



SCDDD
SAVANNAH CENTRE
FOR DIPLOMACY DEMOCRACY & DEVELOPMENT

Leadership Effectiveness and Accountability Dialogue (LEAD)

— A Desk Review on —

RESTRUCTURING



Supported by:

MacArthur
Foundation

PLAC

POLICY AND LEGAL ADVISORY CENTRE

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**LEAD EFFECTIVENESS AND ACCOUNTABILITY DIALOGUE (LEAD):
A DESK REVIEW on RESTRUCTURING**



ISBN: 978-978-948-682-3

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Savannah Centre for Diplomacy, Democracy and Development (SCDDD)

Plot 239 P.O.W. Mafemi Crescent, behind Chida Event Centre
beside Daily Trust, District 900108 - Abuja.
+234 7039296332: +234 8024240029:

info@savannahcentrenig.org: www.savannahcentre.com
Twitter.com/savannah_Centre: facebook.com/savannahcentreng



Acknowledgement

It has been a huge and exhilarating task for the SCDDD to Desk Review, compile and produce the reviewed selected national documents. The review is designed to isolate sets of common grounds and recommendations that can be used to engage critical State Actors, especially the Presidency and leadership of the National Assembly, to attain genuine and sustainable national reconciliation, social inclusion, healing, cohesion and open/accountable governance that would subsequently usher in national development. This Desk Review of selected national documents would not have been materialized without the support of many people to whom we are profoundly grateful.

The LEAD Desk Review of selected national documents was made possible through the commitment and persistent collaborative work done by a team of researchers/contributors made up of Osamaye Seun Bosede, Dr Moses Saleh, Barr. Redzie Jugo, Barr. Titilope Tawakkaltu Anifowoshe, Majeed Dahiru, Dr Obinna Ukaeje and Sunday Adaje, The Savannah Centre's Program, Communications and Advocacy Team, led by Sir Bola Abimbola (Head Programs, communications and Advocacy), Benard Ekobay (Senior Program Officer), Tinuola Damilola Makinde (Program Officer) and Grace Arigu (Programs Assistant), provided round the clock services of reviews and harmonization of the documents to suit the project goals. To all of you, Savannah Centre is not only proud but indebted to each of you for these special contributions. I single out Sir Bola Abimbola for presiding

the required leadership and deploying his vast experience in which conceptualisation of this project and output standards. It is the Centre's hope that this project would contribute to a better new Nigeria of our collective dreams.

Our sincere gratitude and special appreciations goes to MacArthur Foundation for its funding support for this project as well as "Policy and Legal Advocacy Centre"(PLAC), for its technical support on "Enhancing Citizens' Engagement of Accountability and Social Inclusion Issue around Elections".

We are equally grateful to our Founder, Chairman, Board members and other respected Nigerians who have also agreed, to serve as Council Members (Council of the Wise) to extol the messages of this Project, Engagement Booklet and the outcome of the Desk Review. We are similarly grateful to our respected former Chief Justice of the Federation, His Lordship, Justice Muhammad Lawal Uwais, who remains the Centre's indefatigable Pioneer Chair of Savannah Centre's Council of the Wise. I wish to seize this opportunity to express my sincere appreciation to all staff of the SCDDD for their cooperation and support towards the success of this project. I am particularly swayed by the teamwork exhibited by all. Undoubtedly this will remain relevant to the Centre's success in all its undertakings. Thank you very much indeed

Amb. Sani S. Bala (Wamban Katsina)
Executive Director, SCDDD

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Acronyms

- SRMAFC** - State Revenue Mobilization, Allocation and Fiscal Commission
- RMAFC** - Revenue Mobilization, Allocation and Fiscal Commission
- INEC** - National Independent Electoral Commission
- CEDAW** - Convention for the Elimination of Discrimination against Women

Executive Summary

The In-depth Desk-Review on selected National Documents is one of the segments under the second edition of the Leadership Effectiveness and Accountability Dialogue (LEAD) project, currently being undertaken by Savannah Centre for Diplomacy, Democracy and Development (SCDDD) with support from MacArthur Foundation, under its **“Enhancing Citizens' Engagement of Accountability and Social Inclusion Issues around Elections”**. The selected National Documents are (2005 National Political Conference by President Obasanjo, 2014 President Goodluck Jonathan's National Conference, 2007 Justice Mohammed Lawal Uwais Electoral Reform Report, 2002 Human Rights Violations Investigation Commission of Nigeria (Oputa Panel Report) and the All Progressive Congress (APC) 2018 Report on True Federalism.

