stressed the need not only to properly equip and motivate law enforcement agencies but also to ensure that they are subjected to the control of the elected representatives of the people and suitably restrained by Constitutional instruments protecting the citizens against their excesses.

General Abacha noted that while there is a general agreement that the cycle of Military interventions be terminated, this can only be meaningfully achieved through what he called an irrevocable and binding agreement that "rectifies the systematic fault lines".

Drawing attention to the thorny issue of revenue allocation, General Abacha noted that the nation needs a useful and long-lasting formula that takes due cognisance of its political structure, accords each tier of government the resources to discharge its responsibilities and is equitable, giving due weight to the respective contributions of different sections to the creation of national wealth.

Other issues raised by General Abacha include demands for more States, education, health and shelter, traditional rulership, religion and public life, indiscipline and corruption, Human Rights and the freedom of the press, leadership and the exit date of the present military regime. He stressed the need to balance the demands for the creation of more states against their economic and wider implications; the inalienable right of the people to education, health and shelter without discrimination but with special recognition and protection of women's rights; the

need to accord traditional rulers a clear role and functions in national life; the need to maintain the secularity of the state; the need to provide firm legislation against corruption; the need to enact Constitutional provisions that balance the freedom of the press against the right to privacy and the protection of national unity and the preservation of peace and stability.

While giving assurance that the present Military regime's tenure will be short, decisive and conclusive, General Abacha nonetheless remarked that a date of exit can only be fixed subject to the scope and nature of the decisions of the Constitutional Conference and in consideration of the time that will be needed to give effect to those decisions.

Espousing his vision of a leadership that is courageous and visionary and is able to rise above ethnic, regional and religious bigotry, the Head of State urged delegates to eschew personal and parochial interests and to conduct themselves with complete honour, civility and decorum.

General Abacha's speech was very well received by Conference Delegates, most of whom considered it pertinent to the agenda and not only outlining the challenge before the Conference, but also the mood of the nation.

While the speech and the 8 - page Conference Agenda defined the broad framework of discussion at the plenary session, delegates approached the issues from their personal convictions and varied experiences in which local, regional and ideological perspectives found free expression. In addition, the tone and often the content of debate were heavily influenced by the changing mood of the nation's political climate.

(a) *Education*

The prolonged crises in the educational sector made education a topical subject at the Conference. Delegates criticised the poor working conditions of teachers, the lack of facilities in educational institutions and the prolonged closure of schools, colleges and universities due to strikes. The mismanagement of education and the dominant role of the Federal government were seen by delegates to be directly related, leading to calls for education to be left in the hands of states and local governments.

(b) *Exit of the Military from Governance*

With regards to the exit of the military from governance, delegates were generally unanimous about the need to put an end to their role in national politics. There are calls for the military to concern itself strictly with its professional and constitutional roles.

However, delegates were divided about the timing of the military's exit. While some delegates want a quick handover to civilians (as quickly as in 6 months), others suggested a longer tenure for the present military government, noting that a sudden withdrawal would create conditions for a quick reimposition of military rule. Some delegates argued against the Conference fixing a date for the military to quit.

noting that this was not part of the mandate of the Conference and that it was futile anyway, since the army will always come back. Others pointed out that the military under the Murtala/Obasanjo regime indicated an exit date and kept its word and that it could still do so.

Delegates expressed opinions on the whole range of issues raised in the Conference Agenda as well as the Inaugural Address of the head of State, but marginalisation, demands for the creation of additional States and Local Government Areas, the annulment of the presidential elections of June 12, 1993, power-sharing, corruption, education, the military's interference in government and how to curb corruption, are some of the issues that featured more prominently in the contributions of delegates debate, at the plenary stage.

(c) *Creation of Additional States and Local Government Areas*

No doubt reflecting the mood of their constituencies back home, delegates generally supported the call for the creation of additional States and Local Government Areas. This was thought necessary to redress the abuse and inequity that characterised previous exercises in state creation, to bring development to the grassroots level; to foster even development and guarantee justice and fair play, to give minorities a voice in local and national affairs, to reduce the marginalisation of disadvantaged areas or communities in national politics, etc. The power of the Federal Government to create Local Government areas and interfere in any way in the conduct of governance at this level came up for criticism and calls were made for the power of creation of local government area to be transferred to States. However, other delegates noted that most existing States and Local government areas are economically unviable and inefficient, and that the calls for more States and local governments are only being encouraged by the selfish ambitions of those who aspire to rule them and should therefore be ignored.

(d) *The Annulment of the Election of June 12, 1993.*

The annulment of the presidential elections of June 12, 1993 by the Government of President Ibrahim Babangida became a subject of heated debate at the plenary Session of the Conference.

The annulment was seen by some as a product of sectional power politics and manipulation; others saw it only as the latest instalment in a long catalogue of military interference with the democratic political process, in which governments, political parties and associations were disbanded or toppled and the political process interfered with by the military ostensibly in the national interest. Calls for an explanation of the annulment or for actualization of the verdict of June 12 were countered by arguments that the verdict was inconclusive, that the nation had gone beyond June 12, and that all other previous disruptions of the democratic process by the military (including the 1966 coup) must in that case be revisited, explained and restituted. The continued incarceration of Chief M.K.O. Abiola inevitably cropped up in the June 12 debate but calls for his (and other political detainees) unconditional release were countered by the argument that the issue was sub-judice and was best not discussed. The tension and heat generated by hardline positions on

the June 12 and related issues came to a head on July 19 when delegates from the Western States staged a walk-out from the Conference hall, returning only after the desperate intervention of the Deputy Chairman of the Conference (who was then presiding) and other respectable delegates.

(e) *Elections and the Electoral Process*

Identified as one of the greatest problems of democracy in Nigeria, electoral abuse (rigging, vote-buying, thuggery etc.) was explained by several delegates as resulting directly from the winner-takes-all system the country has operated so far and from the unwillingness of its politicians to accept defeat and to imbibe discipline. As a solution, delegates advocated the adoption of a system that guarantees and predicates involvement in governance on the basis of a minimum level of performance by parties in election. Calls were also made for an end to the interference by State Governors in the electoral process.

(f) *Corruption*

Noting that corruption thrived in Nigerian society because of the erosion of core and secondary values, the example of leaders, the heavy concentration of power and resources in a few hands, the lack of an honest and committed leadership, unbridled Government spending and because society and its leading institutions condoned and even rewarded it, delegates called for the execution of projects through direct labour instead of by contract and stiffer punishment, including the death penalty, for those found guilty of corruption.

(g) *Political Structure*

Without exception, delegates affirmed their commitment to the preservation of the unity and territorial integrity of the country.

While recognising a federal system as best suited to the Nigerian nation, delegates also agreed in general that the balance of power in the federal system has suffered grievous harm from too much centralism resulting from prolonged military rule and needs to be redressed in favour of the federating units. Calls for a return to a regional structure and a confederate arrangement appeared unpopular, and in the balance the majority of delegates seemed to prefer the retention of the three - tier (Federal, State, Local Government) structure with greater devolution of powers, functions and resources to the states and to local governments.

(h) *System of Government*

Conference delegates expressed disquiet about the excesses of executive power in the system but it appeared that the main concern was to introduce appropriate curbs on those powers rather than to supplant the Presidential system. Delegates also called for a reduction in the structure and size of the legislature in order to curb the cost of government and for a more organic relationship between the executive and the legislature in order to instil greater accountability in the executive arm and a healthier and more harmonious relationship between the executive and the

legislature. Several delegates expressed the view that a legislature at the local government level was a bit of a luxury.

(i) *The Judiciary*

Comments on the judiciary largely centred on working conditions of judges and the apparent subjection of the judiciary to the executive arm and to political manipulation generally. Accordingly, calls were made for ensuring the independence of the judiciary from financial manipulation and from executive interference and for the appointment of judges and judicial officers to be rationalised and rid of abuse.

Other issues keenly debated at the plenary sessions included power - sharing, revenue allocation, the military, political parties, threats to democracy, the economy, women affairs, the leadership question, environmental issues, marginalisation of sections of the country as well as the status of the decisions of the Conference vis - a - vis, the military government.

Several delegates called for the revenue allocation formula to be reviewed to accord more weight to the principles of derivation and to increase the share of revenue allotted to states and local governments. Reviewing the problems of democracy in the country, delegates generally agreed that military rule is an aberration. Blaming both the military and the civilian politicians for posing threats to the democratic culture by their greed, corruption, indiscipline, impatience and collusion, delegates advocated solutions ranging from good government to the decentralisation of the army along regional / zonal lines. Other suggestions included providing for penalties in the Constitution for those who forcibly usurp the government. On power sharing suggestions for the rotation of executive posts between regions or zones were made. Environmental issues, notably oil pollution, soil and coastal erosion and desertification received prominent mention. The poor performance of the economy was attributed to heavy reliance on a single resource (oil), the neglect of agriculture and endemic corruption. Among the solutions proferred were, greater hardwork, more savings and investment and controls on external borrowing and government spending and stiffer penalties for corruption. Praising the quality of leaders of the First Republic, several delegates bemoaned the lack of honesty, dedication and commitment on the part of the nation's leadership. These and numerous other issues were repeatedly put forward and discussed by delegates that by the time the Conference broke into Committee stage, all the basic issues had been examined and positions on them more or less staked out. Though General Abacha's speech as well as the Conference Agenda avoided fixing a date for the exit of the military, the conference proceeded to establish a Committee on Political Transition to look into that and related issues. This Committee was accordingly constituted as one of the 19 Committees of the Conference.

The basic recommendations presented to the Conference by the 18 Committees and the decisions of the conference on the Committee reports are as set out in the chapters that follow.