The second edition of the LEAD Project is tailored to complement the first edition in terms of context, reach and impact. LEAD-2 is fashioned to be action-driven through sets of activities that include; in-depth desk-review on selected national documents, national online forum/policy discussions on the state of the nation, critical stakeholders buy-in engagements, regional consultative forums and weekly radio show on a national frontline radio station in Abuja. The reconstituted Savannah Centre's Council of the Wise are the major drivers of this project for impact and effectiveness.

The major purpose of the LEAD II in-depth desk review segment is to amongst other things; Isolate sets of common grounds and recommendations that can be used to engage critical state actors, especially the Presidency and leadership of the National Assembly to attain open/accountable governance, genuine and sustainable national reconciliation, social inclusion, healing, cohesion and revival that would subsequently usher-in national development.

RESTRUCTURING



The evolution of Nigeria is firmly rooted in its colonial heritage and history. Before colonial rule, indigenous people of Nigeria have a plethora of origins and ancestry which were not similar but shared some forms of resemblance in beliefs, worship and to a large extent cultural practice. These diversities still exist in the country which is a source of strength if properly harnessed and utilized. Traditional governing authorities were holding sway in most communities and villages in Nigeria which were organic to the people, but the advent of the modern state system imposed on the people by colonialism raises several questions and answers on how the people should be organized for effective governance in the country. All the colonial constitutions starting with the Clifford Constitution of 1922 to the Independence Constitution of 1960, the issue of peaceful co-existence amongst the diverse tribes and languages in the country featured prominently in the discussions and resolutions leading to the crafting of these constitutions.

Restructuring is not a new phenomenon in Nigeria considering the history and the evolution of the country beginning from when the colonialists intervened and took over governance of the indigenous people. All the conferences organized from colonial to post-colonial periods were geared towards restructuring the country to bring about peaceful co-existence and development. Notwithstanding, the agitation by the people for restructuring became more pronounced when democratic governance returned to the country in 1999 after a long military rule. Different systems and forms of government have been tried in the past:

Federal, unitary and military rule before it reverted to federalism. Also, parliamentary and presidential have been used before the military interruption and after many years of military rule and restoration of democracy, it reverted to the presidential system of government. Despite these experiences with different forms and systems of government by the Nigerian state, the call for restructuring the country remains undaunted and unabated. This explains why the political leaders in the fourth republic have inaugurated different conferences at different times to discuss and recommend the most appropriate and acceptable options on how to govern the country, therefore, the focus of this in-depth review of recommendations of national documents like reports of national conferences from 1999 to 2018.

Restructuring is more like a concept which greatly resonates among the populace today; this is because so many ills and misfortune in the country have been attributed to lack of restructuring in the country. Having reviewed these national documents, it's obvious that the **2005 National Political Reform Conference, 2014 National Conference and 2018 APC Committee Report on True Federalism** appears to be the documents that extensively discuss the issue of restructuring of the country. Hence, this review shall focus on them to isolate, if any, the common grounds in their recommendations.

COMMON GROUNDS IN THE REPORTS OF THE 2005 NATIONAL POLITICAL REFORM CONFERENCE, 2014 NATIONAL CONFERENCE AND 2018 APC REPORT ON RESTRUCTURING NIGERIA

Federalism

On the topical issue of federalism, the three distinct reports resolved that:

1. Nigeria shall retain a Federal system of Government.
2. The core elements of the Federation shall be as follows:
 - a) A Federal (Central) Government with States as the federating units;
 - b) Without prejudice to States constituting the federating units; and
 - c) States that wish to merge may do so following the Constitution of the Federal Republic of Nigeria (as amended).

Regionalism

The three reports reviewed also had a common stand on the issue of regionalism which some interest groups in the country have advocated for its return after it was jettisoned decades ago. The reports resolved that:

1. The States shall be the federating units; and
2. Any group of States may create a self-funding Zonal Commission to promote economic development, good governance, equity, peace and security following the Constitution of the Federal Republic of Nigeria (as amended)

State Creation

Two reports out of the three reviewed (2014 National Conference and 2018 APC Report on True Federalism) unanimously resolved that:

1. In the spirit of reconciliation, equity, fair play and justice, there shall be creation of an additional State for the South East Zone; and
2. That all other requests for State creation should be considered on merit.

In addition, the three reports further set out the criteria for the creation of new States which include:

1. Any new State sought to be created must be viable. In considering viability, the following should be taken into consideration:
 - a) Any new State should be economically viable;
 - b) It should have human, natural and material resources;
 - c) It should have a minimum landmass/water mass; and
 - d) The viability of the existing State(s) should be taken into consideration as well, so as not to create a situation where new State(s) would leave the existing State(s) unviable.
2. That State creation should be based on parity between the geo-political zones to ensure equality of Zones;

Local Government Administration

Two out of the three reports reviewed (2014 and 2018 reports) resolved that:

1. Section 7 of the 1999 Constitution (as amended): a system of Local Government by democratically elected Local Government Council be guaranteed;
2. States wishing to create Local Governments, may create them under the jurisdiction of the States;
3. The number, structure, form and administration of Local Governments shall be determined by the States;
4. Without prejudice to the existing Local Governments, States that wish to, may create or reduce the number of existing Local Governments Areas, which shall be under the jurisdiction of the State;
5. The list of the Local Government Areas contained in the First Schedule of the 1999 Constitution (as amended) be removed and transferred to the States to be covered by a law of the State Houses of Assembly;
6. The functions of the Local Governments as contained in Schedule 4 of the 1999 Constitution (as amended) shall be transferred to the States, subject to the power of the State Houses of Assembly to add or reduce the said functions of the Local Government;
7. Chairmen and Councilors of Local Governments, not democratically elected, shall not be recognized by all authorities and persons and shall not be entitled to any revenue allocation;

8. In addition to the functions conferred upon Local Government Councils as specified in the Fourth Schedule of the 1999 Constitution (as amended), House of Assembly of a State may by law may confer other functions on the Local Government.

Local Government Funding

On the funding of Local Government in the country, 2005 and 2014 reports resolved that:

1. The Joint State/Local Government Account be scrapped and in its place the establishment of a State Revenue Mobilization, Allocation and Fiscal Commission (SRMAFC) with representatives of Local Governments and a Chairman nominated by the Governor;
2. All nominees of SRMAFC be screened by the State House of Assembly;
3. Members are appointed to a fixed tenure with the possibility of renewal for another term;
4. Members cannot be removed until the expiration of their terms unless for special circumstances; and
5. Allocation of funds to the State Government, Local Government Councils and between Local Councils of a State, each SRMAFC shall apply the same distribution principles for Revenue Allocation Formula adopted by RMAFC to allocate funds from the Federation Account.

Local Government Elections

Conference accepted the Belgore's Report which stated that:

1. The practice of unelected officials or Sole Administrators administering Local Governments at any period violates the spirit of representative governance and should not be allowed. Local Councils must have clearly defined tenure; and
2. Elections shall be held not earlier than 90 days or not later than 30 days to the expiration of the clearly defined tenure of the Local Government Councils. Section 197(1) (b) of the 1999 Constitution (as amended) and the relevant provisions in the Third Schedule should therefore be expunged.

Geo-Political Zones

The three reports resolved that the six Geo-Political Zones shall not be the federating units of the Nigerian Federation.

Forms of Government

The three conference reports examined resolved that the Presidential System of Government should be maintained and:

1. There shall be a President for the Federation;
2. For election to the office of President, the whole of the Federation shall be regarded as one constituency;
3. A candidate for an election to the Office of President shall

- run with a Vice-President on the same ticket;
4. There shall be a Vice President for the Federation;
 5. The President shall exercise full responsibility for his Government and he shall select not more than eighteen (18) Ministers from the six geopolitical zones;
 6. Subject to the provisions of (vi) above, the President may select, not more than thirty (30%) per cent of his Ministers from outside the Legislature;
 7. The President shall be entitled to serve two terms of office of four years each. The second term of a maximum of four years shall be subject to re-election;
 8. There shall be quarterly Question Time for the President and Ministers at the Legislature to enhance accountability and transparency;
 9. There shall be an annual State-of-the-Nation address by the President; and
 10. In the event of death, incapacitation, impeachment or resignation of the President, the Vice-President shall act as President for ninety (90) days within which an election to the office of President shall be held.
 11. Presentation of the annual budget to the Legislature will be the responsibility of the Minister of Finance;

Election of Governor of State

The three reports solved that these provisions as applicable to the President shall apply mutatis mutandis concerning the election of the Governor and the government under his charge.

Legislature

The three reports reviewed resolved that Bicameral Legislature be maintained.

Rotation of Powers

The three reports reviewed resolved that the thorny issue of rotation of power in the country should be as follows:

1. The Principle of Zoning and Rotation of elective offices at the Federal and State levels based on excellence, equity, gender, justice; and
2. The Office of President shall rotate between the North and the South and amongst the six (6) geo-political zones.
 - a) The Office of the Governor shall rotate among the three (3) Senatorial Districts in that State.
 - b) The Office of Chairman of a Local Government Council shall rotate within the Local Government Area. The National Independent Electoral Commission (INEC) shall divide the Local Government into two or three equal parts as the case may be for the rotation of Office of the Chairman.
3. The participation of Women, Youths and the physically challenged in the political process; and
4. The domestication of the Convention for the Elimination of Discrimination against Women (CEDAW) at all levels of governance and spheres of endeavors.

Federal Capital Territory

The three reports examined also resolved that:

1. There should be an elected mayor for the inner nucleus of about 2000 sq. km of the Federal Capital Territory;
2. There should be a ministerial slot for the Federal Capital Territory at the Federal cabinet;
3. There should be an increase in the number of Federal Constituencies from the present number of two (2) to four (4);
4. There should be an increase in the number of Area Councils from six (6) to eight (8); and
5. Payment of the outstanding compensations due to the indigenes of the Federal Capital Territory is made by the Federal Government of Nigeria.

RECOMMENDATIONS

ACTIONABLE RECOMMENDATIONS THAT MR PRESIDENT (PRESIDENCY) COULD IMPLEMENT VIA EXECUTIVE POWERS WITHOUT LEGISLATIVE APPROVALS OR AUTHORIZATION

To restructure any country in the world, require the interplay between things that are political, economic and social. Having examined the three major national documents of the 2005 Political Reform Conference, 2014 National Conference and 2018 APC Report on true federalism, recommendations would need either alteration of existing laws or new legislation to be able to accommodate the needed restructures for the country. Notwithstanding, the following may not require legislation by the parliament for the presidency to implement:

1. Rotation of Power: the principle of rotation of power, especially elective political power does not require legislation for it to happen. The spirit behind this principle is the strengthening of national unity and cohesion. This can be achieved in the country when allowed to sink into the political consciousness of the political class and citizens at large through sensitization.
2. Presentation of Annual National Budget: Annual presentation of the National Budget to the National Assembly can be done by the Minister of Finance. This also does not require any legislation for it to be implemented. The idea was that the Finance Minister has the requisite

data to respond to questions on the state of the economy and the forecast for the current year.

3. Payment of Full Compensation to FCT Indigenes: indigenes of FCT who have lost their ancestral lands which were their major source of livelihood as a result of the citing of FCT in Abuja. This group of people deserves full payment of compensation which does not require legislation to happen.

ACTIONABLE RECOMMENDATIONS THAT THE NATIONAL ASSEMBLY MAY LEGISLATE ON TO ENABLE THE EXECUTIVE TO IMPLEMENT WITHOUT VIOLATION

Restructuring brings about fundamental changes to a country's existing political, economic and social life. Nigeria's restructuring agenda would require some alterations to existing laws, especially the 1999 Constitution (as amended) and other legislation in the country.

1. The principles of federalism can be entrenched in the country by enacting legislations which thinkers with the exclusive list in the 1999 constitution (as amended) by decentralizing some of the items on the list to bring about peaceful co-existence and cohesion in the polity.
2. State creation: to encourage parity, equity and justice in the country, a state should be created in the south-east to correct the regional imbalance in terms of numbers of states in each region. Also, modalities should be put in

place to facilitate state mergers and creation of new states by ensuring that recommended guidelines are strictly adhered to.

3. State-Local Government Joint Account: Local Government should receive their monthly allocations directly from the federation account. This may help the local governments from the bottlenecks of channeling it through state government which is prone to manipulation and lack of transparency in the process.
4. Creation of Constituencies in FCT: Additional constituencies are required in the FCT considering the growing population and the landmass by which it is situated. If the FCT has the status of a state, it should also be delineated in terms of constituencies in that regard.

CONCLUSION

The task of nation-building anywhere in the world is onerous and deliberate. Nigeria remains the hope of black people all over the world and as such, restructuring the country on the part of peace, unity and development is the only option left for the country. Having reviewed the three major reports of previous conferences on the topical issue of restructuring, it's obvious that restructuring is needed for Nigeria. This is because the raging agitations by many groups and individuals in the country explain the importance of restructuring at this point in time. There are pessimistic views or opinions about restructuring, but it is much better to be optimistic about the outcomes than being pessimistic about it. The pathway to Nigeria's greatness, peace and unity will to a large extent depends on how the restructuring processes are handled by political and bureaucratic leaders in the country. This piece is to provide the needed impetus for doing what is required for the country.

NOTE

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ABOUT SAVANNAH CENTRE

Savannah Centre for Diplomacy, Democracy and Development (SCDDD) is a non-governmental organization committed to research, advocacy training and policy analysis in the areas of conflict prevention, management, democracy and sustainable development in Nigeria and Africa. The SCDDD is leading strategic discussions on inclusive governance for sustainable development, in order to promote human security, sustainable peace, good governance, rule of law and human rights in Nigeria and Africa, shaping public policy through research and knowledge sharing. We are committed to improving the democratic and governance space through advocacy and the provision of context-specific training and solutions to governments, policy makers and some non-state actors.